

## **Marikana Massacre reports**

Updates posted nearly daily at <http://lists.fahamu.org/cgi-bin/mailman/listinfo/debate-list>

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DENNIS BRUTUS verses on massacres past

### **Sharpeville**

What is important  
About Sharpeville  
is not that seventy died:  
not even that they were shot in the back  
retreating, unarmed, defenceless

and certainly not  
the heavy caliber slug  
that tore through a mother's back  
and ripped through the child in her arms  
killing it

Remember Sharpeville  
bullet-in-the-back day  
Because it epitomised oppression  
and the nature of society  
more clearly than anything else;  
it was the classic event

Nowhere is racial dominance  
more clearly defined  
nowhere the will to oppress  
more clearly demonstrated

what the world whispers  
apartheid declares with snarling guns  
the blood the rich lust after  
South Africa spills in the dust

Remember Sharpeville  
Remember bullet-in-the-back day

And remember the unquenchable will for freedom  
Remember the dead  
and be glad

(1973)

**Remembering June 16, 1976  
Student Uprising in Soweto**

They are coming back:  
through woodsmoke weaving from fires  
and swirls of dust from erratic breezes  
you will see  
ghosts are returning  
ghosts of young men, young women,  
young men, young girls,  
students:  
and if you look closely  
you will see many of them have torn flesh blood:  
and there is blood in the sands of Soweto  
the ghosts are coming back  
past barking police dogs  
through shifting veils of smoke  
those who oppose oppression are coming back  
demanding dignity  
challenging injustice  
they return to join new generation  
they chant:  
resume the fight, resume the fight,  
resume the fight ....

(October 2002)

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<http://www.moneyweb.co.za/moneyweb-special-investigations/financially-illiterate-miners-debt-shocker-fraud-a>

## Special Investigations

Author: Malcolm Rees

01 October 2012 15:00

### Financially illiterate miners debt shocker

#### Fraud and exploitation a major problem; comment from African Bank.

JOHANNESBURG - Chronic indebtedness, exacerbated by alleged legal malpractice, is being linked to the recent labour unrest to have swept through SA's mining sector.

A debt consultant, employed by the miners operating on the platinum belt to review the debt position of employees, has described a situation of irrecoverable and unsustainable indebtedness amongst miners.

The consultant, who spoke on condition of anonymity, has pointed to systemic abuse of the "financially illiterate" by lenders and collection attorneys which he believes have created the problem.

"It's a mess ... most of [the miners] can't read or write, they don't know what they are signing for (when entering into debt agreements and authorising garnishee orders) ... automatically the system is exploiting them," he said.

Garnishee orders are granted by the courts at the request of collection attorneys and compel employers to deduct amounts from employees' salaries to be directed towards the repayment of outstanding debt.

While reviewing employee debt positions the consultant claims to have come across instances where the entire paycheck of workers is being directed, through garnishees, to pay-off debt.

In other cases miners subsequently take home between R500 and R1 000 a month.

"I am absolutely sure that is why they strike, it's not a political issue, it's financial," he said.

Major platinum miner, Lonmin ([JSE:LON](#)), has admitted to there being "irregularities" in the way its employees are being charged by collection attorneys for the recovery of debt. The miner said it has been aware of the problem for some time and in 2008 appointed Summit to help protect the rights of its miners. Since then it said R2m has been recovered from collection entities. It is also offering workers training in financial literacy, Lonmin said.

## **Fraud and exploitation**

A deeper *Moneyweb* investigation has uncovered widespread abuse of the garnishee system extending to allegations of fraud and to alleged instances of prohibited reckless lending.

The problem was initially flagged by Summit Garnishee Solutions, which Lonmin now says it has employed to “protect the rights of its employees.”

An independent garnishee auditor, who spoke to *Moneyweb* on condition of anonymity, claims to have investigated 2 000 instances of garnishee order abuse, extending beyond Rustenburg through SA at large.

This abuse was “related to books being sold by financial institutions (such as banks and micro-lenders) to debt collectors and collection attorneys” who “then start collecting on their own behalf”.

He has described a “massive” abuse of the garnishee system involving cases where between R40 000 and R50 000 “has been take over the years for a small debt.”

In a recent example, a defaulter had been charged in excess of R20 000 for the repayment of a R1 000 loan.

## **Corrupt legal system**

The auditor has also described instances of abuse, currently being investigated, whereby debt collection attorneys secure fraudulent garnishee orders from SA courts which are then imposed on the payrolls of employees. This implies the involvement of court officials in this type of activity, as alluded to by several industry insiders.

A particular Gauteng-based Magistrates Court has been identified during *Moneyweb's* investigations as a potential “hub” of such activity.

Further, allegations of excessive legal charges, fraud and reckless lending are supported by several independent entities, including Summit, a third debt auditing professional and an NGO involved in investigating debt abuse.

*Moneyweb's* investigation has found instances of excessive legal charges, in excess of up to ten times the amount of outstanding debt, imposed by five separate legal firms.

According to the National Credit Regulator (NCR) under the *in duplum* rule, expanded in the National Credit Act (NCA), it is illegal for a defaulters to be charged amounts in interest and collection costs that exceed their outstanding debt balance.

However lawyers, including the Law Society of the Northern Society, have disputed the NCR's interpretation of *in duplum*, saying that it does not include legal fees.

## **Reckless lending**

*Moneyweb* is also in possession of credit checks and affordability assessments, provided by a range of entities, which appears to point to instances of reckless lending.

In cases, borrowers - who have a history of default and who are currently defaulting on existing debt - have been provided with new unsecured credit facilities, some in excess of R100 000.

A Western Cape-based NGO has since furnished *Moneyweb* with copies of credit checks which appear to point to abuse on behalf of one SA's largest collections firms.

The NGO, which has been investigating credit agreements, court judgments and emoluments attachments (garnishees), has described a situation of systemic abuse in the collections industry.

It told *Moneyweb* that it is "especially concerned with the increases in the advancement of reckless credit," to the lower income markets.

The NGO has echoed the claims of the auditor stating that defaulters are having garnishees issued against them at courts which don't have jurisdiction to issue the orders.

The third auditor, Meyer de Waal states that lenders are fast-tracking credit checks to gain market share. De Waal is an attorney and director of My Budget Fitness which conducts debt and affordability assessments and has been brought in by platinum belt miners to assess employee indebtedness.

He believes that lenders are now primarily concerned with borrowers' employment status saying that lenders "know they can get a garnishee" if the potential borrower is employed by a reputable entity. He states garnishees are effectively being used as a form of security in the unsecured lending space.

Kem Westdyk at Summit, De Waal and the debt counsellor have all expressed concern regarding the sustainability of the unsecured lending market.

## **Lenders' response**

Major unsecured lenders have admitted to using garnishees to recover bad debt but claim they make use of legally and ethically-operating collection attorneys.

African Bank told *Moneyweb* that collection attorneys contribute "a very small percentage towards our overall collections." It states it does not sell debt to third parties but uses debt collectors who are "carefully screened and managed on an ongoing basis to ensure that all their activities fall within our policies and guidelines."

Ubank said it is governed and strictly abides to the provisions of the National Credit Regulator (NCR) Act. "This includes, but is not limited, to debt collection and garnishee fees, whereby Ubank predominantly works with external service providers ... also bound by legislation and industry codes and practices."

Capitec told *Moneyweb* it provides its attorneys with strict guidelines on the recovery fees they can charge.

Nedbank ([JSE:NED](#)) has "put into place a number of measures to ensure that it complies with the reckless lending requirements of the NCA. Our recoveries model is focused on the recovery of the debt with limited legal fees. It's our view that our legal costs are already in line with the view expressed by the NCR," it said.

Nedbank says that it is aware of instances of borrowing to repay debt, a situation which is symptomatic of spiralling indebtedness according to the Banking Association of South Africa. Nedbank has put in measures to address this and believes that the "current growth in unsecured lending is unsustainable."

It is understood that anywhere between 10% and 15% of SA's workforce has active garnishees effected against their salaries. *Moneyweb* reports indicate that at least 40% of the monthly income of SA workers is being directed to the repayment of debt.

Impala Platinum ([JSE:IMP](#)) and Anglo Platinum ([JSE:AMS](#)) have not responded to questions sent last week.

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## **Farlam inquiry concludes Marikana hills inspection**

[01 Oct 2012 18:30 - Jonisayi Maromo, Genevieve Quintal](#)

A judicial inquiry into the shooting of striking Lonmin workers at Marikana concluded an inspection of the hills where the workers were killed.

On Monday, two North West crime scene experts led retired judge Ian Farlam and his team around the area where 34 miners were shot dead by police. Warrant Officer Patrick Thamae pointed out where bodies were found near the main hill, where the mineworkers assembled in the days leading up to the shooting on August 16.

A large crowd of observers and advocates representing the different parties followed Farlam and the experts.

Thamae pointed out the place where seven bodies were found. Another five were found next to a kraal, he said. Farlam asked him to show the commission where barbed wire was rolled by police on the day of the shooting.

The commission was then taken a few hundred metres further, to where a single body had been found. Thamae said the body was found "in the road". Cartridge cases of various calibres had been found near the body, he said.

He told the commission a number of R5 rifle and pistol cartridges were found lying in areas surrounding the hill, where police were believed to have been standing at the time of the shooting.

In another area, pistol cartridges and rubber bullets were discovered.

Another crime scene expert, Captain Apollo Mohlaki, led the commission in inspecting a small hill. Mohlaki pointed out where bodies had been found. He also showed the judge the place where traditional weapons recovered from the protesters were heaped.

The judge held an umbrella to shield himself from the sun as he was helped up the steep hill. Large boulders on the hill were chipped by bullets.

The procession inspected other areas where other bodies and bullet cartridges were discovered. The locations had been marked with yellow paint. Mohlaki pointed out bullet markings and drops of blood on some of the boulders surrounding the small hill.

A group of miners, arrested after the shooting and since released on bail, stood watching on the sidelines of the commission's inspection. They would not talk to the media. The workers are represented by advocate Dali Mpofu, who defended expelled ANC Youth League president Julius Malema during his disciplinary hearing.

During the inspection, Mpofu stopped to speak to his clients. He told Farlam they wanted to point out that three or four helicopters had hovered over the scene on the day of the shooting.

Earlier, the mineworkers undertook their own scene inspection, separately from that of the judicial commission of inquiry. A miner showed Association of Mineworkers and Construction Union (Amcu) leader Joseph Mathunjwa areas where striking mine workers were shot by the police. He pointed to an area surrounded by rocks where a body was found, and indicated that the miner was shot from a helicopter above.

Mathunjwa, wearing a white Amcu T-shirt, took photographs and asked questions. Before the formal inspection started, residents from the nearby informal settlement approached the scene, singing struggle songs and carrying placards reading: "Don't let the police get away with murder".

The crowd shouted "amandla, awethu" while they danced.

A group of policemen stood watching.

The 34 miners were killed and 78 were wounded when police opened fire on them while trying to disperse a group of protesters near Lonmin's platinum mine in Marikana in August.

Some reports since the event have suggested that several miners were shot dead among rocks a distance from where the police clashed with workers.

The commission's inspection in loco continues on Tuesday, when the mine hostels, informal settlements and formal settlements will be visited. The commission will also inspect shafts and any other areas deemed important to the inquiry. – Sapa

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### **Marikana commission starts in half-empty hall**

2012-10-01 11:24

The judicial commission of inquiry into the deaths of 46 people during a strike of Lonmin mineworkers in Marikana got under way on Monday (October 1 2012). Picture: Leon Sadiki/City Press

Lucas Ledwaba in Rustenburg

The judicial commission of inquiry into the deaths of 46 people during a strike of Lonmin mineworkers in Marikana got under way in a half-empty hall of the civic centre this morning.

Most of the seats in the gallery were occupied by journalists, state officials and representatives of various NGOs.

Advocate Dumisa Ntsebeza, who represents 20 of the families of the miners who died on August 16, said his legal team had established that the relatives of the deceased had not been made aware that the commission would be sitting today.

Ntsebeza said the families, who are based in the Eastern Cape, wished to be part of the proceedings, particularly on the planned visit to the sight of the shooting where their loved ones had died.

Ntsebeza asked that the families be provided with financial assistance to enable them to attend.

The commission had planned a visit to the site of the shooting this afternoon.



In attendance today was president of the Association of Mineworkers and Construction Union (Amcu) Joseph Mathunjwa, whose union is one of the parties being probed for its role in the strike.

President Jacob Zuma initially announced that the commission would probe the deaths of the 44 people who had died between August 9 and 16.

But it transpired this morning that the commission, chaired by retired Judge Ian Farlam, will also probe the deaths of two people who had died after the president instituted the commission.

Lawyers, including advocates Ntsebeza, George Bizos, Dali Mpofu, Ishmael Semenya, Kassie Badenhorst and Willem le Roux, who represent various parties, made introductory statements during the session.

- City Press

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### **Marikana commission asks media for footage**

Sapa | 01 October, 2012 13:38 Retired judge Ian Farlam listens as the judicial commission of inquiry into the shootings at Lonmin's Marikana mine gets underway in Rustenburg, October 1, 2012.

### **[The inquiry into the shooting at Lonmin platinum mine in Marikana on Monday appealed to media organisations to hand in footage of the violence.](#)**

Retired judge Ian Farlam, chairman of the three-member judicial commission of inquiry, said the footage submitted would be viewed on Wednesday.

“We hereby request the media organisations with the evidence of events of August 16 to supply us with such.

“We ask for the co-operation of the media organisations. I do not see how the footage can be prejudicial to anybody,” he said.

Farlam said he had heard that some media outlets had footage of what happened prior to the shooting on August 16, during which 34 miners were killed.

He said the video evidence should be submitted to the evidence-leading team. Films and photos of the protest action were widely distributed by several local and international news organisations.

On Monday morning, the media was initially barred from entering the Rustenburg Civic Centre, where the inquiry was being held. This was despite journalists being invited to a

press briefing before the start of the inquiry. Reporters and photographers were shunted from one entrance to another trying to get access, but were refused by security guards.

They were finally allowed into the venue just before the start of the proceedings. Instructions on how reporters should proceed in covering the inquiry were handed out on entering the hall.

When the formal sittings start, only one video camera and one photographer would be allowed inside, along with reporters.

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### **Marikana's women win right to march**

2012-09-29

Charl du Plessis

The women of Marikana have waged a successful court battle against the municipality to allow a planned march to the Marikana police station today.

This was after the Madibeng and Rustenburg municipalities twice refused them the right to march.

The Wonderkop Community Women's Association released a press statement today in which it said the North West High Court has set aside a prohibition on the women's march.

The association accused the North West police of "conspiring" to put a blanket ban on all protests and marches in the Rustenburg area.

It said in its statement that the purpose of the march was to protest police violence in Marikana.

"We march for the death of our husbands, fathers, sons and brothers at the hands of the police.

We march for justice for the death of Paulina Masuthlo, our sister, who died on September 19, a few days after she was shot with rubber bullets by the police," it said in its statement.

A spokesperson for the women, Thumeka Magwangqana, told City Press the march was currently underway, and that the women intended to hand over a memorandum of demands to police.

- City Press

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## **Marikana women hold peaceful protest**

2012-09-29

Mahikeng - Marikana women held a peaceful protest on Saturday following a decision by the North West High Court allowing them to protest.

"We, the women of Marikana, have won a decisive victory against the Rustenburg and Madibeng Municipalities, which have twice banned our planned peaceful march against the Marikana police station," the Wonderkop Community Women's Association (WCWA) said in a statement.

The women held their protest on Saturday afternoon.

They intended to protest police violence in their communities, which they said had led to the death or injury of several people.

"We feel unsafe and scared in our communities and this is because of the police, who have behaved like criminals," the WCWA said.

The women said they had first attempted to march on September 22 but were prohibited by the Madibeng municipality.

They then gave notice that they would march on September 29 but were again denied.

The WCWA accused the Rustenburg and Madibeng municipalities, as well as local police, of conspiring to prohibit their march.

"We had followed all legal requirements of the Gatherings Act, and had made every effort to co-operate with the authorities, but confronted bureaucratic confusion, obstruction and unlawful conduct by officials," the WCWA said.

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## **Our SA mines remain at a standstill - AngloGold Ashanti**

AngloGold Ashanti

01 October 2012

Company says unprotected strike has spread to all six operations in the country

## **AngloGold Ashanti Update on Unprotected Strike at SA mines**

(Johannesburg) - AngloGold Ashanti confirms that its mines in South Africa remain at a standstill amid the unprotected strike which began on September 20 at the Kopanang operation and spread to the remaining five operations on September 25. Our priority remains to protect the safety of our employees and the communities in which we operate. AngloGold Ashanti has safeguarded its own rights in relation to the strike by obtaining a court interdict to formally declare the work stoppage unprotected.

"Clearly for South Africa's gold sector, as for many others, there is a very clear trade-off between investing in the sustainability of our business and not putting employment at risk," Chief Executive Officer Mark Cutifani said. "If the current unprotected strike continues, it compounds the potential likelihood of a premature downsizing of AngloGold Ashanti's South African operations."

#### **Our stance on the strike remains clear:**

- We are deeply disappointed that our employees have chosen to break their commitment to the current wage agreement and collective bargaining structures
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- We do not intend to reward broken commitments, violence and threats of intimidation
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- We remain committed to our employees and the collective bargaining processes as a way to resolve our differences with recognized unions and associations
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- We are open to consider ideas to bring forward negotiations and work together with our social partners to renew our commitment to, and delivery on, our social compact for the mining industry, as agreed in the Mining Charter
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- If striking employees return to work and engage in constructive discussion we will find a pathway to a sustainable and shared future
- 
- If the current unprotected strike continues, it compounds risks of a premature downsizing of AngloGold Ashanti's South African operations
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- In a country where roughly one in four people do not have work, it is incomprehensible to be threatening job losses in our most important industry.
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#### **About AngloGold Ashanti's South African Operations**

AngloGold Ashanti's South Africa operations accounted for approximately 32% of total group production during the first half of the year. Approximately 35,000 people are employed across AngloGold Ashanti's South African operations. This figure is inclusive of contractors and those working on two major capital projects under way at the Moab Khotsong and Mponeng mines.

AngloGold Ashanti is a member of the gold industry's collective wage bargaining unit at the Chamber of Mines and as such is committed to addressing demands regarding pay and other substantive issues through this framework. At present, the gold industry is in the second year of a two-year wage agreement with the latest increases, ranging from 8% to 10%, awarded to the workforce in July, under the agreement reached in 2011. A similar increase was awarded last year. South Africa's annual Consumer Price Inflation is currently 5% in August.

*Statement issued by AngloGold, October 1 2012*

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### **NUMSA welcomes COSATU support for mineworkers and NUM**

Castro Ngobese

01 October 2012

Union backs Vavi's call to place Federation behind the demands of striking workers on mines

### **Numsa welcomes COSATU support to mine workers and NUM!**

1 October 2012

The National Union of Metalworkers of SA (Numsa) welcomes the leadership support and political intervention being provided by COSATU to the on-going working class battles for a living wage being fought by mineworkers, countrywide.

The [visit by](#) COSATU General Secretary comrade Zwelinzima Vavi to Goldfield's KDC West mine, where 15000 mine workers are on a militant class battle against the mining bosses, is extremely welcome and must bury the demagogic and opportunistic elements that are playing with the genuine frustrations and angry emotions of workers. Such elements seek to put a wedge between the genuine voice of mining workers and their time tested revolutionary union, the National Union of Mineworkers (NUM).

The visit by COSATU General Secretary Vavi should be understood and located within the general context of the deterioration of the living conditions of millions of workers in South Africa as the value of their extremely meagre wages are eroded in the face of the on-going crisis of capitalism, and the potential threat to the unity of the entire working class posed by this crisis.

We call upon all COSATU affiliates and progressive working class formations to rally behind COSATU and the NUM, in the revolutionary task of securing a living wage for all miners, at this crucial moment in our history.

As the General Secretary of COSATU has correctly said, it is time to place the revolutionary trade union giant of the South African working class solidly behind all the striking workers on the mines, in order to take the fight to where it belongs - to the mine bosses. Not doing so will leave the door open to all sorts of charlatans, demagogues, and opportunists of all kinds, to abuse the legitimate grievances of the working class against the mine bosses.

Even the most heartless capitalists have in the recent past expressed shock and horror upon watching on TV the horrible living conditions of ordinary miners in Marikana. These conditions are the common lot of the majority of Black and African workers in this country, in virtually all the sectors of our economy. These are the most obvious features of our continuing Colonialism of a Special Type.

Clearly, South Africa cannot afford to continue to rely on the greed of the mine bosses and "investors" to own, exploit, process and manage the massive mineral wealth of South Africa in the interest of all South Africans. It is time for the most decisive intervention by the ANC government in our minerals sector, on behalf of all South Africans.

We call upon the giant and revolutionary federation, COSATU, not only to take the battle to the mining bosses' boardrooms, but to further mobilize the entire society for a rolling mass action to demand the abolition of Apartheid wages and labour brokers and the full and radical implementation of the Freedom Charter.

As Metalworkers we are ready to swamp the streets in solidarity with all miners and we are fully aware that what we have won in the streets, will never won in the bosses boardroom!

NUMSA fully supports the call and urgent demand made by the President of NUM and echoed by the General Secretary of COSATU to the Chamber of Mines to immediately open negotiations.

We will view any delays from the Chamber of Mines in opening negotiations as a direct attack on trade unionism and on the NUM in general and on the entire Black and African working class in particular.

It is time to end Apartheid miserable wages!

*Statement issued by Castro Ngobese, NUMSA National Spokesperson, October 1 2012*

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### **Big Brother is watching you... and your gathering**

- Khadija Patel
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- 1 October 2012 04:54 (South Africa)
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In recent weeks, the fundamental rights of South Africans to freedom of expression, assembly and demonstration have been brought into sharp focus through the implementation of the Regulation of Gatherings Act. By KHADIJA PATEL.

Some days before the crackdown on “illegal gatherings” and weapons in Marikana during the strike last month, colleagues and I watched wave after wave of striking mine workers, resolute in their demands and jubilant in their songs that eulogised the man in the green blanket, Amabubhesi. The town had been brought to a standstill as strikers marched back from one of Lonmin’s shafts to Wonderkop. As group after group passed through the town under the watchful eyes of a hefty police contingent, a colleague pointed out that the march was actually an illegal gathering. “If the police really wanted to, they could just arrest all these guys for illegal protests,” he volunteered.

We fell silent, watching the procession of people, anger and police in full riot gear.

“But then, they’d probably have to rope in the entire police force from Johannesburg and Pretoria if they even tried,” he said.

At that time, just two weeks after the massacre, a public display of police power that resulted in the deaths of 32 people, the prospect of enforcing the Public Gatherings Act there in Marikana felt far removed from what was actually happening before us. In itself, the suggestion sounded absurd.

But then [a week later](#) it happened.

The state brought Marikana to heel through the Regulation of Gatherings Act, a piece of legislation originally instituted to “normalise” the political landscape in preparation for the first democratic election in 1994. And yet even as it sought to regulate public protests, the Act for originally affirmed that citizens had a right to take part in demonstrations and protest marches, albeit after an elaborate procedure that required negotiations between authorities and the organisers of a march to ensure they would still keep the peace.

Mandla Seleokane, a researcher and lecturer at Tshwane University of Technology, has examined the Act in a chapter of the Freedom of Expression Institute’s new book, *The Right to Dissent*. He believes the Act imposes a number of conditions that, from a Constitutional point of view, may be problematic. “For instance, the Act seems to suggest that you require the permission of somebody to host a gathering in public, but in my view that permission is already granted by the Constitution,” he says.

He points out, however, that the Constitution does not allow freedom of expression, association and assembly unconditionally. “We know the Constitution does not protect hate

speech. We know the Constitution does not protect people who march with arms. We know it does not protect violent protest,” Seleoane explains. “So what should happen, what the Act should do, is regulate how protests happen rather than stipulating that someone has the authority to allow or disallow [them].”

Another pitfall of the Act, Seleoane believes, is that despite the elaborate negotiations between authorities and organisers, any member of the public who fears their safety may be compromised by the protest action is allowed to voice their opposition and thus stall the planned action altogether. “So the question then arises: why is the whole process of applications and negotiations with the authorities necessary when anybody from the public can stop [a protest] from happening?” he asks.

In Marikana, even after workers returned to work, authorities still withheld people’s right “to assemble, to demonstrate, to picket and to present petitions” by repeatedly denying applications for a women’s group to hold a protest. Only a late-night court application on Friday finally secured the go-ahead for the Saturday march.

The state – or the government, as the rest of us know it – appears to have developed a heightened sensitivity towards people exercising their right to dissent through assembly and demonstration. And as government recoils in apparent frustration against unrelenting waves of protest, the use of the law has forced a renewed probing of the relationship between the state, its forces and agents and the many South Africans who have something to shout about.

Since that crackdown in Marikana during the strike at Lonmin, the rights of South Africans to freedom of expression, assembly and demonstration have been brought sharply into focus. As my colleague Mandy de Waal pointed out, “The Marikana march isn’t the only protest action that’s been given the jack boot.”

The Right2Know Campaign marched on the Union Buildings in Pretoria last Friday, without the go-ahead from police, while in Germiston a planned protest against police brutality, inefficiency, corruption and involvement in politics by the Makaase Community Development Forum in Ekuruleni against the management of the Primrose Police was also denied. And in Bhisho, a march by Ayanda Kota and the Unemployed Peoples Movement went ahead on 20 September, despite being banned by police.

It has become clear that the country is in the throes of a new struggle, with activists and social movements on one hand and the state on the other. The challenge, however, remains for concerted critical engagement with the Act, its place within the Constitution and the nature of protest in South Africa. Just as well, as there needs to be an engagement with the Act within the framework of the Constitution and the right of South Africans to protest peacefully. And the engagement should be inclusive: analysts have also pointed to the violence in the truck drivers’ strike last week as proof of a need for widespread education on the necessity of holding peaceful demonstrations.



Yet the manner in which the Regulations of Gatherings Act has been enforced in recent weeks has assisted government to restrict dissent in a fraught political environment. Even without the flurry of industrial action in the mining industry in recent months, South Africa has been billed the protest capital of the world. Service delivery protests, shack dwellers protesting evictions, protests by striking workers, et cetera, all have come to characterise life in South Africa in recent years. Demonstrations, marches and public protests are a form of expression. And, as people grow restless, feeling cut off from the decision-making processes that govern them, these gatherings have become an integral expression of dissent.

Seleoane points out that Marikana is not the first instance of the Act being enforced against South Africans under the ANC-led government. “Marikana is not the first time the Act has been implemented... In 2002, at the World Summit on Sustainable Development, the police used the same act to disperse protesters,” he says.

Since then, however, increasing levels of poverty and social exclusion have fed an apparent opposition to the interests that prop up the status quo – and the government has once more turned to a law that was meant to safeguard the transformation, to keep the people in check, to quell dissent and protect the legitimacy of peaceful protest. Using the Act for its intended purpose, however, remains the biggest challenge. **DM**

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### **The all-important right of assembly**

- Greg Nicolson
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- 1 October 2012 02:05 (South Africa)
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It’s getting harder to stage a protest in South Africa. With fear in his heart, GREG NICOLSON remembers some of the regimes that denied its citizens the right of assembly. South Africa is far from China or Cuba, but denying rights is a slippery slope we don’t want to start scrambling down.

When Alexis de Tocqueville visited America in the 19<sup>th</sup> century and wrote his epic on democracy, he was particularly impressed with the American principles of association and assembly. People met and shared ideas with energy unmatched by written language. They demonstrated to challenge the power of the majority and find avenues to win over the people.

Those principles are now pillars of democracy. They were at the heart of America’s most important movements – abolitionism, women’s suffrage and the Civil Rights movement.

But the right to assemble, the public face of the right to association, has been denied by oppressive governments and dictators the world over. From the moment it took power, the

Chinese Communist Party made opposition protest almost impossible. Mao Zedong's policies of land reform, the Campaign to Suppress Counter-revolutionaries, the Great Leap Forward and the Cultural Revolution killed hundreds of thousands who might oppose him, starved and impoverished many more and left others to rot in labour camps.

The Chinese government continued to label protests anti-revolutionary after Mao's death, and in 1989 inflamed a popular, democratic demonstration by enforcing martial law and causing the Tiananmen Square Massacre. It's gone down in history to show the extent the government will take to crush challenges, but citizens still haven't achieved the right to assembly. The 2008 Beijing Olympics saw China relentlessly hide internal dissent from the world's media. In July this year, two people from mainland China were sentenced to a labour camp for attending a march in Hong Kong.

"People presenting grievances in China can fare poorly at the hands of the authorities. Most often the petitioners are simply ignored or turned away by local officials, although some decide to press their complaints in Beijing. That ups the ante, as it were, and the resulting punishments can be harsh," The New York Times [reported](#) in July. "They are often tucked away in the rough-and-tumble sections of the city's south side, hidden beneath dingy hotels and guarded by men in dark coats. Known as 'black houses,' they are unofficial jails for the pesky hordes of petitioners who flock to the capital seeking justice."

Likewise, Cuba has continued to oppress political opposition after Raul Castro took over from Fidel in 2008. A legal framework of repression criminalises dissent through crimes such as contempt, insubordination, collaboration with the United States, association and "dangerousness". The right to associate is not granted to any groups critical of the government, [said](#) a Human Rights Watch Report, *New Castro, Same Cuba*.

"Not only is recognition denied to such groups, but individuals who participate in 'illicit' groups, meetings, or demonstrations without state authorization are subject to harassment, discrimination, and even criminal sanctions." (One wonders, is this really where our doctors should be trained?)

The Cuban government has instituted a state of fear, one in which it can charge those it thinks may stage a protest. One of the subjects of the HRW report attempted to walk across Cuba with signs calling for the respect of human rights. He was charged with "dangerousness" and sentenced to three years in prison. Another gathered signatures to petition for democratic change and was charged with "disobedience to authority". When he was released from prison he attended banned political meetings, was once more arrested and charged and received three years for "dangerousness".

The spurious charges and attempts to stifle association and assembly won't come as a surprise for South Africans. The Apartheid government built on colonial and Union tactics and used pass laws, the Suppression of Communism Act, police intimidation and bogus arrests to stifle political and trade union opposition. Unlike the revolutionaries in China and Cuba, however, once in government the ANC introduced the right to peacefully assemble, picket, demonstrate and petition to the Bill of Rights.

Recent [bans](#) on local demonstrations then look like an aberration. Some of them appear to have been stopped due to municipal ineffectiveness. Others, police might claim in the case of the Marikana women's march, might not have been peaceful. Even de Tocqueville decried such organising: "As the principal aim of these bodies is not to act and not to debate, to fight rather than convince, they are naturally led to adopt an organisation which is not civic and peaceable, but partakes of the habits and maxims of military life."

It's likely these demonstrations, however, would not have been dangerous. They came from organised groups who were willing to consult the authorities for approval and shouldn't be compared to service delivery protests or wildcat strikes.

Examples of dictatorships across history teach us that denying the groups' rights is dangerous. Citizens have the right to be anxious about political power and policies and peacefully demonstrate as a collective. South Africa is no China and it's no Cuba. But it looks like the ANC is placing its own anxieties and fears above the rights of others. Once that starts, we're on a slippery slope towards a society that stifles new ideas, rejects societal progress and leaves power in the hands of the elite. **DM**

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### **NUM chair at Anglo critically injured after petrol bombing**

[30 Sep 2012 13:47 - Sapa](#)

Following threats and intimidation of its members at Anglo Platinum, NUM has reported that the regions chairperson was petrol-bombed at his home.

The chairperson of the National Union of Mineworkers' (NUM) Anglo Platinum Khomanani's branch was critically injured after an attack at his home in Rustenburg, the NUM said on Sunday.

NUM spokesperson Lesiba Seshoka said the house of the chairperson, who may not be named until a next of kin has been notified, was petrol-bombed on Friday evening.

"He escaped with serious injuries and has been admitted in the intensive care unit of a local hospital," said Seshoka.

According to the NUM this comes after a string of threats and intimidation of its members around the platinum mine.

Police officials could not immediately confirm the incident. – Sapa

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### **Deep Read: Lonmin eschews social media**

27 Sep 2012 11:17 - Faranaaz Parker

Lonmin's Marikana mess, and its subsequent bad handling of the situation, threatens to become the mining company's own Deepwater Horizon.

Public relation practitioners say you can never over-communicate in a crisis. But what emerged in the wake of Marikana massacre was an information vacuum. A common refrain in many of the news reports in the days after the shooting was that Lonmin could not be reached for comment.

When the Daily Maverick tried to get a response on the growing crisis at the mine in the days before the massacre, after 10 people had already died, there was no response from Lonmin.

On the Thursday when the shooting happened, Mail & Guardian reporters found that facts were hard to come by from all sources at Marikana.

The company kept a low profile in the days after the massacre, with its chairperson Roger Phillimore saying "it goes without saying that we deeply regret the further loss of life in what is clearly a public order rather than labour relations-associated matter".

And while President Jacob Zuma called for seven days of national mourning, a company order for workers to get back to work, issued days before, was still in force.

Newspapers reported those who did not heed this "final ultimatum" faced dismissal, and friends and colleagues of the miners who were dead, injured or imprisoned viewed the demand as an insult and refused to return to work.

The company also came under fire when it was reported that one of its spokespeople, Barnard Mokwena, said he could not speak to reporters as he was traumatised and undergoing counselling. This was seen as hugely insensitive to the miners and families of those who had been physically injured or killed in the shooting.

A source close to the company told the M&G this statement was taken wildly out of context, from a remark made by a spokesperson to a personal friend. But the record was never set straight and the insensitive impression that was created still persists.

When the City Press asked for comment on an NGOs report on the social, economic and environmental impacts of mining in the North West, a spokesperson said management was too caught up in dealing with the labour violence at its Marikana operations to comment.

Later the paper interrogated the salary divide between Lonmin's rock drillers and its executives, and the mining company again did not respond.

In the meantime, Lonmin's stock price continued to plummet.

## Crisis communication fail

Insiders at Lonmin have defended the company, saying it has had a lot to deal with – from working out a peace accord with the aggrieved miners to ironing out a wage agreement and dealing with hundreds of journalists from around the world, all seeking constant updates.

But PR experts say the company's handling of communications on the Marikana incident has been a case study in how not to handle crisis communications.

Solly Moeng, brand management consultant and president elect of the Public Relations Institute of South Africa, said Lonmin had a "a failure at crisis communications management" and that it had either failed to put in place proper crisis communication management plans, or failed to implement them properly.

Moeng said Lonmin's warnings to workers to get back to work "failed to take into consideration time would be needed to mourn and bury the dead", and he questioned whether the company's foreign CEO had suitable local advisors on how South Africans deal with death.

Managing expectations in a crisis is key, and Lonmin failed to do this, he said. "There should always be someone to deal professionally with media; well trained, patient and reliable," he added.

"When I first observed the initial Lonmin reaction to the aftermath of the Marikana massacre, I couldn't stop thinking of the 2010 BP oil spill in the [US], and the subsequent declaration by the company's then CEO, Tony Hayward, that he wanted his life back ... a declaration that resulted in the loss of his job some months after that," he said.

BP's haphazard management of communications around a catastrophic oil spill in the Gulf of Mexico turned into a PR nightmare.

"Clearly Lonmin dismally failed the PR test in this case," he said.

## Shameful

Professor Ronel Rensburg, director of the University of Pretoria's Centre for Communication and Reputation Management, echoed this sentiment, saying Lonmin's PR on the Marikana incident had been "shamefully executed".

"There is also a great deal of doubt – from a communication and reputation perspective – whether Lonmin will fully recover from this incident," she said.

Rensburg said the poor communications and media relations on the Marikana shooting extended to all the parties involved in the incident.

"The potential for opportunism by groups and individuals after the Marikana Massacre surely would have had less potential if there was not such deep legitimacy gap between reality and perception," she said.

Rensburg said rumours fly in any crisis and this requires a very clear communication of the facts.

"No organisation can afford not to have their facts as straight and unambiguous as possible, notwithstanding the severity and painfulness of the crisis. Uninformed stakeholders – in particular those who are hurt by the crisis – have a tendency to fill the gaps in the story and use emotional communication and hearsay if there is insufficient factual formal communication available. The media can therefore also not be blamed for speculation in this case because of a lack of substantial communication," she said.

'Marikana massacre'

The filling of the gaps with emotional communication and hearsay could be seen in the confusion over how much Lonmin's rock-drillers are paid. A figure of R4 000 was originally flighted by miners who reporters had spoken to. These numbers were later contested by various stakeholders – other miners, independent organisations and eventually Lonmin itself.

"Lonmin did not communicate facts and did not establish a relationship with the media. Lonmin further entered into a lot of deception because of not responding appropriately to all stakeholders, and it also utilised inappropriate communication channels ... In this time of immediacy of communication, social media will pick up on any event. Within minutes of the 'Marikana massacre', the event went viral and caused a furore across the globe," said Rensburg.

An analysis by digital marketing agency Native shows there were over 283 000 mentions on Lonmin online since the beginning of August – with a peak of 50 000 on the day of the shooting, and most of this traffic was driven not from South Africa but from the US.

The vast majority of this – 65.7% – was on microblogging platform Twitter, with an additional 14.5% on Facebook. Only 8.8% of the discussion on Lonmin happened through mainstream news sites.

Talita Myburgh, an online reputation management specialist at Native, said the fact that Lonmin's CEO Ian Farmer was admitted to hospital was disastrous in terms of communication.

"Had he attempted to manage the situation despite his illness, the effect would have been entirely different. But worse still, [Lonmin chairperson] Roger Phillimore who stepped up to fill the void did not do so in a visible enough manner by failing to participate where the information was being created and forwarded – Twitter," she said.

"In today's social information age, a lack of visible, decisive leadership that aligns with a company's online community's values is gross negligence and reputational suicide."

#### Sentiment

Myburg said companies that do not participate in the online dialogue run the risk of having the community speak for it instead of taking the opportunity to state its case and have an early impact on the sentiment of influencers – the sources of information trusted by the public.

This "sentiment" is increasingly being analysed and used in modelling by Wall Street mathematicians to predict share prices, she said.

"Half a world away on international stock markets where information is king, Lonmin's failure to participate in the online community's conversation has cast doubt on management and is undoubtedly linked to its fall in share price," she said.

Lonmin did not respond to a request for comment.

But a few days later the company set up a website to address questions about its role in the Marikana killings. The website, [lonminmarikanainfo.com](http://lonminmarikanainfo.com), answers some frequently asked questions about miners' salaries and benefits, the company's social and labour plans for nearby areas, its actions around the time of the strike, and the company's efforts to assist the families of those killed during the strike.

Sam Beckbessinger, strategic planner at e-marketing company Quirk, told the M&G it was unfortunate that the website did not appear on the first page of a Google search on "Lonmin" and "Marikana".

"That means few people are likely to be seeing their online response," she said.

#### A trustworthy site

This search yields news stories concerning the Marikana massacre first, and further down the page, a link to Lonmin's careers website.

But Beckbessinger added this was to be expected as the site is very new and websites typically take about three months to rank in Google.

"Unfortunately, the tonality of this website and their online content doesn't feel quite right or trustworthy. The best ways to respond to crises online is to be human, honest and humble. It doesn't feel like they're doing that. It feels like they're hiding behind PR speak. Clearly they're scared and in retreat, which is to be expected, but is unlikely to help them turn around public sentiment or demonstrate that they're engaging with the community to solve the underlying issues," said Beckbessinger.

So what can other businesses learn about online reputation management from this?

"Be prepared. Have a plan. Own your mouthpieces. And, importantly, if you are going to respond online, understand that you have to do so carefully, humbly and honestly, or you risk making everything that much worse," she said.

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(Women were in court until 11:45pm and won the right to have the march in Marikana this morning at 11am - a victory for the Constitution against Gatherings Act repression... but what a lesson in the justice system's constipation and Rustenburg municipality's profound paranoia.)

Statement by Marikana Women Unite, condemn attempts by municipal official to prevent them from exercising their right to assembly (27/09/2012)

## STATEMENT

Published 28 Sep

The women of Marikana condemn in the strongest possible terms the attempts by officials in the Madibeng and Rustenburg municipalities to prevent them from exercising their constitutional right to assembly and freedom of expression.

Today, a delegation of women from the Women's Forum, who are organising a march against police violence in Marikana on Saturday 29 September, met with public safety officials, the traffic police, and representatives from the Marikana police station and North-West SAPS to work out the route and other details.

After a three-hour delay to the start of the meeting, the women were informed that their march had been banned. This is the second time in just over one week that the women of Marikana, who have followed all legal requirements of the Regulation of Gatherings Act, have been deprived of their right to assemble. The first banning order was given verbally and via sms, contrary to what the law requires, on Thursday 20 September. This led to the postponement of a planned march on Saturday 22 September. The women of Marikana have followed all legal procedures outlined in terms of the Act, and have demonstrated a willingness to cooperate with the authorities, but have confronted nothing less than bureaucratic confusion, obstruction and unlawful conduct by officials of the two municipalities. This conduct violates the letter and spirit of the Act, which requires the authorities to facilitate the right to protest, rather than place bureaucratic obstacles in its way.

The Rustenburg local municipality has put in writing the grounds on which the march is denied – these include that the “purpose of the march does not meet the requirements of the Gatherings Act” and that the “application was not done within seven days”, which is patently untrue as is evident from the correspondence between the conveners and the



Municipality. Two other reasons given are similarly spurious and do not constitute sufficient grounds to deprive the women of their constitutional rights. It should be noted that the Act does not permit the authorities to regulate protests on the basis of their purpose: to do so would allow them to pick and choose which marches to allow and which to disallow based on the content of the march, which could well lead to censorship of marches that are critical of the government or the ruling party.

The women have instructed their attorneys, the Centre for Applied Legal Studies, to launch an urgent review application in the High Court to overturn this unlawful decision.

We demand our rights to assemble and protest peacefully!

The women of Marikana are marching because they want to see justice done for the death of their husbands, fathers, sons and brothers at the hands of the police. They want justice for the death of Paulina Masuthlo, who died on the 19th September, a few days after she was shot with rubber bullets by the police. The women want to see justice for the shooting of three other women with rubber bullets on Saturday 15th September.

People's homes, the streets they walk on, the schools in which children learn, and the shops residents frequent are no longer safe. And they are not safe because of the police. The police are supposed to safeguard and protect; but in Marikana they kill and injure and create fear.

And this is why the women want to march on the police. They have had enough of the violence, and the fear and the criminality of the police. They want justice done. And they want to restore their community and their homes to places of safety. This can only happen when the police fully withdraw from Marikana, and when the police are held to account for their violent and unlawful actions.

Some of the women who will participate in the march are the widows of the mineworkers who were killed. It is part of their need to grieve and remember.

Today, immediately following the denial of the women's march, the Marikana Support Campaign was also denied the right to picket outside the Civic Centre in Rustenburg on the 2nd October, the day the Marikana Judicial Commission starts its work. No reasons were given for this denial. They are joined with the women of Marikana in bringing an urgent High Court application to review the banning order. And the Right2Know Campaign marches tomorrow despite police non-compliance with the Gatherings Act. These developments signal to us the shutting down of democratic space.

The women of Marikana feel very strongly that if the authorities break the law and block this march, they will march on Saturday in peaceful defiance, claiming their fundamental rights to freedom of assembly and freedom of expression.

**WE GO TO COURT AND WE WILL MARCH IN DEFENCE OF OUR DEMOCRACY!**

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Moody's downgrade a no-confidence vote in Zuma

by Ron Derby, 28 September 2012

MOODY's decision to downgrade SA's government bond rating should be called the Zuma downgrade. The commentary in yesterday's statement speaks directly of the leadership of the country, and the ratings agency's belief that the state no longer has the capacity to solve SA's socioeconomic problems.

"The revision reflects Moody's view of the South African authorities' reduced capacity to handle the current political and economic situation and to implement effective strategies that could place the economy on a path to faster and more inclusive growth," the ratings agency said.

While the agency welcomed the ideas listed in the National Development Plan, the politics in the ruling African National Congress (ANC) make it near impossible for any of those proposals to see the light of day.

Also highlighted were the limited room for fiscal movement, deteriorating debt metrics and low rates, together with a negative foreign direct investment climate.

While the ruling party can rightfully say that a weak global economy has made leading SA since the "Great Recession" a difficult task at best, the comments from the agency are more of a stinging criticism of the political leadership of Africa's biggest economy.

There's simply no hiding behind that. It is more than anything a downgrade of the leadership of state and party by Jacob Zuma.

I don't believe this month, with all the mining disruptions, is our version of an Arab Spring, as some have come to label what's been one of the worst Septembers in the ANC's 18-year rule. (Maybe the ousting of former president Thabo Mbeki could give it a close run.)

But the ruling alliance has certainly missed a trick, sidetracked by the competition for the leadership that will be settled at the ANC's conference in December.

...

HAS the union movement lost the support of workers? With more than 100,000 workers in one dispute or other with employers, one would expect organised labour to be right at the front of this battle between corporate SA and employees.

Instead, they are putting out fires or are just now catching on to worker demands. They certainly aren't leading.

Mineworkers are demanding wage increases of up to 22%.

There's also a transport strike under way that's playing itself out on some of our highways.

In all these negative headlines coming from SA's business world, the only voice that doesn't seem able to calm the tensions is that of organised labour. Companies can, by caving in to demands for increases of more than 20%, which will only hit workers harder in the not too distant future.

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Underground sit-in at Samancor's chrome mine in Rustenburg

Friday, 28 September 2012 14:41

Striking mineworkers at Samancor's chrome mine in Mooiwool, Rustenburg, were staging an underground sit-in to demand a R12,500 monthly salary, the Rustenburg Joint Strike Coordinating Committee said. The workers have vowed to stay underground until management meets their demands. Committee spokesman Mametlwe Sebei said about 400 miners have been underground with no food or water since yesterday. He claimed the ventilation and water supplies have been closed off. The committee would be mobilising community members to gather this afternoon to demand that the miners be given food and water.

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(Treat such announcements with caution)

Chrome mine strike ends

September 28 2012 at 06:15pm

By SAPA

Rustenburg - A strike by workers at the Samancor Western Chrome mine in Rustenburg for a monthly salary of R12 500 has ended, the mine said on Friday.

It said wage negotiations at the mine had been finalised and a salary deal was signed early on Friday.

Workers at the mine went on strike on September 14, demanding R12 500 after deductions.

They also wanted a R1500 sleep-out allowance and a R1500 underground allowance.

The mine did not elaborate on the terms of the agreement reached on Friday.

A group of 400 workers at the mine held an underground sit-in on Thursday. They had vowed to remain underground until their demands had been met.

On Friday afternoon, Samancor said the group had emerged from underground and that the shaft had been cleared. It said the group did not form part of a union, and had tabled a separate set of demands.

A strike co-ordinating committee said the agreement was reached between management and the National Union of Mineworkers members only.

Spokesman Mametlwe Sebei said although the group had ended the sit-in, they would still be protesting for higher wages. - Sapa

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SA breakdown in collective bargaining

Labour action: A breakdown in collective bargaining

28 SEP 2012 00:00 - HEIDI SWART

<http://mg.co.za/article/2012-09-28-00-labour-action-a-breakdown-in-collective-bargaining>

Wildcat strikes in the mining sector have set a new trend that could result in the unravelling of the formal system of collective bargaining.

[Click here to find out more!](#)

Following the illegal strike by Implats workers in Rustenburg in February and Lonmin workers at Marikana in August, the process of striking workers bypassing unions has spread to other mines.

Labour court judge Anton Steenkamp told the Mail & Guardian that he had heard five urgent applications by employers this week, including AngloGold Ashanti and Gold Fields, asking for wildcat strikes to be declared unlawful. What was unusual, said Steenkamp, was that employers were not seeking relief against unions; the interdicts were being sought against individual striking workers. "The unions have been assisting the employers in trying to get workers back to work," he said. "This is unheard of."

Two of the unions involved were the National Union of Mineworkers (NUM) and the South African Transport and Allied Workers Union.

Labour lawyer Michael Bagraim said that the trend towards guerrilla bargaining was a dangerous one. Within the formal system, he said, unions could face employers as equals.

Informal groups attempting to negotiate undermined this relationship. "It is the worst industrial-relations nightmare I have seen in 30 years [of practicing labour law]," he said. "Workers have lost faith in industrial relations systems."

This loss of faith has been in the making for years. A labour law specialist, who requested anonymity because of his involvement in disputes between illegal strikers and employers, said in the early 1980s and 1990s, unions and workers saw political and bread-and-butter issues as part of the anti-apartheid struggle.

### Political struggle

But post-1994, improving living conditions outranked the political struggle in workers' minds. With that, the unions lost their best leaders to politics and the new leaders did not have the same expertise and enjoyed much better perks.

Another labour mediator, who also requested anonymity because he was directly involved in union negotiations, said that such perks fed the worker perception that the unions had stopped fighting for them and were focused on enriching themselves. "In the 1980s, union representatives used to walk. Now they drive luxury vehicles."

But the spokesperson for the NUM, Lesiba Seshoka, responded to the allegation that the union had more interest in politics and self-enrichment, saying: "Unions involved in bread-and-butter issues are going to fail, because broader policies are shaped at a political level. The NUM does not have shares in Lonmin or any mining, energy or construction operations in or outside of South Africa. That would amount to a conflict of interest."

Workers also see unions as siding with management for their own benefit. During a recent visit to Marikana, a former unionist and Lonmin worker, Lazarus Diale, pointed out a shiny sedan in the township where many miners reside. "That car is for the union representative. But Lonmin paid for it. Do you think that is right?" he asked. Seshoka said, however, that the vehicles were paid for by the union.

Another major factor leading to the unravelling of formal bargaining, according to the labour mediator, is the failure by management to recognise minority unions as bargaining partners. He said it was extremely difficult for smaller unions representing subcommunities such as rock-drill operators to gain bargaining power. When the Labour Relations Act was written, Cosatu had pushed for a clause that would allow the majority union together with management to set a threshold for new unions to be recognised, usually 30% representation.

### Minority status

But Seshoka said that the NUM did not shut out minority unions and allegations that the NUM had refused to deal with the Association of Mineworkers and Construction Union (Amcu) based on its minority status were untrue. He said that despite Amcu falling short of the 30% threshold, the NUM was prepared to negotiate with it.

Majority unions also tend to seek the same increase for all types of workers. This, said the labour mediator, lay behind the Implats strike. Rock-drill operators had managed to negotiate an increase for themselves, but the NUM intervened to negotiate increases for all workers. Rock drillers then received a smaller increase than originally negotiated. When they found out about the NUM's intervention, they were furious. Seshoka denied this, saying management had attempted to divide workers by bypassing the union.

Prior to the Marikana shootings, unhappy rock-drill operators started to seek better conditions and wages, said Bagraim, but were ignored by both the mine management and the NUM.

One rock-drill operator, Brian Mongale, told the M&G that rock drillers had held meetings after their shifts on the mine's premises for months before the shootings. Seshoka said that the NUM was unaware of these meetings and if it had been aware of them, it would have addressed the issues.

Said the labour mediator: "Marikana is a symptom of a seriously defective collective bargaining system. It has to be revamped and democratised."

Lonmin said that in light of processes such as the Farlam commission, it would be inappropriate to comment.

Heidi Swart is the Eugene Saldanha Fellow in social justice reporting

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Strikes continue at Anglo, Goldfields

Friday 28 September 2012 05:26

SABC

Amplats yesterday announced a pay adjustment, but the details are not yet known. (SABC)

Three of the country's major mining houses, Anglo American Platinum, AngloGold Ashanti and Goldfields, are still battling to resolve unprotected strikes.

Amplats has told striking miners to return to work today or face disciplinary measures, which could include the dismissal of strikers. On Wednesday, Amplats had issued an ultimatum to its striking miners to return to work or face dismissal. However, the ultimatum was snubbed by workers who refused to return to work yesterday. The strikers are demanding R12 500 per month.

Amplats yesterday announced a pay adjustment, but the details are not public as yet known. A union organiser has been reported as saying the workers appear happy with the offer.

Workers at the Samancor chrome mine and Coal of Africa's Mooiplaats colliery are the latest to join the growing list of miners demanding better wages. At Samancor, workers are staging an underground sit-in.

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### **SA mining trapped in 19th century: Ramphela**

Wednesday 26 September 2012 17:03

SAPA

Social activist, Dr Mamphela Ramphela. (SABC)

South Africa needs to dig itself out of a 19th-century mining business model, academic Mamphela Ramphela said today. Speaking at a media briefing ahead of an international leadership education conference in Cape Town, Ramphela said a failure to change the nature of the industry was having devastating repercussions.

"We've just had this tragic Marikana debacle, and what was in evidence there is the consequence of South Africa failing to transform the mining industry from a 19th century business model, which relies on cheap migrant labour, very archaic mining technology and a... low-skilled, labour-intensive industrial base."

She said change could come from leaders of business schools, leaders in the private mining sector and citizens putting their heads together.

"I want to make sure my three-year-old grandson, in 30 years' time, is in a country he can be proud of and that will not happen, unless we deal with the legacy issues which are holding us back."

Ramphela, who also chairs the Gold Fields board, said her recent visit to the mining house's Australian operations showed the industries in the two countries were like chalk and cheese.

"Of course, they were established in different periods, but that doesn't stop us, because one of the things South Africa is underplaying is technological innovation capacity," Ramphela said.

She referred to the London Underground rail system, and said tunnelling technology developed in South Africa had contributed towards this.

Ramphele said South Africa had missed the benefits of the last mining boom

Ramphele said the ability to innovate and change to a new mining model was not lacking in South Africa.

"We just have not applied our minds because there isn't the political leadership and will to create a framework for a mining industry of the 21st century."

She also took aim at industry bosses.

"The private sector, in the form of the mining industry, has also not exercised its mind about how do you leverage the huge endowment... in the form of mineral resources; leveraging that as a way of positioning South Africa as a globally competitive economy... ."

Ramphele said South Africa had missed the benefits of the last mining boom, while other countries flourished.

"The other thing we do in South Africa -- which is really inexplicable, that's the polite way of putting it -- is that we are exporting value to China, to India, to everywhere."

"We mined the riches the dear Lord gave us, gave it to others to process, which means we are exporting jobs, then we re-import (processed minerals) at huge costs for our own purposes, which is why we are de-industrialising."

She said re-industrialisation in mining would depend on a rethink of the whole value chain.

Ramphele is also a businesswoman and medical doctor and was an anti-apartheid activist.

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Wednesday 26 September 2012

South Africa: still an apartheid state

ESSAY: The roots of the Marikana massacre lie in the ANC's deep antipathy to those it relied upon to rise to power: the black working classes.

Charles Longford

Since the massacre of 34 striking miners in the Marikana region of South Africa last month, there has been a lot of handwringing about the underlying causes of the outrage. Many have located the massacre in the African National Congress's (ANC's) failure to deal with the enduring legacy of Apartheid, but in truth the roots of the tragedy lie elsewhere – in the reality of South African capitalism, and in the politics of the ANC and its alliance with the South African Communist Party (SACP).



In trying to understand how something like the Marikana massacre could happen, it is important to grasp that the leaders of the ANC have always had a contradictory attitude towards their mass base, the black working class. That the ANC's leadership is now acting with hatred and violence towards the very constituency that it allegedly represents (and upon whose sacrifice it rode to power), has surprised many commentators. But in reality, Marikana has merely brought to the fore the class interests and tensions at the heart of post-Apartheid South Africa and its ANC-led governing alliance.

The roots of the Marikana massacre can be traced back to the formation of the alliance between the ANC and the SACP in the early 1950s. Following the Apartheid regime's brutal crushing of the ANC-led defiance campaign in the 1950s, the black masses had always been the key to the ebb and flow of the liberation struggle. But the tragedy of South Africa is that they were never able to develop an independent perspective. Instead, they became the adjunct of political interests that were largely hostile to the real interests of the black working class.

Before examining this in more detail, it is worth reflecting on the fact that it was the black masses' resilience that brought about the end of Apartheid. When outgoing Apartheid-era president FW De Klerk claimed that he 'won the liberation struggle' because the decision to end Apartheid had been made 'long before' Nelson Mandela had been released from prison, his absurd assertion went unchallenged. Indeed, he won the Nobel Peace Prize. Yet there would never have been any change in South Africa, let alone non-racial elections, had it not been for the determination of the black majority to liberate the country from Apartheid. De Klerk, and his Western backers, would never have contemplated change if they had not been forced to by the resistance of the black masses.

De Klerk's attempt to write the black resistance struggle out of South African history was never contested by the ANC. It is often forgotten that during the first post-Apartheid election campaign in 1994, the history of Apartheid and the role of the National Party was the subject of considerable revisionism. Indeed, under a clause forbidding 'unfair criticism' of political opponents, the Independent Electoral Commission prohibited candidates from saying the National Party built and ran the Apartheid system - despite the fact that it did.

Effacing the role of the black masses in the liberation struggle in the post-Apartheid era was more than an abuse of historical record. The new ANC political elite also had every interest in marginalising its own 'Trojan Horse'. So the more that the white ruling class was able to insist that it, and not the masses, had brought about the end of Apartheid, the easier it was for the old elite to secure its status and relationship with the new aspirant black elite represented by the ANC as part of the new rainbow-nation South Africa. And it was this political marginalisation of the black working class, in which the new and old elites were complicit, that set the scene for the massacre in Marikana.

This is a bold assertion. But it is one that is based upon an understanding of the reality of how the market operates in a country like South Africa.

A lot of rubbish has been written about South Africa. For example, one of the most enduring myths is that Apartheid resulted from the backwoodsmen prejudices of South Africa's Afrikaner minority. Yes, members of that minority benefited from Apartheid and many of them were racists. But Apartheid – the forcible denial of democratic rights to South Africa's black majority – was never simply an irrational racist system. It was also essential to the accumulation of vast wealth in South Africa. Apartheid was the form that the market took in South Africa at the time, a form of capitalist organisation for extending the boundaries of exploitation and wealth creation. Violent repression and political oppression were as necessary to the market as foreign capital.

And the form capitalism took in South Africa had fundamental consequences for all sections of society.

### The consequences of Apartheid

Apartheid temporarily solved a problem for the tiny white elite in South Africa: how to exploit the black masses economically, while denying them political influence. So under the doctrine of 'separate development', blacks were told they could not vote, live in white areas or travel anywhere without permission. Instead they were made 'citizens' of remote 'tribal homelands', and forced to operate as an impoverished army of migrant workers. Apartheid facilitated the exploitation of 23million blacks on a scale that was the envy of the capitalist world.

De Klerk's forefathers – the architects of Apartheid – created conditions in which a carefully controlled labour force could produce wealth on the scale needed by South African capitalists if they were to compete in the international market. They took advantage of a host of racist institutions inherited from the British administration of South Africa to realise their capitalist ambitions and simultaneously attract much-needed foreign investment. The steady supply of cheap black labour guaranteed by the Apartheid state, together with massive subsidies and import restrictions, led South Africa's real gross domestic product to grow by 67 per cent in the decade up to 1960. South Africa's annual growth rates were second only to Japan's in the Fifties and Sixties. Apartheid was no obstacle to these developments. On the contrary, it was the mechanism upon which South African capitalism relied.

Because Apartheid relied upon racial oppression, the colour of one's skin determined one's existence. Legally enshrined 'separate development' reduced the lives of blacks to a totalitarian nightmare. The ruthless imposition of the pass laws created a permanent state of terror, dictating where blacks could move and work in the white-owned economy. And while black life was strictly controlled and policed, concessions to white workers helped to integrate these workers into the racist system of domination. 'Petty Apartheid' – the system of whites-only restaurants, beaches, hotels, public transport and the ban on racial intermarriage – cemented an alliance which gave working-class whites an interest in cooperating with white employers to maintain racial discrimination.

The consequences for the tiny black middle class that began to emerge properly after the Second World War were equally harsh. Racial oppression ensured that all blacks faced the same discrimination and exclusion from the spoils of capitalism. There was no chance of accommodating the emerging black middle classes' moderate, pro-market demands for equal participation in South African society.

What is infrequently acknowledged is that the ANC's nationalist politics, and its leaders like Nelson Mandela, were initially rabidly pro-market. Theirs was a narrow and conservative nationalism, which in many ways aped postwar Afrikaner nationalism. The unfortunate historic accident of South Africa is that the success of Afrikaner nationalism meant African nationalism could not be accommodated into the system and instead was ruthlessly repressed.

The real problem facing the emerging African nationalists was that on their own, they stood little chance of generating any significant political pressure to affect change. In short, they needed the black majority on their side to press for political change. But to do this they could not use their own narrow political and pro-market aspirations, which would have flatly failed to enthuse or mobilise a movement overwhelmingly made up of urbanised wage labourers. And this is where the South African Communist Party came in: it furnished the ANC with the radical credentials it needed to mobilise the black masses.

The ANC developed a long and close relationship with the Communist Party, which the moderate ANC leadership used to consolidate its relationship with the militant black masses. The ANC's Communist Party-inspired 'Freedom Charter', which embraced state control of the economy and made promises to 'return the wealth of the people to the people as a whole', gave it the language and tools to legitimise its campaign in the eyes of working blacks.

Yet, caught between its own insignificance as a social force and the uncompromising Apartheid regime, the ANC's pragmatic embrace of Stalinism led the ANC to become unacceptable to South African capitalism. Conflict and struggle were the order of the day. It would take the collapse of the Soviet Union in 1989 and the discrediting of 'African socialism' to alter the South African political climate sufficiently to allow the Apartheid regime to contemplate bringing the ANC into government, where its pro-market roots could be teased away from its state-socialist rhetoric.

#### The two-stage theory of revolution

It is impossible to understand how the national-liberation struggle evolved and culminated in the negotiated compromise of 1994 without understanding the politics of the ANC-led alliance against Apartheid. The role of the SACP cannot be overstated. Its theoretical and programmatic influence shaped the strategy and tactics of the liberation struggle with disastrous consequences. Remember, this is the Communist Party that was famed for its slogan in the 1920s which called upon the workers of the world 'to unite to keep South Africa white' – an expression of support for a colour bar prohibiting black workers from skilled jobs. The party's justification for this at the time was that the white workers were

the 'vanguard' of the struggle. This was just the start of the grisly twists and turns that characterised the development of South African Stalinism.

Central to the SACP's theory, which was later codified by its leading Marxist activist and academic Harold Wolpe, was that the central contradiction in South Africa was not the wage-labour/capital relationship but, in its own obscurantist language, the 'articulation between two modes of production'. This suggested that South Africa was a pre-capitalist social formation that needed a national democratic revolution, which would, in turn, allow the full development of capitalist social relations. Only then could the classic class struggle – between labour and capital – be undertaken and society transformed into a socialist state. This was the foundation of the 'two-stage theory of revolution', where the first stage was the democratic struggle to be followed by the second, the socialist transformation of society.

But Apartheid wasn't a pre-capitalist phenomenon. It was the form that capitalism took in South Africa for historic and political reasons. By confusing the form of South African capitalism with its essence (the wage labour/capital relationship), the SACP provided the theoretical justification for the separation of the struggle for democratic rights from the anti-capitalist struggle. This introduced a tension between short and long-term goals in the ANC programme. In the past, the struggle against Apartheid for black-majority rule was the 'immediate goal', while the socialist transformation of South African society was the 'long-term' one. The separation of these stages in theory, when it was impossible to separate them in reality, meant that the 'long-term' goal of socialism was always put off indefinitely. This separation, which reflected the separate class interests of the social forces making up the national-liberation movement, contained the seeds of all the compromises and betrayals that followed in 1994.

The critical role of the two-stage theory of revolution was that it gave the ANC the radical credentials to appeal to the black masses. It also, incidentally, enabled the ANC to use recondite Stalinist jargon about objective reality and the mysterious 'balance of forces', to 'educate' the masses as to why the political goal of a limited democratic transition was necessary.

The compromise that the ANC negotiated in the early 1990s revealed what the two-stage theory of revolution meant in practice: a compromise that would not even realise the first stage of the two-stage revolution, the development of democracy. The constitution agreed upon by the National Party and the ANC ensured that the outcome of the first democratic election would not result in black-majority rule. Instead, it guaranteed a coalition government with De Klerk as vice-president and other ex-Apartheid leaders in top cabinet jobs. Similarly undemocratic arrangements were built into the new South Africa at every level of government. The overall effect was to defraud the masses of their democratic rights, and to shield the old Apartheid state from popular pressure. The two-stage theory of revolution postponed not only the socialist transformation of South Africa, but black-majority rule, too.

Betrayal and 'Marikanas' waiting to happen

The compromise of the new constitution was always a possibility in South Africa. The socially insignificant black petit-bourgeois political elite was always predisposed to accepting a compromise as long as it could gain access to political power and the right to participate in the market economy. Prior to De Klerk's willingness to reform Apartheid, the ANC leaders had little choice but to uphold their Stalinist rhetoric about 'socialist transformation' to maintain their appeal to their working-class base. They knew, as did the Apartheid regime itself, that the real power to force change was the black masses.

But the collapse of the Soviet Union and the discrediting of 'African socialism' more broadly in the 1980s and 1990s changed all that. Around the world, liberation movements were put on the defensive. The ANC soon toned down its programme, accepting the market economy and dumping the armed struggle. The changed political context persuaded South African capitalists that they could do business with Mandela without putting their wealth and social power at risk. As a consequence, the National Party conceded reforms.

Indeed, the remarkable thing about the lead-up to the first post-Apartheid elections in 1994 was how the ANC under Nelson Mandela increasingly demonstrated to the old rulers of Apartheid that they had little to fear from an ANC-led government. The ANC unilaterally gave up its armed struggle, renounced its state-socialist policies and embraced the market economy. It also pledged not to interfere with the repressive machinery of the Apartheid state, a fact that has become all too apparent in recent weeks. Most importantly, it accepted a constitutional arrangement that institutionalised power-sharing and minority rights at every level of government, effectively abandoning its commitment to real black-majority rule. Post-Apartheid South Africa gained a black government, but the white-minority capitalist class, and its international backers, continued to exercise social power. The ANC effectively abandoned its base to get a piece of the action.

President De Klerk's entire strategy of negotiation was geared towards moderating the ANC, separating it from its mass base while protecting the white privileged minority. His National Party was reconciled to seeing black faces in government. De Klerk's strategy was always about drawing the liberation movement – or at least sections of the ANC leadership – into a relationship with the state. It followed the classic decolonisation strategy perfected by British imperialism, first in Ireland and then used to great effect in Africa and Asia. By rewarding moderation while brutally cracking down on those unwilling to compromise, De Klerk succeeded in moderating the ANC to the point where it dropped all talk of fundamental economic and social change, and even abandoned black-majority rule, the democratic principle at the heart of the liberation struggle.

The retreat of the ANC was perhaps the greatest in the history of national-liberation movements. In 1969, the ANC conference in exile at Morogoro, Tanzania, adopted the document 'Forward to freedom: strategy and tactics of the African National Congress'. The 'Morogoro Declaration' signalled the ANC's intention to be a liberation movement committed to mobilising the black masses and overthrowing the Apartheid regime. In appealing to the black working class, the document spelled out that liberation meant more than electing a black government: '[T]o allow the existing economic forces to retain their

interests intact is to feed the root of racial supremacy and does not even represent the shadow of liberation.' It was a measure of De Klerk's success and the ANC's complicity that even such a 'shadow' as power-sharing and the institutionalisation of minority rights could be celebrated as a victory and the achievement of black liberation.

Compromise is always a reality in political struggles. But the ANC presented its betrayal of the black masses as a victory. All the sacrifices the black masses made over the years - sacrifices that allowed the ANC leaders to get where they are today - were effectively signed away in the post-Apartheid constitution. Yes, blacks got the vote, but these were now votes for a system which continued to keep them at the bottom of the pile in the factories, mines, farms and townships of Apartheid capitalism. It has taken 18 years for that reality to be murderously demonstrated at Marikana. Not only has the ANC government invoked the use of Apartheid laws, and labelled those fighting for trade-union rights and a living wage as 'agitators' (much as the Apartheid regime used to), but it has also deployed and used the armed power of the state to gun down striking workers in a way that Apartheid-era leaders would have applauded to the rooftops.

Marikana has demonstrated just how hostile the ANC government is towards its own working class. It clearly illustrates that the problem in South Africa was never simply the denial of democratic rights, but the capitalist system itself. Apartheid is dead, but the economic system which it nurtured remains in place. It is not Apartheid laws that keep black South Africans in their place, but economic realities. Having the vote has not allowed millions of impoverished blacks to escape from the grim townships and move into the leafy white suburbs. Having the vote has not diminished the power of the state that is prepared to gun down its own citizens in order to protect the rights of the minority capitalist class, which now contains some black faces.

Post-Apartheid South Africa has begun to destroy many myths. What has come as a shock to many, however, is just how closely the new African elite share the hostility of the old regime towards those who made change possible in the first place - the black working class. But despite the fact that the ANC effectively marginalised its mass base and deconstituted them politically, Marikana has also demonstrated that South Africa's black working class has begun to make its presence felt in the new South Africa.

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## **South Africa's strike wave hits whole mining sector, spreads to transport**

By Chris Marsden

28 September 2012

The strike wave that began at Lonmin's Marikana platinum mine is now engulfing South Africa's platinum, gold and coal mining industries and has spread to transport and other sectors.

In total, there are more than 100,000 workers on strike across South Africa.

On August 16, police opened fire on striking Marikana workers, killing 34 and wounding 78. The bitter struggle was only called off after the strikers had secured a 22 percent wage increase. Their determined stand has emboldened many more to go into struggle against the employers.

David Davis, a SGB Securities gold analyst, warned that "Workers are now demanding wage increases according to the 'Lonmin settlement'."

He warned that the contagion of illegal strikes "will likely engulf the industry".

Anglo American Platinum, or Amplats, the world's largest producer, has said it has 21,000 employees out on a wildcat strike who have defied threats of dismissal to demand a wage increase equivalent to Marikana. Only 20 percent of the workforce at four mines at Rustenberg had reported in Friday.

Like the Marikana workers, Amplats miners view the National Union of Mineworkers (NUM) and other unions as stooges for the employers and have rejected them wholesale. They have not turned to the breakaway Association of Mineworkers and Construction Union (AMCU) but have elected a leadership from the rank and file.

This did not stop AngloGold from claiming that the strikes were "obviously coordinated".

NUM spokesperson Lesiba Seshoka said, "We do not have anything from them.... Our greatest worry is that if you are going to have sporadic demands throughout the industry, then it will undermine collective bargaining and that's going to be chaos."

Wildcat strike action has broken out at Gold Fields, AngloGold and other company mines. Fully 39 percent of South African gold mines' capacity has been hit, with workers again demanding a 22 percent wage increase.

AngloGold Ashanti, the third-largest gold producer, suspended all its South African operations this week. Most of its 35,000 workers throughout the company have joined a wildcat that began at Kopanong on September 20.

The major fear of management is that workers are bypassing the trade unions, their industrial policemen. "The real concern is the apparent breakdown of the collective bargaining system that has operated effectively since the mid-1980s," Alan Fine, a spokesman for AngloGold, told the Financial Times, "Our challenge is to ensure the system survives."

Coal of Africa has also announced that employees at its Mooiplaats colliery have struck in the first industrial action to hit the coal sector since Marikana.

A strike by 20,000 workers in the freight and transport sector to demand a 12 percent wage increase has become increasingly angry, despite the official control of four unions—the South African Transport and Allied Workers' Union, the Professional Transport and Allied Workers' Union South Africa, the Transport and Allied Workers' Union of South Africa and the Motor Transport Workers' Union.

A number of trucks have been looted and burned, and emergency services have been placed on high alert after fighting ended in the hospitalisation of scabs.

The chief executive of Anglogold Ashanti, Mark Cutifani, warned that demands for higher wages were now “a risk for the country.”

The employers have made increasingly bellicose threats, with Amplats having initiated disciplinary proceedings Friday and threatening sackings, and Gold Fields obtaining a second interdict against striking workers at its Beatrix mine that meant “Firing the striking workers is an option.”

But the main threat to the miners and other workers comes from the state and the African National Congress (ANC) government.

Labour Minister Mildred Oliphant has declared that there is “no justification for the recent wave of unprocedural [illegal] strikes” and “no excuse for lawlessness.”

In New York, President Jacob Zuma told the Associated Press Wednesday that the wave of “illegal” strikes was not due to inequalities but was “influenced by this particular [Marikana] strike and it has also been influenced by the manner in which the resolution has been undertaken, whereas the unions that were in the forefront in this case because of the circumstances were not necessarily in the forefront.”

This had “influenced some other miners to go on strike,” he said.

The repudiation of the trade unions poses a major political crisis for the entire bourgeoisie.

Alexander Joe, writing for AFP, states, “The violent crisis that has shaken South Africa's mines shows workers' distrust for traditional trade unions, up to now the guardians of social peace despite the country's deep inequality.”

He cites analyst Daniel Silke explaining, “Marikana holds the potential for an era in South African labour relations where violent strike action forces the hand of weakened management, as opposed to historical collective bargaining promoted by COSATU and its affiliate unions.”



"The key issue here is whether the trade union movement, whether COSATU itself, can keep a handle on the more militant workers who have smelled blood with management as a result of Marikana," said Silke.

The emerging mass political and social movement of the working class and the undermining of its key ally, the Confederation of South African Trade Unions, has plunged the ANC into crisis, with the escalating factional conflict between Zuma and his supporters and those of Julius Malema, the expelled former head of the ANC's youth wing, only the most open expression.

On Wednesday, Malema appeared before the Polokwane Regional Court on charges of money laundering. A corrupt "tenderpreneur", he is nonetheless an amateur compared with some of those who have engineered the prosecution such as Zuma himself.

To strengthen his hand, Malema advances himself as the friend of the miners and has called for the industry to be nationalised. But his aim is only to secure the ascendancy of his faction within the ANC, not to challenge its role as the chief political defender of the South African bourgeoisie and the transnational corporations and banks.

He was only able to mobilise a demonstration of around a thousand outside the court, but did marshal his supporters in the ANC, including former ANC Youth League (ANCYL) secretary general Sindiso Magaqa, now leader of the Friends of the Youth League, and from his power-base in Limpopo.

Outside the court, Malema made a point of praising ANC leaders Kgalema Motlanthe and Fikile Mbalula, whom he supports as challengers to the Zuma leadership.

He urged, "We must make sure Jacob Zuma does not become president of the ANC.... The next day we must remove him as a president and the day after we must charge him."

In response, COSATU president Sidumo Dlamini said Thursday that the trade unions wanted "stability of leadership" at the ANC congress in Mangaung in December. Closing COSATU's annual congress, he said, "This country does not need factionalism, it doesn't need divisions of leadership, it needs stability of leadership."

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### **SA's banned gatherings: Goodbye Constitution, we hardly knew you**

- Mandy de Waal
- 
- 28 September 2012 06:16 (South Africa)
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Using red tape, bureaucracy and good old fashioned municipal bungling, local governments from Rustenburg to Germiston, Pretoria to Durban and beyond are banning protest marches in the wake of civil action in Marikana. By MANDY DE WAAL.

Women from Marikana, near Rustenburg in the North West, have been trying to stage a legal protest march for close on two weeks now, following the 16 September death of Paulina Masuhlo. Masuhlo, an ANC PR councillor, was shot by police using rubber bullets during a raid on [Nkaneng informal settlement](#) in which residents dodged tear gas and police fire. Masuhlo died in hospital a few days later.

But it looks as if local authorities are doing everything in their power to ensure that people's rights to "assemble, to demonstrate, to picket and to present petitions" as stipulated in Section 17 of the SA Constitution, as well as the Regulation of Gatherings Act, is quashed.

The Marikana march in protest of Masuhlo's death and the occupation of the area by security forces is being organised by the Wonderkop Community Women's Association (which includes woman from Nkaneng and the broader Marikana community) and the Women's Support Initiative. This march was due to happen Saturday, 22 September, but police and local authorities put a stop to it saying the march was illegal. Organisers cancelled the march and immediately started applying for the necessary authority to stage the protest action on the following Saturday, but without success.

Marikana and Nkaneng are part of the Madibeng Municipality. After the first march was denied, organisers were told that the local government didn't have the jurisdiction to rule on the demonstration and that they needed to approach the Rustenburg Municipality. However this information was only offered after many days of toing, froing and battling red tape. But it's been a no-go from Rustenburg, which wrote to organisers saying the protest action "does not meet the requirement of the Gathering Act" together with a number of other objections the organisers say are not valid.

"It is completely absurd. The police and officials have acted outside the law and we find the reasons for their disallowing this march absurd and spurious," said Sipho Mthathi, an activist and Marikana organiser. "They are saying that the purpose of the march doesn't meet the requirements of the gatherings act, but there is no requirement of the gatherings act we haven't met."

Mthathi said the group was now seeking legal counsel, and chronicled a litany bureaucratic hurdles that organisers had to deal with to try get government permission for a march. "We launched papers with officials from the Madibeng municipality well ahead of our proposed march on the 22nd of September, but trying to find the person responsible for giving permission was impossible. After hours and hours of phone calls, our lawyers made the determination that we would launch the paper with everyone within the municipality."

Earlier this week organisers were promised a meeting with police, traffic officials and local government by the Madibeng mayor's office, but when organisers arrived for the meeting

they were made to wait three hours for the relevant people to be assembled and the meeting to begin. "It was at this meeting that we were told that Madibeng was handing the matter over to the Rustenburg municipal authorities," Mthathi said.

They fared little better at Rustenburg, and after a barrage of emails and calls another meeting was set up and the activists had to wait another handful of hours while the necessary authorities were gathered for the meeting. "There was a panel of seven people from the Rustenburg authorities and they included the police, intelligence and security officials. I literally had to beg the police to gather the relevant people so that the meeting could begin. During the meeting they raised the issue that businesses in Marikana had complained about disruptions. They said this is why they didn't want the march to go ahead," said Mthathi.

"However, the written documentation they have us doesn't even reflect the verbal arguments offered. In the meeting they asked if the meeting was politically motivated, which has absolutely nothing to do with the Constitution or the regulating act that governs demonstrations and pickets," she said.

The women have instructed their attorneys at the Centre for Applied Legal Studies to launch an urgent application in the High Court to overturn what they call the Rustenburg Municipality's "unlawful decision".

But the Marikana march isn't the only protest action that's been given the jack boot. The Right2Know Campaign will be marching to the Union Buildings in Pretoria on Friday, despite not getting the go ahead from police.

"Although we have made repeated attempts to engage meaningfully with the Tshwane Metro Police Department and the South African Police Service regarding the planning of this event, they have subjected our activists to delays, frustrations and hostile behaviour that threatened to derail the event," a statement from Right2Know read.

The information freedom campaigners are marking "International Right to Know Day". Voicing concerns they have with the government's Secrecy Bill will be Dale McKinley a journalist, lecturer and one time Johannesburg chair of the South African Communist Party; Mashao Chauke of the Anti-Privatisation Forum; climate change campaigner Ferrial Adam, and Bishop Paul Verryn.

In Germiston, on Gauteng's East Rand, a planned march by the Makause Community Development Forum in Ekuruleni against the management of the Primrose Police was denied. The march, set for 5 October, was to protest against police brutality, inefficiency, corruption and involvement in politics.

Activists aligned to the Makause Community said the Primrose Police yesterday "refused to sign the application for the March" and made "threats against the Makause Community Development Forum indicating that they (the SAPS) will not be embarrassed by the Makause Community" and that "Marikana tactics would be utilized if the community went

ahead with the march". The activists added that Makause community leaders were threatened with physical violence by police.

In Durban, the Kennedy Road Displacees [notified](#) the Sydenham police of its intention to picket outside the station following alleged sustained attacks by police that activists say have resulted in injuries, two deaths, people being displaced and homes being destroyed. Picketing was due to start on Friday, but activists were advised to seek permission from the Durban Metro Police despite this not being required in terms of the Gatherings Act for a picket of fewer than 15 people.

Finally, in Bhisho, a march by Ayanda Kota and the Unemployed Peoples Movement went ahead on 20 September, despite being banned by police. Kota was called by traffic police in Bhisho who informed him that "due to pressure from the legislature" the march was denied. A permit had been obtained for the protest action, but Bhisho police told Kota the march wouldn't go ahead because he was "very arrogant" and because the demonstration was political. Kota said that the police threatened him before the protest began.

"Official attempts to put red tape in the way of organisations right to assemble, gather and picket is commonplace," said Jane Duncan, Highway Africa Chair of Media and Information Society at Rhodes' journalism school. "What makes the recent squashing of rights to assemble noteworthy is that it is happening in a context where these prohibitions are intensifying.

"There seems to be an intensification of attempts to prohibit gatherings on spurious grounds. Fears expressed by number of people close to the Marikana struggle that there is an undeclared state of emergency there. What is happening is bearing those fears out. The security cluster has made it clear they will clamp down on illegal protests, but are making it impossible for protest to happen. So protest will happen anyway and could lead to spiral of violence. This is a very dangerous moment for protestors in South Africa," Duncan added.

Duncan said the government was creating the basis for a massive social explosion, and that scholars of social movement activism have shown time and again that when authorities act unjustly and attempt to suppress legitimate expressions of protest or anger, the suppression just made the struggle more intense.

"People recognise that the state is unjust, as the veneer of the state as a neutral player in balance of forces is being stripped away to expose the brute force of the state as a law enforcer of private capital. SA's democracy has been exposed for the sham that it has become in a place like Marikana," Duncan said.

And as Mangaung gets closer and closer, South Africa is increasingly in danger of becoming a de facto state of emergency as democracy gives way to military might. **DM**

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ANC to focus on 'strategic nationalisation'

27 Sep 2012 10:46 - Sapa

According to recommendations from its policy conference, the ANC has rejected "wholesale nationalisation" in favour of "strategic nationalisation".

The ANC called for "transformative state intervention in the economy" which could take many forms.

One form is "state ownership, including more strategic use of existing state-owned companies, as well as strategic nationalisation, where deemed appropriate on the balance of evidence".

"However, [the] conference has rejected wholesale nationalisation."

The recommendations came out of the party's policy conference in June and will be considered at its national conference in Mangaung in December.

The party said the economic transformation it wanted would not happen without bold state intervention.

This included financial regulation and control, including through a state owned bank, and progressive and redistributive taxation.

Promoting growth

The ANC also called for wage policies which promote growth and address poverty and inequality, as well as progressive competition policies.

The ANC favoured state intervention in the minerals sector, with a focus on beneficiation.

"At the forefront of this intervention should be the strengthening of the recently created state mining company, by consolidating state mining assets into a single institution.

"This state mining company will expand or contract depending on the balance of evidence, including by partnering with the private sector in strategic mining ventures."

This was the outcome of a debate on the ANC's discussion document – "Maximising the developmental impact of the people's mineral assets: state intervention in the minerals sector" – known as Sims.

Sims is based on an extensive study commissioned by the ANC to find out how best to leverage South Africa's mineral wealth to grow the economy and create more jobs.

Mineral assets

The study found that nationalisation of mineral assets was not affordable, as it would cost just over R1-trillion to acquire a 100% stake in all listed and non-listed mining companies.

The ANC said there was broad consensus at the policy conference that the minerals belonged to all South Africans through "state custodianship".

"Exploitation of minerals must optimise the developmental impact, especially job creation, across the economy," the party said.

It called for a greater degree of beneficiation, or transforming minerals into a higher-value product, which could either be consumed locally or exported.

The Sims report suggested introducing state control through the introduction of a 50% resource rent tax, or a super tax, which would kick in only when an investor had made a reasonable return, so as not to deter investors.

The ANC recommendations do not mention a percentage, but said the "state must capture an equitable share of mineral resource rents and deploy them in the interests of long-term economic growth, development and transformation".

#### Strategic minerals

It also recommended that the state develop strategies to identify and manage strategic minerals in the national interest.

"Instruments to support beneficiation and competitive pricing of these strategic resources include the use of targeted export taxes."

The ANC said other issues raised in the Sims report could be dealt with by the party's national executive committee.

The willing-buyer, willing-seller principle of land reform would be replaced with the "just and equitable" requirement of section 25 of the Constitution, the ANC said.

The party proposed that expropriation without compensation be allowed on land acquired through unlawful means or used for illegal purposes.

It also proposed in terms of land: "Keep nationalisation as an option".

#### Elections

The ANC has recommended that the number of provinces be reduced and that a presidential commission be appointed to review the provinces.

It also proposed keeping the system of separate local government and national elections.

"Election campaigns give the ANC an opportunity to connect with the masses and renew our mandates, so we shouldn't reduce them."

Recommendations made at the policy conference would be taken back to ANC branches for further discussion and input.

They would be presented at the ANC's national conference where they could be adopted as official policy.

This would in turn inform government legislation and policies. – Sapa

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### **Mine issue to be negotiated: Zuma**

South Africa's president says the mining unrest in his country that captured international attention following the police killing of 34 striking miners will be resolved through negotiation and is not a symptom of the pressing inequalities brimming to the surface nearly 20 years after the end of apartheid.

27 September 2012 | Sapa-AP

President Jacob Zuma told The Associated Press in an interview Wednesday that the violence at the Lonmin PLC platinum mine in Marikana should not be viewed as "the kind of incident that will be a common occurrence in South Africa, because it's not."

"I know that some people feel that the picture was very bad - which is absolutely true - that maybe some people say this may be reminding us of the old days. But the difference is that during the apartheid system, where these kind of occurrences were very often, you had a wrong system which was a violent system," Zuma said. "This time we have a democratic country with a very clear constitution, where the circumstances are totally different than what it was during the apartheid days and you cannot therefore today think that this kind of action will happen again because we have got checks and balances in our democracy."

The trouble at the Lonmin mine began on Aug. 10 and ended up with 45 people dead. On Aug. 16 police opened fire on demonstrating strikers killing 34 of them and wounding 78 in the worst state violence since apartheid ended in 1994. It traumatized the nation of 48 million, raising questions about the how much the poorest of the poor have benefitted since the end of white rule.

While bloody 5-week strike at the Lonmin mine was resolved with workers gaining as much as 22 percent in pay hikes, strikes have now spread to other, mostly gold, mines

around the country and workers are increasingly rejecting their own unions and choosing their own representatives to press demands directly with mining companies.

"What you see in other mines was, in fact, influenced by this particular strike and it has also been influenced by the manner in which the resolution has been undertaken, whereas the unions that were in the forefront in this case because of the circumstances were not necessarily in the forefront. So the workers, the churches everybody was participating in this and precisely because of what had happened I think you then had a kind of resolution that was taken that has influenced some other miners to go on strike," said Zuma, calling those strikes "illegal."

But he said he believed these new strikes would, like the Marikana strike, be resolved through negotiation and that would happen rather soon.

The strikes do pose a particularly thorny problem for Zuma, raising questions about his leadership just as he prepares for a crucial government party congress in December which will decide whether he gets another term as leader of Africa's richest economy.

Despite promises by the ruling African National Congress to redress the inequalities that remain in the wake of apartheid, the country has become the most unequal nation on Earth with only a handful of black billionaires joining a small white elite which continues to control the economy dominated by mineral resources and agriculture.

Zuma, however, denied the strikes revealed the startling inequalities that remain in post-apartheid South Africa, saying it was a longstanding problem that the government was working hard to address.

"From our point of view, whilst the inequalities are there we are dealing with them," Zuma said. "We are aware that it is a problem but it's not a problem that has arisen now. We are dealing with what has happened the legacy of apartheid and I think we've moved very far to address those kinds of questions."

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### **Marikana commission must not fail: Amnesty**

Sapa | 27 September, 2012 07:23

Members of the South African Police Service check casualties after opening fire on striking Lonmin Mine Workers on the North West platinum mine near Rustenburg on Thursday 16/08/2012.

**Image by:** KEVIN SUTHERLAND



**The commission of inquiry set up to investigate deaths in violence associated with the unprotected strike at Lonmin's Marikana mine must not fail, rights group Amnesty International said.**

Director for southern Africa, Noel Kututwa, said most of the deaths were the result of excessive force used by police.

"It is vital that [the commission] is empowered, properly resourced and given the time to do everything necessary to uncover exactly what happened in Marikana and help ensure these horrific events are not repeated."

Kututwa urged the government to provide assurance that the commission's report would be made public within a specified time.

The commission's work would be difficult as it had to begin work at short notice and had tight deadlines.

Amnesty International's information suggested that 44 people were killed. However other reports put the total at 46.

On August 16, 34 striking workers were killed when police opened fire on them, and 78 were wounded. Afterwards, 270 workers were arrested.

Twelve others were killed in violence associated with the strike.

Kututwa said that potential witnesses needed assurance that they could give evidence to the commission without fear of reprisal.

The scope of the enquiry also needed to be defined.

"A robust, visibly impartial and open inquiry by the Commission will provide a critical opportunity to begin to secure justice and redress for all those affected by the violence in Marikana."

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**Amplats starts disciplinary procedures against strikers**

Thursday, 27 September 2012 19:14

Anglo American Platinum today started disciplinary procedures - which could lead to dismissals - against workers still on strike. "As indicated yesterday (Wednesday),

disciplinary action against those employees participating in illegal strike action has commenced," CEO Chris Griffith said in a statement. Workers at the company's operations went on a wildcat strike two weeks ago, demanding a R16,000 salary before deductions, but Griffith has insisted the company would not consider their wage demands as these were "irrational and outside any form of bargaining".

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### **AngloGold Ashanti workers demand R18500 a month**

Thursday, 27 September 2012 12:40

Striking workers at AngloGold Ashanti's mines in SA delivered a short memorandum of demands to some of the company's GMs yesterday afternoon, spokesperson Alan Fine indicated today. The memorandum mentioned a R18500 salary, but it was not clear to which job category this remuneration was coupled. "Currently, rock drill operators at AngloGold earn about R11320 a month," he said. Fine also told *Mining Weekly Online* that next year's wage talks through the Chamber of Mines would be brought forward.

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### **Interim workers committee declares Implats' pay adjustments unsatisfactory - report**

Friday, 28 September 2012 05:23

Earlier this month, workers at Impala Platinum made a fresh salary demand for a 10% increase, additional to increases received following a six-week strike in February. Yesterday afternoon, the interim workers' committee, which is aligned to the Association of Mineworkers and Construction Union (AMCU), briefed assembled workers about their new salary adjustments and management confirmed that it was giving workers a "pay adjustment", with details to be made known today. The salary-adjustment sheet, which *M&G* has seen, indicates a minimum salary of R7808 (inclusive of housing) for the lowest grade of underground worker (A4). But, the sheet raises more questions than answers and, in presenting the adjustments to workers, interim committee members said they were unsatisfactory and negotiations would continue for satisfactory increases. The committee will be updating workers in the coming week. Meantime, Julius Malema, who didn't show up to address workers yesterday, is being hailed as a hero by the Implats committee.

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### **Looming Implats strike averted with pay deal**

Thursday, 27 September 2012 19:30

A looming strike at Impala Platinum's operations in Rustenburg has been averted after workers accepted a pay agreement today. "We are not going on strike, the mine has agreed to adjust our pay with effect from October 1," said Khayeletu Mzimeli, chairman of the Association of Mineworkers and Construction Union (AMCU) at Impala. He said workers would be given letters on Friday indicating how their salary had been adjusted.

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### **Malema cancels address to Implats miners**

Thursday, 27 September 2012 17:503

Expelled ANC Youth League leader Julius Malema did not address workers at Impala Platinum in Rustenburg today, for fear of being arrested, the Friends of the Youth League (FYL) said. "It has come to our attention that members of the SA [Police Service] were instructed by a politician to arrest us, since the mine workers and event organisers were refused a permit to hold the meeting," the FYL said in a short statement. Malema stated yesterday that he would address the miners to encourage them to demand higher salaries.

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### **SA NUMSA condemns shooting of striking workers at Dunlop, Howick**

<http://www.cosatu.org.za/show.php?ID=6552>

[26 September 2012](#)

The KwaZulu-Natal [National Union of Metalworkers of South Africa](#)(Numsa) strongly condemns the cowardly and reckless shooting of fourteen (14) striking workers in Howick, Dunlop plant by members of a private security company hired by Dunlop profiteers.

We wish the injured fourteen workers a speedy and full recovery. No amount of excessive, illegal and deadly force will deter us in our quest for a living wage and improved conditions of employment.

We have always adhered to the striking rules by making sure that our strikes or demonstrations are peaceful, lawful and we have always urged maximum disciplined amongst striking workers. Further, we have always condemned all forms of violence, intimidation or destruction of property in the course of a strike or disputes.

The Dunlop bosses must publicly explain why they hired a private security agency which is obsessed with opening fire at striking workers at Dunlop.

Our strike action has always been peaceful since it began six (6) weeks ago.

We are disgusted by the growing trend by some trigger-happy security personnel to use the barrel of the gun during industrial disputes between the bosses and workers. This clearly demonstrates that capitalists or those who own big monopolies are prepared to use security agencies to decapitate workers by using deadly force and undermine their hard won right to collectively struggle or fight for fair and equitable redistribution of wealth at the point of production.

Furthermore, we are annoyed by the conduct or actions of the South African Police Services (SAPS) in relation to the unwarranted shooting of workers. The SAPS in Howick have not been willing to take action on numerous complaints lodged by workers against this trigger-happy security company.

This reinforces our suspicion that police have been coerced or gave license to this security company to shoot at our members.

We remain firm that public safety is the responsibility of the police, and not the responsibility of private and militaristic security agencies.

We, therefore condemn in the strongest terms the management of Dunlop for hiring a private company to do the dirty job of shooting at peaceful striking workers.

We warn the bosses that the practice of using aggressive and violent private security companies to shoot workers during strikes is bound to open a chapter in the history of industrial disputes in post 1994 South Africa the bosses will regret.

We call on the Ministry of Police to take full responsibility for policing in South Africa, and to take drastic action against those irresponsible security personnel that fired shots at the defenceless and innocent workers at Dunlop.

Contact:

[MbusoNgubane](#), Regional Secretary – [079 502 3242](#)

### **Dunlop sacks 150 workers over violence, Numsa claims 14 workers hospitalised**

Friday, 28 September 2012 07:36

*Business Day* reports that a legal representative of Dunlop Industrial Products in Howick, KZN, said the company dismissed 150 employees on Wednesday after workers involved in six weeks of strike action had committed acts of violence, intimidation and harassment of fellow employees, suppliers and customers. Another 150 employees would be dealt with by

their labour brokers. But the National Union of Metalworkers of SA (Numsa) says it will intensify its strike after 14 strikers were admitted to hospital on Tuesday after being shot by rubber bullets by a hired private security company. The union says workers are demanding a 6.5% wage hike and a guaranteed monthly bonus, while the company has offered 5.7%.

- Reports are on page 2 of today's *Business Day* and page 8 of today's *The New Age*

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### **Chaos on Johannesburg roads as truckers' strike continues**

Thursday, 27 September 2012 12:20

Three people were injured in protests by striking truck drivers in Ekurhuleni this morning, metro police said. Reports were that on the R21 to Pretoria, one light delivery vehicle was burned, and truckers stoned two trucks. Inspector Kobeli Mokheseng said the R21 north to Pretoria, opposite OR Tambo International Airport, was closed. "The R24 is affected going east and, if you are on the R21 going towards Pretoria, it is affected up to Griffiths Road offramp," he indicated. "We are diverting traffic from East Rand Mall heading to Pretoria and... directing it on to the Griffiths Road offramp." Traffic on the R24 was also being redirected from Barbara Road.

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*(Which left only the problem of selling the deal to the thousands of striking workers, a problem overcome by perhaps the most unlikely alliance of all: a tacit agreement between all involved to allow the workers to believe that a minimum gross entry wage of R12 500 would be implemented within two years. Is that dishonest? "I'd rather call it sleight of hand," said one participant. "Sometimes you have to think of the greater good.")*

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### **Marikana: How the wage war was won**

[21 Sep 2012 04:00 - Phillip De Wet](#)

Lonmin's striking workers accepted a compromise pay deal based on fear of the mine's closure and of a threatening police presence.

### **Special Focus**

## [Marikana: Platinum mines in chaos](#)

The odds were against it, but a series of improbable alliances between unlikely partners this week finally [produced a wage deal at Lonmin's Marikana mine](#). Here is what happened behind closed doors.

If you are looking for a hero in the fraught talks that resulted in Lonmin workers returning to their shafts this week, there are many to pick from: the worker delegates who convinced their comrades to step down from a demand they had vowed to die for, the company that accepted a deal it may not be able to afford, the mediators who kept the wheels turning, the clergy who broke through the deep mistrust of workers, the traditional leaders who wielded their authority, the unions that helped those who threatened their authority, the government that stepped aside instead of asserting its authority.

Some of those groups will even claim a piece of the glory for themselves.

- [Lonmin miners crack under pressure](#)
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But as with so much that has happened near Marikana over the past month, the truth is as complex as the situation was unique, as those who may try to recreate it in search of better pay will likely discover to their peril.

So unusual were the negotiations that even the Commission for Conciliation, Mediation and Arbitration (CCMA) – which does nothing but deal with disputes – was caught by surprise more than once. Such as when one of its mediators was threatened with forceable circumcision, or when the workers reduced their demand by 0.008%.

"We didn't know what we were walking into," said CCMA director Nerine Kahn, who was intimately involved in the process. "I like to say that it was like people who are invited to a party and some come in black tie and some come in rags. They come to a different party expecting different results."

Workers were demanding the now-famous R12 500 a month, but were unclear (and even disputed among themselves) whether that meant in net pay or total salary package before deductions.

### **Restarting production**

Lonmin, at least at first, focused solely on restarting production and was unwilling to make concessions until that happened. Although it initially agreed to speak on the record, the company did not make its negotiators available for this article.

Established, recognised unions were keen to keep the process within the bounds of labour laws and regulations and to ensure the safety of their members. And the Association of

Mineworkers and Construction Union (Amcu) was, according to several other participants, primarily interested in not taking responsibility for the violence that had preceded the talks. Then there was the elephant in the room: the social circumstances of the miners, especially those who choose not to live in company hostels so as to claim the extra cash in their pockets from a living-out allowance.

"When I came down from the mountain [at Marikana], I realised that this was a not a labour dispute. It was manifesting as a labour dispute, but it was all about frustration with living conditions, inequality, poverty," said Afzul Soobedaar, who acted as the CCMA's mediator for most of the negotiations.

"I wondered, how are we ever going to resolve this? At that point in time, it was clear in my mind that they wouldn't come down for anything less than R12 500 because the employee delegation wouldn't dare to go back there to propose anything less than R12 500."

His single trip up the mountain (as those involved often refer to the koppie near Marikana where striking workers routinely gathered) shook him profoundly, Soobedaar said, not only because of the accusations that he was a government stooge or the threats of violence. And his fears seemed justified when worker representatives finally agreed to lower their R12 500 demand – to R12 499. That, they said, was as low as they would go, because anything else would be an insult to the [spirits of those who had died](#), deadlocking the negotiations in irrationality.

Soobedaar argued that the blood spilt at Marikana demanded respect from the workers, but so too did the blood spilt in pursuit of democracy, so a lawful process had to be followed.

### **Different approach**

The South African Council of Churches (SACC), at various times player and referee in the talks, took a slightly different approach.

"We said to them they cannot hold on to the past, that those people were dead, but they had families and the living have families and must be mindful of their own needs," said SACC president Bishop Joe Seoka.

Those arguments seemed to fail, just as the arguments for disarming the striking group had failed.

"We said to them: 'It is normal for a man in a village to carry a stick, because of dogs or whatever, but if you are not fighting anyone it is not necessary to carry a spear or a machete'," said chief Phathekile Holomisa, the leader of the Congress of Traditional Leaders (Controlesa), who was also involved in the talks. "Emotions were too high for them to understand that."

In fact, no amount of agreement between the CCMA, the SACC and Controlesa on peace or process, or the need for achievable demands, or the real threat of Lonmin going under and all the workers losing their jobs seemed to succeed. Some participants blamed the inexperience of those representing the workers, others believed they were simply afraid of being killed by those they represented if they were seen to have failed. Things looked grim.

Then, improbably, those representing the workers who refused to be represented by unions turned to those very unions for help and the unions agreed. In a caucus that excluded Amcu, the established unions tried to explain how easily those involved in an unprotected strike could be dismissed, how badly Lonmin was faring, how a higher settlement would mean job losses and how salary structures worked. That, it seems, was the crucial breakthrough and one that came at a substantial cost for the unions, setting a precedent for workers to break ranks with their official representatives to seek extraordinary increases.

Some participants disagree, saying the breakthrough came thanks to an alliance between workers and the SACC, or because Lonmin and its employees found a common purpose in survival, or because the fear of being fired finally trumped the fear of those waiting on the koppie. What they do agree on, however, is that impossible negotiations suddenly turned into simple wage talks and a resolution was easily found.

Which left only the problem of selling the deal to the thousands of striking workers, a problem overcome by perhaps the most unlikely alliance of all: a tacit agreement between all involved to allow the workers to believe that a minimum gross entry wage of R12 500 would be implemented within two years.

Is that dishonest? "I'd rather call it sleight of hand," said one participant. "Sometimes you have to think of the greater good."

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### **Pay rise will not change much**

By Bongani Fuzile on September 25, 2012 in Uncategorized · 0 Comments

Nkaneng informal settlement, Marikana. Picture: SINO MAJANGAZA

LIFE for Lonmin's Marikana miners is not easy, with many forced to leave allocated mine hostels to save money so they can feed their families.

They instead build shacks near the mine shafts where workers say they save R1850 – an allowance paid out to most of those who do not live in the hostels.

Workers, many from the Eastern Cape, have built these shacks despite resistance from mine authorities. The small community they have created is called Nkaneng, a Sotho word which loosely translated means "by force".



Miner Andile Nose from Port St Johns said many of the workers from the Eastern Cape found it difficult to save money to send home to their families.

“We had to make plans to save that extra money to add to our salaries. It is not nice to stay in a leaking shack though you have a salary of over R4000, we are living in squalor.”

Tshepiso Mabandla, also from the Eastern Cape, has been living in the squatter camp for the past three years.

“We are living in squalor as if we are not working in a company that is making millions [of rands] and we do not even have electricity in these shacks,” he said, adding that some used electricity stolen from the mainlines.

Mabandla said many of the elderly men who still worked in the mines had also opted for shacks. They were unable to invite relatives from the Eastern Cape to join them due to the living conditions.

Lonmin mine’s Nick Roodman, when asked about the living conditions of workers, said they would respond to questions this week.

The Daily Dispatch drove around the filthy informal settlement during a recent visit to Marikana. Thousands of shacks have mushroomed around mine shafts.

Driving through the community, one has to dodge deep trenches dug between shacks which workers say were done to stop police driving through following violence which claimed the lives of 46 people.

Each street has two or more open dumpsites where children play and dogs and livestock wander.

The area’s ward councillor, Sivuyile Mpongwana, said there were more than 7000 mineworkers staying in the Nkaneng informal settlement.

“Some mineworkers are scattered in other similar informal settlements. They do not have a choice but to stay here because of these salaries,” said Mpongwana.

Residents of the informal community welcomed the Daily Dispatch into their homes, but would not allow pictures to be taken inside or of their weapons, which they carried during the protest.

“These are weapons that are carried when times are tough. When we force our way, we use these weapons. Unfortunately some of us had to die, but please don’t bother taking pictures of them, we are targets of the police,” said a man who only introduced himself as Tshwene.

For rock drill operators Andile Nose and Sithembele Sohadi, the new salary increase will make little difference to their lives.

“There will be just a little difference with the money that I am earning, compared with what I will be earning. One needs to be careful when using what he is going to get. Maybe that little difference can help in other families,” said Nose.

Sohadi said the R12 500 they were demanding was better. “The money we will get won’t change our situation.”

Both were being paid R9063, including a housing allowance of R1850. With the new salaries they will be getting R11 078 – an increase of R2015.

“The extra money we wanted was going to assist us in many ways,” said Sohadi. — [bonganif@dispatch.co.za](mailto:bonganif@dispatch.co.za)

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Strike was ‘fuelled by empty stomachs’

By Bongani Fuzile on September 25, 2012 in Uncategorized · 0 Comments

**HARSH CONDITIONS:** Sithembele Sohadi and his wife Nomathongo live in a shack in Marikana’s Nkaneng informal settlement with their five children. Sohadi, a rock drill operator at Lonmin mine brought his family from the Eastern Cape to live with him as he could not afford to send money home. Picture: SINO MAJANGAZA

**POVERTY** is what miners at Lonmin’s Marikana mine say led to the fatal strike which resulted in the death s of 46 people and shocked the nation.

Thousands of mineworkers – and job seekers – took to the streets last month to demand better salaries and better housing conditions as many of them live in squalid corrugated iron shacks.

Some miners said they often went to work on empty stomachs while others, many from the Eastern Cape, had been forced to survive on what they earned.

Many of these workers are breadwinners with large families to support.

Sithembele Sohadi from Mtwaku village in Flagstaff is married and a father of eight. He has family to support in the Eastern Cape and North West.

He works as a rock drill operator at Lonmin, and before the negotiated deal accepted by workers last week, Sohadi took home R4200. With this money, he supports 17 people.

"I am always left with R200 in my pocket each month. This is the life of a miner in Marikana.

"Back home [Eastern Cape] there is no work. We come here to work and coming from rural villages, we have large families to support. This money is just not enough to survive," he said.

Due to financial circumstances, Sohadi decided to move his wife and five of their eight children to the North West to care for them. Three children remain in the Eastern Cape – still under his care – as well as siblings and other relatives.

The Daily Dispatch spent time with the Sohadi family in their two-roomed shack last week. Inside the shacks of the miners, it is common to find a single bed, with one corner cupboard, a paraffin stove and a few pots.

The workers' work clothes are hung above their beds and some of the shacks are shared by two or three miners.

There is normally one toilet shared by 10 to 15 people.

Sohadi used to stay in a mine hostel but built a shack to save money.

"I had to stay out of hostel luxury. I couldn't afford that while my family starves in the Eastern Cape. I had to bring them here and we eat in one bowl. To be honest, the strike was influenced by empty stomachs more than anything."

He said for years there had been unhappiness about the salaries but they had never voiced it.

"But when we looked at this, with sky rocketing food prices, we decided that was enough. We are staying in shacks, trying to save money, but we cannot even see the money we were saving."

His unemployed wife, Nomathongo, said she appreciated everything her husband has done.

"He was brave to take us up here so that we can see the struggle they are going through. Some men would not do that. Life is tough here.

"We are staying in leaking shacks, still cooking outside, using firewood, it is hard. It is better though than staying in the Eastern Cape, now we are eating what he is eating," she said.

Nomathongo said she was concerned about their children's health in the shacks.

Sohadi said with the recent wage deal, his revised salary will be R11 078 – just over R2000 up from his previous earnings of R9063 before deductions.

After last week's wage agreement, things will change a little for Sohadi.

"I am expecting of getting at least R1000. Is that enough money? No." — [bonganif@dispatch.co.za](mailto:bonganif@dispatch.co.za)

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Those killed were 'tired of earning peanuts'

By Bongani Fuzile on September 25, 2012 in Uncategorized · 0 Comments

Theminkosi Mtsha, 49, from Lady Frere has been working at Lonmin for the past 27 years but says he's got nothing to show of his service within the company. He is still staying in a shack, lighting candles at night and at times uses firewood to cook. Picture: SINO MAJANGAZA

THEMBINKOSI Mtsha left for the mines in the 1980s and after almost three decades of employment, has little to show for it.

Mtsha, now 49, has been working for Lonmin in Marikana for 27 years. His salary goes towards supporting his family and parents.

The married father of five from Lady Frere in the Eastern Cape told the Daily Dispatch team he still uses candles for light and firewood to cook.

"Can you say this is the life of an employed person? A father of five, who has to clothe, feed and take them to school?" asked Mtsha.

"I am a husband who has to provide for his wife and I only give her R1500 a month. This is more like a social grant to her, but I do not have a choice, this is my life in a mine."

Mtsha currently earns R7750, and after deductions takes home R4350.

Out of this money, he pays his daughter's college fees and R1500 is to buy food and contribute towards a stokvel (savings club).

"Then I will be left with little less than R1000 for my shack. I cannot even afford buying myself new clothes."

The R7750 already includes R1850, which is the housing allowance for those who do not stay in the mine hostel.

“That is what we earn. Those who died here were also tired of these peanuts. They wanted to provide for their children, they wanted recognition back in their villages in the Eastern Cape, but unfortunately they fell while fighting for their money,” he said.

Mtsha actively took part in the six- week long strike that claimed 46 lives, with the latest victim dying last Wednesday.

“We thought that the employer will value and listen to us but they would not bother, instead [they] called the police who shot and killed our people.

“It is sad to lose so many lives from my province, a province that supports mines with labour.”

Mtsha went to Marikana when the then Transkei government had an understanding with mining companies to send migrant workers to the mines.

Many people from areas like Centane, Mqanduli, Ngqeleni, Lusikisiki, Bizana, Lady Frere, Flagstaff and others could be found in Marikana.

Mtsha estimates there are over 12 000 workers from the Eastern Cape.

He said he was concerned that the strike was not really over, adding that a lot still needed to happen.

“People have died, there are promises from the mine, miners want to do away with their union. This is just a start.”

Mtsha’s salary will increase by little over R1000 before deductions. He has opted to stay in a shack and will continue sending his wife R1500.

“There is nothing to celebrate here. This 22% is nothing. My increase will be less than R1000. I will still use these candles to light my home and use firewood to cook. The R12 500 money we wanted was going to go a long way.” — [bonganif@dispatch.co.za](mailto:bonganif@dispatch.co.za)

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**HARSH CONDITIONS:** Sithembele Sohadi and his wife Nomathongo live in a shack in Marikana's Nkaneng informal settlement with their five children . Sohadi, a rock drill operator at Lonmin mine brought his family from the Eastern Cape to live with him as he could not afford to send money home. Picture: SINO MAJANGAZA

Theminkosi Mtsha, 49, from Lady Frere has been working at Lonmin for the past 27 years but says he's got nothing to show of his service within the company. He is still staying in a shack, lighting candles at night and at times uses firewood to cook. Picture: SINO MAJANGAZA

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### **Marikana: Putting words to tragedy**

- Khadija Patel
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- 24 September 2012 13:10 (South Africa)
-

South Africans are still trying to come to terms with what exactly happened in Marikana. And if the poetry and music on Marikana that has emerged so far is anything to go by, we are deeply conflicted in our understanding of the tragedy, its causes and its potential effects. By KHADIJA PATEL.

The strike is over. The dead, most of them, have been buried. It's only the most recent victim of the strike at Lonmin's mines in Marikana that awaits interment at the Phokeng Mortuary in Rustenburg. Even as the headlines mull the cost to the economy, sifting rumour from fact and shifting focus to the next big strike and quantifying the potential for greater unrest, Marikana will not recede from the public consciousness very easily. Even as a sense of calm and normalcy returns to the town, where goats steal spinach from street vendors, poetry and music, cultural expressions of Marikana, not as a place, but as a pivotal movement in South African history have begun to emerge.

A poem by Professor Ari Sitas, sociologist, poet and dramatist; lines by an unnamed police officer that have been shared on the Internet and published by Jacaranda FM on its website; a spoken word poem or rap song called "[Blood Shed of the Innocent](#)" by a group called Soundz of the South, or SOS; all these have captured some of the threads of thought currently running through South African society.

Poet Rustum Kozain believes that Marikana will not only be a turning point in South African politics and labour relations, but also in the thrust of South African cultural

expression. “What happened was a tragedy, but I think there’s going to be a shift in South African culture,” Kozain says.

“I think we are going to see more and more overtly political culture and importantly, it will be more readily available as well. I know in poetry this has been going on since 1994. Poetry that we don’t see in the mainstream – they are published in little magazines, they are performed in [obscure places].”

Kozain agrees that poetry in South Africa has always maintained space for a radical critique of South African society. He adds, “There has been a kind of quietude in South African literature and culture in the past 15 years or so, but I think there’s been a kind of restlessness developing in South African literature.”

It is, of course, the ANC that is in the most influential position to shape South African arts and culture. As the ruling party, it is the ANC that has the power to determine the country’s educational and cultural policies. And of course, this is not unique to South Africa. In any country, the government influences art and literature by making laws and by subsidising schools, universities and the performing arts. And there certainly is an appreciation from government for poetry as a worthy cultural expression. The country’s poet laureate Keorapetse Kgositsile notably received R1 million in 2007, when his achievements were lauded by government. Former President Thabo Mbeki awarded the Silver Order of Ikhamanga posthumously to Ingrid Jonker, for her contribution to literature and human rights. So there certainly is an appreciation for poetry from government and it is manifest as well in recitations of poetry in official events.

Kozain referred us to an article in literary journal [“Mediations”](#) that argues that though poetry is appreciated by the powers that be and even encouraged through competitions on the national broadcaster, the tone of poetry in the public eye in recent years is apolitical.

“Generally speaking, nowadays a plethora of festivals and prizes has emerged aimed at rewarding the utterance of poets, and poetry is a presence on radio and television. The question one must ask of this is (as it always is) what kinds of utterances are rewarded. There is a discernible tendency by organs of the state and big business to turn to poetry in order to communicate marketing and political messages,” the writer, UCT professor Kelwyn Sole, says.

And on cue, “The system is killing us,” warns the concluding refrain in the [SOS song](#).

“We thought we should add value to the voices out there at the moment and add our voices in support of the miners demanding better working conditions, better living conditions and better pay,” explains Anele Africa, a member of SOS.

“In some ways [recording the song] was a learning experience for us, but it was also an opportunity to raise awareness of the lives lost in Marikana,” Africa says.



He describes SOS as a “political arts collective” that combines activism with artistic expression.

“For us, we think music, poetry and arts in general is an important medium to educate and organise but more importantly to advocate for change and justice,” he says.

“I am quite amazed by the song,” Kozain comments.

A persisting criticism of media coverage of Marikana has been a perception of the lack of the police perspective. Jacaranda FM Newscast Editor, Dianne Broodryk, shared a poem sent to her from a member of the South African Police Services, detailing police dissatisfaction with the prevailing narrative on Marikana.

“[A police officer] sent me a poem, to express some emotion from the blue side of the battle. I share it with you, as it gives a voice to the side that cannot speak on their own behalf. Another vantage point, to the dust of confusion that saw policemen become soldiers and mineworkers become warriors,” Broodryk [wrote](#).

### **Massacre they scream**

Murder they cry

They don't even look at the facts

They don't ask why

They see the men run

They see police fire!

But before this -

What all did transpire?

They show only minutes

Of what lasted a week

They point fingers and blame

don't think before they speak

They don't know what it's like

to stand in the line

To feel tension and risk

all of the time

They don't see our planning

Our attempts to bring peace

They just see dead bodies

and point blame at the police

They don't stop to think

to think of our lives.

We're just normal people

with family lives

They call them victims

and visit their beds.

They ignore our dead colleagues and just shake their heads.

Though the flag of our nation won't fly at half-mast, to his name they won't add a gold star.

The suspect that killed him will stand up in court, with counsel demanding his rights.

While a young widowed mother must work for her kids and spend many long, lonely nights.

Yes, somebody killed a policeman today...

maybe in your town or mine,

While we slept in comfort behind our locked doors

A cop put his life on the line.

So I just shrug my shoulders

and keep dressing in blue.

I'm doing my job protecting people like you.

Sometimes it is hard,  
the decisions we make -  
to protect life and property  
and all that's at stake

We have months' worth of training and more every day.

We learn tactics and planning

forget what THEY say

We serve with pride

and dignity to boot

and if they don't recognize this I don't give a hoot I know I serve proudly and think it all through all for the sake of protecting people like you.

And when the dust has all settled and the blame has been laid.

No flags fly half-masts for dead colleagues

I'll still be standing here that's just how I'm made

I stand tall and proud and take it each day

it's part of the job it's the policemen's way

I'm not black or white

I'm really just BLUE and proud of my job - protecting people like you

Kozain believes that the police perspective is particularly significant to our understanding of Marikana. "It is very, very interesting and very important that no matter how the police emerge from this incident, it is understood that the police [are part of] an institution – but that it [the institution] is also made up of individuals, of people who also have stressful work and who are low-paid," he says.

"They do have guns, of course, which we can't really equate with the striking miners, but it's very important...this individual voice, this poem by a police officer, it doesn't have the lyricism of the [SOS] song or the full literary flourishes of Ari Sitas' poem, but it's important to hear that voice just as well."

The Sitas poem evoked the memory of an Ethiopian shopkeeper in Marikana describing miners as people living underground, in limbo between life and death. Or, as Sitas puts it, "The strike is over, [t]he dead must return to work."

Sitas explains that the television footage of violence on August 16 moved him deeply. "The imagery haunted me," he said. "It shook my inners."

**A poem on the unending hurt of Marikana, by Ari Sitas.**

Marikana\*

The digital images fold as the TV screen tires  
 The cops, rifles in cabinet, past their third beer are edging towards bed  
 The night is quiet as the smelter has been closed,  
 the only music is of the wind on razor wire  
 the ears are too shut to hear the ancestral thuds on goatskin  
 humanity has somehow died in Marikana  
 who said what to whom remains a detailed trifle  
 the fury of the day has to congeal, the blood has to congeal  
 I reverse the footage bringing the miners back to life  
 in vain, the footage surges back and the first bullet  
 reappears and the next and the next and the next  
 and I reverse the footage in vain, again and again in vain  
 The image of the man in the green shroud endures  
 Who wove the blanket and what was his name?  
 There are no subtitles under the clump of bodies, no names  
 stapled on their unformed skull  
 A mist of ignorance also endures, a winter fog  
 woven into the fabric of the kill  
 The loom endures too, the weaver is asleep  
 The land of the high winds will receive the man naked  
 The earth will eat the stitch back to a thread  
 What will remain is the image and I in vain  
 Reversing him back to life to lead the hill to song  
 In vain, the footage surges back  
 another Mpondo, another Nquza Hill, another Wonder Hill  
 the shooting quietens: another anthill  
 My love, did I not gift you a necklace with a wondrous bird  
 pure royal platinum to mark our bond?- was it not the work of the  
 most reckless angel of craft and ingenuity? Was it not pretty?  
 Didn't the bird have an enticing beak of orange with green tint?  
 Throw it away quickly, tonight it will turn nasty and gouge  
 a shaft into your slender neck  
 And it will hurt because our metals are the hardest- gold, pig iron, manganese  
 yes, platinum  
 Humanity has somehow died in Marikana

What is that uMzimu staring back at us tonight?  
 Darken the mirrors  
 Switch off the moon  
 Asphalt the lakes  
 At dawn, the driveway to the Master's mansion  
 Is aflame with flower, so radiant from the superphosphates  
 of bone  
 of surplus oxygen and cash,  
 such flames, such a raw sun  
 such mourning by the shacks that squat in sulphur's bracken  
 and I wait for the storm, the torrent, the lava of restitution  
 the avenger spirits that blunt the helicopter blades in vain  
 these also endure: the game and trout fishing of their elective chores  
 the auctions of diamond, art and share  
 the prized stallions of their dreams  
 their supple fingers fingering oriental skins and their silver crystals  
 counting the scalps of politicians in their vault  
 The meerkat paces through the scent of blood  
 I want it to pace through the scent of blood,  
 she is the mascot, the living totem  
 of the mine's deep rock,  
 the one who guards the clans from the night's devil  
 she is there as the restless ghosts of ancestors  
 by the rock-face  
 feeding her sinew and pap  
 goading her on:  
 the women who have loved the dead alive  
 the homesteads that have earned their sweat and glands  
 impassive nature that has heard their songs  
 the miners of our daily wealth that still defy  
 the harsh landscape of new furies  
 the meerkat endures-  
 torn certainties of class endure  
 the weaver also endures: there-  
 green blankets of our shrouded dreams  
 humanity has died in Marikana  
 The strike is over  
 The dead must return  
 to work.

*\*(after a tough two weeks and seeing Pitika Ntuli's miner sculpture with the green corrugated iron blanket)*

Kozain remarks, "For me, as someone who has great faith in literature addressing the greater question of life, politics, religion and whatever else, it's important to see the development of artistic expression about Marikana develop. But it is unfortunate that a tragedy like Marikana should have to spark something like this." **DM**

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### **The Marikana Massacre: What Would Steve Biko have Said and Done?**

THE MARIKANA MASSACRE  
WHAT WOULD STEVE BIKO HAVE SAID AND DONE?

- Aubrey Mokoape, St. Philip's Anglican Church, Fingo Village, Grahamstown, 19 September 2012

Comrade Programme Director, comrades from the Black Consciousness Party, various formations of the BCM, comrades from the Unemployed People's Movement and other Social Movements, comrades from the Clergy and the entire religious community, comrades from community organizations and civic bodies, comrades from the academia and the entire academic community, citizens of Grahamstown and compatriots from near and far, all fellow fighters in the fight for a truly human egalitarian society I greet you all in the name of our great beloved leader, brother, revolutionary Steve Bantu Biko and that of our fallen victims of the Marikana Massacre. I greet you in the name of Steve Biko the visionary, the intellectual, the revolutionary socialist, the activist, the anti-racist. I greet you in the name of the Socialist Azanian Republic for which Steve Biko died.

LONG LIVE THE SPIRIT OF STEVEN BANTU BIKO LONG LIVE!!!! LONG LIVE THE MARIKANA MINERS AND ALL THE EXPLOITED WORKERS OF OUR LAND.

We meet here today as we do every year at the shrine of Steve Biko to commemorate him, to remember his inspirational leadership, his martyrdom on our behalf and draw solace and inspiration. This is always a day of mixed emotions. On one hand it evokes immense sadness when we contemplate our loss, especially now when our country is drafting rudderless in a sea of violence, avarice and ignorance. We are also deeply pained by the painful barbarity of his murder and we cannot and must not forget on the other hand, that this is a day of hope and optimism. That such a young man could have such hope and courage to shoulder the aspirations of a forlorn nation gives us hope. As he said "IT IS BETTER TO DIE FOR AN IDEA THAT WILL LIVE THAN LIVE FOR AN IDEA THAT WILL DIE."

It is in that spirit that we come here: to imbibe, to nourish, to refresh and to recommit to that idea so that indeed it will be immortalised. The idea in his words, of "TOTAL LIBERATION". Mark, total liberation, not merely the removal of apartheid. But if for a moment we had been lulled into slumber or beguiled into complacency by the sweet sounding words like new South Africa and miracle constitution or Rainbow Nation, it is just as well to be jolted back into reality by the guns of Marikana.

The Marikana Massacre is the most egregious illustration of what happens when the interests of the state clash with the interests of the people. The state took the side of Lonmin and the new black induna class and callously mowed down poor black workers who were merely asking for a living wage. But for the colour of the indunas, it is the same state that murdered black people at Sharpeville, Langa, Bisho and countless other places. It

is a black government today that dispatched police to mercilessly massacre black workers who voted it into power. It sounds ridiculously ironic but maybe it isn't.

That's why we ask what would Steve Biko have said and done about the guns of Marikana? But before we ask Steve the question let's find out who he was. A lot of things have been said and written about Biko, some right and others wrong. I had the privilege to live with him and to fight politically and ultimately collaborated with him in the evolution of the Black Consciousness philosophy. When he joined me in 1966 at medical school I was already in second year and older than him and was already a political veteran having been sentenced to three years for my involvement at Sharpeville in 1960. Steve was not awed by all of this and engaged me politically from the onset.

Steve was a consummate revolutionary. For a start he was a very easy and casual man, at ease with everyone. Even as he carved his place in history there was nothing messianic in his demeanour. He had an abiding love for people and this is what inspired him. He was a socialist but he expressed his socialist beliefs in simple everyman's language. He was a humanist, a scientist and a philosopher. He was an activist who always listened and sought to persuade. Underlying all these many qualities was a steely determination and a sense of mission. He was a natural leader around whom people congregated easily. I personally found no difficulty in deferring to him although I was theoretically his senior.

The last time I saw him was during his testimony in our case in Pretoria. I tried very hard to persuade him to go into exile but he flatly refused. He said he could not abandon our people alone in their hour of need. Earlier he had already committed class suicide when he spurned the prospect of becoming a medical doctor and instead chose the struggle. In his own words "LEADERSHIP AND SECURITY ARE BASICALLY INCOMPATIBLE, A STRUGGLE WITHOUT CASUALTIES IS NO STRUGGLE". The question before us is: what would Steve have said and done about the Marikana Massacre?

I believe the first thing he would say would be shocking and blood curdling as the Marikana massacre is, it has been predictable. If we had paid careful heed towards what's been happening around us and media reports we would have seen a series of mini Marikanas happening all over the country. There have been dry runs for over ten years now with protests occurring with increased frequency and intensity and police pitted against the people with a variety of weapons. The most dramatic prelude to Marikana was the brutal murder of Andries Tatane by the police which was played out in front of all of us. If we had paid enough heed we would have noticed that the 1994 settlement had left the colonial racist capitalist socio-economic structure intact. The masses of black people were left without their land, their labour and their liberty. They were left poor, ignorant and powerless labouring on white men's farms and mines. Steve would have told us that extending the vote to black people without restoring the land and transforming the socio-economic landscape in favour of the black majority was tantamount to legitimising apartheid.

I think he would paraphrase Aime Cesaire thus:

"When I turn on my TV and see landless poor blacks toiling in the white men's mines and farms, I know apartheid is not dead.

When I turn on my TV and see little black children walking miles on end, crossing rivers to go to mud schools, I know apartheid is not dead.

When I see poor desperate black miners being callously mowed down with heavy machine guns for simply asking for a living wage, I know apartheid is not dead.

Apartheid is alive and well in the union buildings, in parliament, in homes, in school and everywhere.”

The only difference is that it is now being overseen by a black government and a black induna class instead of Afrikaners.

Apartheid is alive and well because the 1994 so called democracy was a monumental sell out. The people’s revolution was hijacked by imperialism and local capitalist conspiring with our current black government. The vast black masses were beguiled with an avalanche of propaganda about a miracle constitution, a rainbow nation and some such new speak. Of course the masses were given the vote to vote for an absentee government which spends its time on golf courses and banqueting halls. They were given freedom of movement with nowhere to go but to squatter camps. They were given the right to education but denied books. They were given the right to form trade unions but no employment. They were given freedom of speech but no-one to talk to. Marikana was actually woven into the fabric of the new South Africa. It was always coming.

What we are seeing is an escalation of state violence against the black masses. Since the government has chosen the side of the bosses who have money against the people the question is: when and where will the next Marikana occur?

It is quite clear that this government has run out of ideas. Key sectors of social delivery like education, health, justice, welfare are in crisis. Morale among the professional classes like teachers, nurses, doctors and police is at an all time low. The working classes and the unemployed have reached the end of their tether. They are seen everyday manning barricades and throwing stones in every township and village.

On the other hand the language from the government and its allies is ominous and chilling. It is reminiscent of the language of Jimmy Kruger and P W Botha. We now regularly hear of inciters, third force, law and order and phrases like “we shall not tolerate”. This is the language of a government that is losing legitimacy and barring its teeth.

Any government that fails to deliver on its mandate to its people and is focused on self-enrichment will face increasing levels of popular resistance such as at Marikana. History has shown that such a government increasingly resorts to repression.

I believe that Steve would have urged the Black Consciousness Party and all formations of the BCM to mobilise all progressive people, the black working class, peasants, students and women to overthrow the capitalist system that is strangulating our people and replace it with a just non-exploitative socialist society. He would have reminded us of the crucial role of the BCM in the 1960’s when the struggle of the people was facing extinction. He would have told us that this is again the time for the BCM to step up and resume its historic role. In tribute to Steve Biko and the miners who fell at Marikana we commit to these goals.



In conclusion we support the miners at Marikana and elsewhere in their quest for a living wage. We also extend our sincere condolences to their families. We condemn the government for siding with the capitalists against the people and for using high handed repressive methods instead of negotiating peacefully.

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NUM – be humble, apologise

By Phathekile Holomisa on September 24, 2012

ALL South Africans should be united in the wish that the deaths of 46 people in Marikana had not occurred. They did die, however, and the reasons will be revealed by the inquiry conducted by the Farlam Commission.

Clearly, all of these role-players and beneficiaries of the mining sector were, to varying degrees, responsible for the Marikana tragedy. Complacency on the part of Lonmin and the National Union of Mineworkers (NUM), as well as lack of communication between themselves and the striking workers contributed.

Political and traditional leaders who do not concern themselves with the socio-economic conditions of the voters and their people, wherever they may be, must also share the blame. Equally, a police force which believes in the use of deadly force against civilians who pose no imminent danger, even if armed with bush-knives, pangas and sticks, needs to examine its suitability for a democratic state.

As traditional leaders of the mine workers, the Congress of Traditional Leaders of South Africa decided to acquaint itself with the “developments” at Marikana.

We found Lonmin was taken by surprise by the strike action, particularly its vehemence. They had never had occasion to speak directly to the workers, but had always relied on the Num to convey their grievances to them.

Even when they saw the workers holding unauthorised meetings on the soccer field, the first thing they thought of doing was to call on the police to disperse them. When this did not happen they sought a court interdict.

This was apparently what caused the workers to leave the company premises and gather on Rock Hill. There, 34 met their death at the hands of the police.

The first time Lonmin met and spoke to representatives of the striking workers was some days after the killings, at a meeting arranged by the South African Council of Churches (SACC) under the leadership of Bishop Joe Seoka.

That was when Lonmin learnt for the first time what the grievances were about.

NUM has a recognition agreement with the company on account of it enjoying the support of a requisite number of members whose subscription fees are deducted from the workers' salaries by the company.

From what the workers' representatives said, and also from the songs sung by the workers, the union no longer enjoyed their confidence.

They saw the union as, in their words, “sleeping in a single bed with the company”.

Apparently, in accordance with the law, the union and company had reached an agreement in terms of which wage increases would be effected in a particular manner, by October,

and over a certain period thereafter. These increases would amount to a wage arrangement far below what the workers were striking for.

The union was, naturally, bound by the agreement. It was, therefore, not in a position to negotiate the R12500 basic wage demand on the workers' behalf.

On the other hand, the Association of Mineworkers and Construction Union (Amcu), while seemingly enjoying the support of the striking workers (the majority of whom were NUM members), was not in a position to engage the company on their behalf. It apparently did not have the requisite number of members to qualify it to conclude a recognition agreement with the company.

Attempts on its part to seek an audience with the company came to nought.

Another possible conduit for the transmission of the workers' grievances to the company could thus not be used.

Amcu met the company for the first time when the Contralesa delegation visited the company at its Marikana offices. From then on we insisted they all be present whenever talks over the dispute were to be held.

Government also, apparently for the same legalistic reason, had not met Amcu until we called the union to a briefing by the inter-ministerial task team led by Collins Chabane. The striking workers had no alternative but to elect their own committee of delegates to represent them at all meetings.

Thus it came to be that when the actual negotiations on the R12500 demand finally took off, the delegates, Num, Solidarity and the United Association of South Africa were all involved. The company had correctly insisted that all parties be present when it responded.

It will be recalled that all along and until Thursday September 13, nobody knew what the company's response was to the wage demand. The sensitivity on the company's part was understandable because, among other things, there was a wage agreement in force, the departure from which required that all the parties who were loyal to it had full insight and understanding.

As it turned out, the agreement was reached in the presence of all concerned, with the workers' delegates taking advantage of advice from all the unions and the bishop. Without the bishop and his SACC, the negotiations would not have been concluded in the manner they were. These individuals reminded us of the preachers of old who did not require bodyguards or security personnel before they could intercede on behalf of the down-trodden in the days of apartheid.

As Contralesa, the SACC and all South Africans who put justice and peace before every other consideration, we rejoice with the Marikana workers in their victory. We are aware of the concerns of those who fear this is setting a bad precedent for the wages regime in the mining industry. While we expected such concerns from business, we find it alarming and ironic that Cosatu and NUM are among those who condemn the outcome of the Lonmin strike.

Have they forgotten that the interests of the workers should come first, before the company and the union?

Surely, as democrats with a proven track record in the fight for workers' rights, they are not fearful or jealous of the possibility that Amcu might "steal" their members?

In a democracy, the comrades need to remember, there is the small matter of freedom of association, which applies to the work environment as well.

The advice we would like to give NUM is that its leadership must humble itself before the mine workers, apologise for the lapse in leadership, and commit to maintaining dynamic links between the leadership, shop stewards and the workers to ensure it obtains the necessary mandate from the workers before binding them to certain salary increases. The union members, as beneficiaries of the investment arms of Num, must see evidence of the dividends being used for their benefit.

Lastly, unpalatable as the idea may be to NUM, they should cultivate working relations with Amcu, just as they seem to be doing with Solidarity.

Lonmin has to be lauded for its decision to set up a fund for the education, up to tertiary level, of the children of the Marikana victims. The R12500 wage demand was, after all, intended to enable the workers to give their children the kind of education that would ensure they do not have to be mine workers like their parents and those before them.

Contralesa will discuss other matters with the Chamber of Mines. These relate to the investments in the mining operations, dividends earned, allowances, benefits, perquisites and salaries paid to the share-holders, directors, managers, artisans, engineers, shop stewards and workers involved. Also the residential circumstances of the workers cannot continue to be ones of squalor and deprivation.

The question of the development of the labour-exporting communities, as well as the communities in whose lands the mining operations occur, will be another subject of our discussions.

Traditional leaders of mineral-endowed communal lands should desist from being the exclusive beneficiaries of the royalties accruing from the mines.

These, like the land, do not belong to them alone – they belong to them and the communities jointly. In Africa, traditional leaders are merely the custodians, while the people are joint owners.

Prospectors must understand this truth and stop misleading and corrupting traditional leaders with motor vehicles, palaces and money.

Let us all learn from Marikana and build a nation imbued with ubuntu – the African Bill of Human Rights!

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**'We really need more money'**

SEP 25, 2012 | LINDILE SIFILE | [13 COMMENTS](#)

## **Making ends meet is a daily struggle for the striking workers at Gold Fields Mine in Carletonville on the West Rand as their salaries fall short of enabling them to do so.**

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**SQUALOR:** Workers at Gold Fields mine in Carletonville live in miserable conditions with little or no privacy. Photo: Elizabeth Sejake

**DORMITORIES:** Mineworkers are forced to share bathroom-sized hostel rooms.

PHOTO: LINDILE SIFILE

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About 15,000 mineworkers have been on strike over wages since early September, demanding an increase to R12,500.

On the other hand, the mine's CEO Nick Holland earns R36.6-million a year, including a performance based bonus, according to media reports.

"If management doesn't fix the situation and listen to the workers, we might end up with another Marikana situation on our hands," said miner Mkhululi Mngwangwa, who was washing laundry in a filthy communal bathroom during Sowetan's visit to the workers' hostel recently.

At Lonmin in Marikana, North West, 44 people including two policemen, two guards and mineworkers died in the violence that erupted after the workers had gone on strike, also demanding a pay hike to R12,500.

Mngwangwa said their strike was different to Marikana when it started.

"The main issue was that the salary scale was not the same," he said. "Each shaft was using its own scale, which was unfair."

He stays with a friend in a bathroom-sized room in Ekuthuleni Hostel. They sleep in a double bunk and have little space to store their belongings.

Three other miners live in the adjacent two rooms; and they all share the bathroom and lounge. The three communal showers don't have doors and the toilets are broken.

Ekuthuleni is a hostel for single men with a small marketplace at the entrance with stalls for loose cigarettes, fruits and chips.

The prices at the main supermarket where miners buy most of their groceries are inflated. A 10kg bag of maize meal and flour is sold for R60, R10 more than its normal price, while a 2-litre bottle of Coca-Cola, which normally costs R13, is R19 at the supermarket.

Besides the prices, other facilities like banks and, in some instances, clinics are only available 10km away in Carletonville.

Mngwangwa's R8,000 take-home salary is not enough to cater for his expenses as he has to send money home to Lusikisiki, Eastern Cape.

His monthly expenses include R3,000 for his two children at the University of KwaZulu-Natal, R2,500 for his wife and another R600 for school transport for his other two children. He spends R1,000 on groceries, leaving him with less than R1,000 to spend on his other needs.

Elias Nkuna, 51, of Letsatsing village, has been working at Gold Fields as a plumber since 1985. He earns R4,000. He has four children and his wife is unemployed.

"I have to pay R20 for a taxi to drive me to town if I need a clinic, bank or post office.

"We are not getting proper services here and people seem to think we are exaggerating when we demand R12,000," Nkuna said.

- [sifilel@sowetan.co.za](mailto:sifilel@sowetan.co.za)

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## Marikana: The Politics Of Law And Order In Post-Apartheid South Africa

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By [Suren Pillay](#)

Source: [Aljazeera.com](#)

Tuesday, September 25, 2012

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With their *pangas* and machetes mixed with ethnic regalia, the striking mine workers at Marikana have become spectacularised. It is a stark reminder that the mine worker, a modern subject of capitalism, in these parts of the world is also the product of a colonial encounter.

Many of us are trying to make sense of the massacre at Marikana through the obvious dire economic conditions, wage rates and inequality that these workers face. We must however also try to make sense of it through the lineages of law, order and the new configurations of politics emerging in post-apartheid South Africa.

The violence of modern South Africa, whether in its political or criminal forms and the way it is being responded to, reveals the effects of a post-apartheid state increasingly relying on law, order and administration, and less on the guiding anti-colonial and democratic idealism of its founding political and moral vision.

A few years ago, when I was doing research on criminal violence at the Human Sciences Research Council of South Africa, we decided to visit Bogota in Colombia to learn more about the innovative policies that two successive mayors introduced there, which seemed to have effective and dramatic results in lowering crime rates.

During the trip, we also visited Sao Paulo and Rio in Brazil. In Bogota, we met the former mayor, Antanas Mockus, and learnt about an approach which emphasised less force and punishment.

In the Brazilian favelas, we witnessed the opposite - the militarisation of war on gangs which themselves act like military organisations.

What we heard and saw in Bogota encouraged us to think differently about criminality and violence. Mayor Mockus, a former university president and philosophy professor, had argued that in countries of the South, like Colombia, the most effective and sustainable transformation required to reduce violence, would be to produce a self-regulating citizen who chose to act in a particular way not out of fear, but out of shame, or more precisely, social shaming.

Where Rio was relying on militarised policing, Bogota was hiring creative artists and drama students from local universities as key members of its crime fighting operations. What seemed like slightly eccentric and unrealistic ideas, turned out to be just the opposite, as reflected in declining levels of aggression and homicide during the periods in which these policies were allowed to come to maturity.

### **Zero tolerance policing**

We decided to invite the former mayor of Bogota, Antanas Mockus, to visit South Africa and facilitated meetings between him and policymakers working on crime. In meetings in Cape Town and Johannesburg, his ideas were met with much enthusiasm and interest. But habits are difficult to change.

It is therefore with alarm that one can track an increasing reliance on the punitive aspects of the law in order to alter practices deemed inappropriate to civic and communal life in post-apartheid South Africa.

In the city of Cape Town where I live, where the Democratic Alliance is in power, the administration is drawing more and more on the discredited policy of zero tolerance policing which emerges from the United States. It is an approach widely associated with the criminalisation of racial minorities like African-Americans and Latinos, who make up the bulk of the offenders in US jails.

Rather than criminalise a minority, when that kind of thinking is transferred to South Africa, we end up criminalising the majority. Mostly alarmingly, the Premier of the Western Cape renewed a call last heeded under the State of Emergency of the 1980s, for military troops to be sent into townships, this time to deal with gangsterism.

We have to be concerned with the proliferation of punitive actions to transform social behaviour. Should these be the guiding ethos of a new form of citizenship we want to cultivate? Up to now, there has been great cynicism about the lack of capacity to implement the growing plethora of regulatory laws and administer them efficiently, which tended to ensure that their bark could never really become their bite, beyond certain geographical spaces in the city. Then came Marikana.

Whilst law is celebrated as the highest form of civilisation in some circles, we should also recall that the history of law is entwined with colonial conquest and rule, and complicates the legitimacy of certain legal traditions in most of the formerly colonised world.

Law was not only an expression of the codification of order, but also the expression of the imposition of liberal conduct and of liberal paternalism. The rule of law and constitutionalism, scholar James Tully tell us, drawing on the Australian experience, is not a culturally neutral set of ideas, but is rather the hegemonic imposition of a set of norms which originate in colonial conquest and are imposed on subject populations in order to transform their behaviour to produce what we might call good modern subjects.

We should recall that the early justifications of colonial rule were based on doing good for the native by, for example outlawing "barbaric practices" in India and Africa in order to civilise them.

My point is not to celebrate these outlawed practices, but to point out that liberalism has historically relied on law to enact its paternalism on populations in order to transform their conduct into what is seen as the good subject and good citizen, who acts and thinks in a particular way. From the liberal vantage point, this is celebrated.

In our present context, this liberal paternalism now seems to be running rampant as the only way in which political authority can transform our conduct. This leads to the proliferation of rules, not the proliferation of debate and dialogue or of engagements designed to transform through alternative modes of self-regulation.

### **Post-apartheid state**

If political authority only relies on the wagging finger, it quickly comes to rely too much on the wagging stick. When those populations upon whom rules are imposed start to find its paternalism offensive, authority slides into authoritarianism.

Liberal colonial occupation and the massacre have never been far apart in history. When subject populations resist the liberal gift they are supposed to express gratitude for, the response has been to reveal the ultimate authority that gives law its power: violence.

In the constitutional order of post-apartheid South Africa, the grassroots mass has been transformed from being seen as a source of activism to being seen as a population to be transformed, as a target. The developmental state views the population through the lens of administration. It brings to bear experts who devise techniques and technical solutions. The post-apartheid state is producing the largest archive of policy documents drawn up by local and foreign consultants. We are in a cycle of plans and new plans. But as many will admit in the state, implementation of these plans is another story.

Majoritarian rule has been interpreted by the state to mean rule *on behalf of* the majority not rule of the majority. Given the legacy of apartheid, most black South Africans - the majority which votes - are the same majority living in poverty and the target population of developmental upliftment.

In other words, they are "the problem" to be solved, not the majority to be represented.

What we are witnessing is a growing divide between majoritarianism and the popular.

Understanding the majority as "the problem" has brought out the liberal paternalism of the state and the wagging finger. It is therefore losing control over the popular.

The battle over the popular is now an open site of contention, where rival unions, expelled youth league leaders and new political leaders on the ground battle for hegemony with the traditional ruling party figures of the tripartite alliance - the African National Congress, the South African Communist Party and the Congress of South African Trade Unions.

When these populations start asserting themselves as they are doing now, they quickly shift from being considered targets of development to targets of repression. They are easily labelled and named: as impatient and ungrateful, automatons of external interference, "third forces", counter-revolutionaries or political opportunists.

Everything but citizens asserting legitimate political expression, simply because these are expressed in increasingly illiberal forms and repressed more often now with illiberal methods. Marikana is its most acute expression, and will henceforth be the symbolic name we give to event which revealed the disjuncture between law, politics and people in post-apartheid South Africa.

The German political theorist, Hannah Arendt, was of the view that a turn to violence signalled the end of politics. For Arendt, politics is a process of agonistic engagement with

contending ideas, and the moment one resorted to violence to do the work of politics, politics has vacated the building.

A reliance on violence and the punitive aspects of law, as the only way in which we transform social conduct, signals a failure of the imagination and of political thinking. Are our political leaders, who can rightly claim to be the proud inheritors a radical tradition and of a liberal tradition, really be so bereft of their sensibilities to govern that they are resorting to violence to do the work of politics?

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Unemployment, inequality to blame for unrest at mines – Stiglitz

September 25 2012 at 08:00am

Comment on this story

INLSA

19/04/2012 Professor Joseph Stiglitz during the second annual economic development conference held at Boksburg Ekurhuleni. (954) Photo: Leon Nicholas Nompumelelo Magwaza

South Africa's high unemployment rate and the continued increase in inequality have led to tension in the mining industry, according to American Nobel prize winner for economics Joseph Stiglitz.

Stiglitz was addressing a group of international journalists in New York last week at a global economy discussion organised by chemical company Lanxess. He remarked that South Africa's inability to meet its economic growth and employment commitments were the main cause of the recent social unrest.

Stiglitz said although South Africa had committed itself to growth and job creation, the inequality gap was growing.

Stiglitz, however, believed South Africa had achieved a lot during the first few years of the democratic government, saying the country showed some stability and was able to build confidence and even attract more international investors.

"One of the objectives after apartheid was to generate growth and create employment, but the country achieved stability and did not achieve most of its economic objectives." The social tension and battle over resources was understandable, Stiglitz said.

"This symbolises the demand for resources in that country, which are owned to a large extent by foreigners. So it is understandable when people ask who owns these resources, who owns the gold and the platinum, and the answer is: it is the South African people," he said.



Stiglitz said it required technology that was available internationally to mine and process the resources.

“You need answers about the technology because you cannot do it alone and this is part of the frustration. It is natural for people to say these are their resources and that they want to enjoy the benefits of these resources. But in order to use these resources and develop them one has to have the right technology.”

He said the government had made it clear that it supported foreign direct investment and that more recently the country had focused on creating jobs and developing infrastructure.

He was optimistic that the country would overcome these difficulties. “The mining companies should understand that they would have to share a certain proportion of their proceeds with the... people and workers in those mines.”

Lanxess, which has a chrome mining operation in North West, said although the group could not speak on behalf of other foreign investors, it continued to pay attention to the recent events. The company specialises in rubber chemical products used to manufacture tyres, and other chemical compounds used for plastics.

Lanxess, which operates three other plants in KwaZulu-Natal, said North West remained an important market for its business.

The company believed that it had addressed some of the social issues at its chrome mine, which employs 357 people.

“This has had a positive impact on the socio-economic situation of these individuals... the workers have also benefited from a wellness programme,” Lanxess said.

Nompumelelo Magwaza’s trip to the US was sponsored by Lanxess.

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### **South Africa: Zuma hits back as mining unrest spreads(analysis)**

Africa Confidential / Tuesday, 25 September 2012

A rousing welcome at a national trades union conference and a belated wage deal at the Marikana platinum mines are the first signs that President Jacob Zuma is fighting back.  
AFRICA NEWS UPDATE (ANU)

Africa News Update offers news, background and feature articles from African sources two times a week. The newsletter is free of charge and is edited by the Norwegian Council for Africa. Some of the articles may be shortened.

He has been under fire over his handling of the crisis at Lonmin’s platinum mine at Marikana, North-West Province, where police shot 34 striking miners dead on 16 August (AC Vol 53 No 17, The Marikana massacre). The worst state violence since the end of apartheid looked as if it might cost Zuma his chances of re-election as President of the governing African National Congress (ANC) at its December conference.

For weeks, Zuma had seemed to be missing in action. After visiting Marikana after the killings, with heavy security, to speak mainly to the mine executives, Zuma sent his ministers to push unsuccessfully for a 'peace accord'. The strikers wanted their wage demands met first. Then on 19 September, Lonmin announced that the strike had been settled by offering mineworkers wage rises of 11-22% and one-off payments of 2,000 rand (US\$244). However, the deal seriously damaged the credibility of Lonmin's management and the mainstream trades unions.

Old alliances have been upturned as some politicians ran for cover and others tried to exploit the Marikana tragedy: the dispute had lasted five weeks and cost 45 lives. Zuma has made common cause with the Congress of South African Trade Unions (Cosatu) whose biggest affiliate, the National Union of Mineworkers had lost credibility at Marikana. Mineworkers at Marikana had rejected the NUM as their representative in wage negotiations with management.

So smaller rival unions, such as the Association of Mineworkers and Construction Union (AMCU) and the Committee for a Workers' International, stepped into the dispute on behalf of the dissident workers. This quickly turned into a three-sided and violent confrontation between AMCU, the NUM and Lonmin, with the police protecting the company's property. In the first round of clashes, both NUM officials and police were killed, as well as striking mineworkers. NUM officials told our correspondent that some of the dissidents had consulted sangomas (traditional healers) for supernatural protection.

AMCU and its radical allies say that Lonmin's capitulation to most of their demands proves that the mainstream unions, such as the NUM and other Cosatu affiliates, can no longer credibly represent workers' interests. In a bizarre political twist, NUM officials blame Lonmin for its weakness in the face of the workers' militancy. South Africa has about 80% of the world's platinum reserves and the strikes spread across the platinum belt and seem to have encouraged strikes in some gold mines, too.

After ministers spent several weeks minimising the economic damage of the Marikana shootings, Finance Minister Pravin Gordhan admitted that the unrest could undermine growth and investment. In recent years, South Africa has benefited from substantial portfolio investment and from its role as an investment platform for other countries in the region.

One of President Zuma's most determined foes, the expelled President of the ANC Youth League Julius Malema, has stepped up calls for nationalisation of the mines, proposing a radical alternative federation of unions to challenged the hegemony of Cosatu. His latest demand is for strikers to make the mines 'ungovernable'.

NUM General Secretary Frans Baleni says Malema's group is responsible for the more than 800 people who have been trying to persuade workers at Xstrata, Murray and Roberts, and Samancor to down tools. Malema aims to link the mining protests to existing community campaigns about services, corruption and mismanagement.

Against this, Zuma's team has been lobbying the 20 main unions affiliated to Cosatu, with some success, judging by the warm reception given to his keynote address at the opening of Cosatu's National Conference in Midrand on 17-20 September (see next Feature, Disunited unions). Sceptics point out that Cosatu President Sdumo Dlamini is a close ally of Zuma's.

Given that its members make up about half of the ANC's 1.2 million members, Cosatu is a key power base for aspiring party leaders. Despite the union leaders' conditional backing for Zuma this week – some had demanded that he make more radical policy commitments – there is criticism of his record everywhere. Only the state-run South African Broadcasting Corporation has refrained from pinning the blame for Marikana on Zuma. Even his ex-wife, the veteran politician Nkosazana Dlamini-Zuma, took a swipe at him at her farewell as Home Affairs Minister, en route to Addis Ababa to take over the chair of the African Union Commission from Gabon's Jean Ping (AC Vol 52 No 15, Dlamini-Zuma takes charge).

The two main candidates challenging Zuma for the ANC presidency, the national Deputy President Kgalema Motlanthe and Housing Minister Tokyo Sexwale, want to merge their campaigns in the lead up to the party congress at Mangaung on 16-20 December. Along with ANC Treasurer Mathews Phosa, they decline to defend Zuma's performance. When NUM officials asked Motlanthe (a former Cosatu official) to intervene in the Marikana crisis, he replied that although he sympathised, they should 'seek help' from Zuma.

Sexwale's presidential campaign – known as 'anyone but Zuma' (ABZ) – is looking for allies. Sexwale is willing to run as deputy to Motlanthe in a contest for the ANC presidency, on condition that he would take over as President after one term. Sexwale's supporters worry, though, that Motlanthe might be unwilling to fight all the way against Zuma – unless he thinks victory is assured. Both challengers will watch the nomination process keenly. On 1 October, the rival ANC factions are due to announce their slates of candidates for the top six posts in the party: president, deputy president, secretary general, deputy secretary general, chairperson and treasurer general.

Publicly, Motlanthe says the system of rival slates for the top six posts is divisive. Many think he lacks the stomach for a bare-knuckle fight with Zuma for the party presidency. By November, when most of the nine provinces will have submitted their preferences for the coming elections, there will be little doubt about the favourite. Should Motlanthe withdraw at that stage, Sexwale's supporters assure us that he is determined to challenge Zuma with his own band of ABZ activists.

The pre-conference negotiations could prove critical. Sexwale and Motlanthe's campaigns are trying to woo to their cause ANC Secretary General Gwede Mantashe, who is still allied to Zuma. Mantashe is extremely popular in Eastern Cape Province, where the anti-Zuma campaigners scored a narrow victory in party elections in August.

Getting Mantashe on side by offering to keep him as Secretary General under a Motlanthe-Sexwale presidency would extend their base in the Eastern Cape and counterbalance the dominance of Zuma's neighbouring KwaZulu-Natal (KZN) (which has the most ANC

members, with Eastern Cape next). Motlanthe's original slate had Sports Minister Fikile Mbalula for Secretary General: Mbalula's likely to get that if Mantashe turns them down.

The other problem for the anti-Zuma people is Malema. Although Sexwale defended him in his ANC hearing this year, the two have never been close. More recently, Malema pronounced himself opposed to Sexwale standing even as Deputy on the same ticket as Motlanthe: he would prefer Mathews Phosa as Motlanthe's running mate. Malema wants a new party president to reverse his expulsion from the party in return for his support against Zuma. Some in the anti-Zuma camp are wary of being drawn into a messy deal. They believe that there is so much opposition to Zuma that they can win the leadership without Malema.

In August, the anti-Zuma group won the leadership of the ANC's Eastern Cape district of Oliver Reginald Tambo; provincial officials had disallowed the first election for 'voting irregularities' but the same anti-Zuma team won the rerun in late August (AC Vol 53 No 17, Battle of the unions).

The Motlanthe-Sexwale group relies on the Eastern Cape and Gauteng (where it also has majority support) as its main bases. Now it is trying to weaken Zuma's grip on KZN, by persuading provincial leaders to change position publicly. Bheki Cele, whom Zuma fired as National Police Commissioner, was Chairman of the ANC's large eThekweni region (Durban) in KZN for over a decade. He is unafraid to take on the Zuma militants and has emerged as key strategist for the Motlanthe-Sexwale campaign. We hear Zuma is concerned about Cele's activities and has asked for a meeting with the top six provincial leaders to determine their individual loyalties.

Zuma's allies are sounding out whether Motlanthe would abandon his presidential ambitions and accept reappointment as Deputy President. The idea is that, half-way through his second term, Zuma would offer Motlanthe the state presidency while remaining ANC President. The Motlanthe group seems unimpressed, not least because Zuma's team has made similar overtures to former ANC Secretary General Cyril Ramaphosa. As a Non-Executive Director of Lonmin, Ramaphosa has come under heavy attack since the Marikana massacre and now seems more enthusiastic about a deal with Zuma, if he can win assurances from the canny President: he announced on 20 September that he is ready to serve his country again. Yet again, the Zuma camp has dangled the prospects of the deputy presidency in front of Sexwale, hoping to split him off from Motlanthe.

Beyond the dealmaking, Malema is stepping up his campaign. Zuma wants the authorities to prosecute him for corruption in Limpopo Province. They are trying to encircle Malema by taking on his friends and business partners and choking off his flow of money. On 16 September, Zuma instructed the Hawks, the Special Investigating Unit of the SA Police Service, to investigate allegations against him of incitement to violence during the Marikana protests. The Unit is seeking videotape footage and has given the case to investigators who deal with 'crimes against the state'.

Malema's group wants to mobilise the retrenched workers of the Aurora mine, where presidential nephew Khulubuse Zuma has a stake. They also claim they can 'prove' that presidential son Duduzane Zuma is part of a labour-broking syndicate which has supplied workers to Lonmin's Marikana mine. As militancy grows among the workers and the ANC leadership elections draw near, the battle will get still rougher.

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Whose ANC is it anyway?  
MARK HEYWOOD

25 SEPTEMBER 2012 05:10 (SOUTH AFRICA)

The shenanigans tearing apart the venerated African National Congress are an affront to all South Africans who value our shared struggle through the beloved party. On this Heritage Day we should focus on the party we inherited, and do something to restore its former glory and moral authority.

South Africa has a beautiful, rich, diverse heritage. We have a complicated and complex history that in a thousand confrontations fused nationalities and ethnicities; we have great writers, from Tiyo Soga through Alan Paton to Es'kia Mphahlele and Njabulo Ndebele: our complicated and complex history that in a thousand confrontations fused nationalities and ethnicities; we have caves decorated with ancient and expressive rock paintings; and we have our mines, places of fear, fortitude and unfairly distributed fortune fortune.

We also have one of the world's most inspirational liberation movements, the African National Congress. We share its heroes, both known and unknown. The liberation struggle gave us names, historical days and an overarching dream. For most South Africans it became a moral fibre which we knit into our lives.

Consequently, even those outside the ANC feel deep pain in watching the splintering and shenanigans within the ANC. We feel apprehension at the selfish rampage of the few people who are defacing of our heritage. We experience unease as we recognise that much as many leaders of the ANC, painstakingly and at great personal cost, built our social cohesion from the 1960s, it only takes a handful of people today to bring about the opposite effect.

Something becomes a part of a heritage when time and history mark it with belonging. The ANC has both: it commenced life in 1912 as a liberation movement in a little church outside Mangaung. Through song, heroes and dreams it rallied millions and its flag was carried over the liberation line. The ANC belongs to all of us. Defacing the ANC is like defacing a rock painting.

But ironically, when it came of age in 1994 as an ordinary political party it embarked on a trajectory that has made it increasingly tawdry.

Heritage Day 2012 was thus a timely occasion to lay a claim to the ANC as part of our shared heritage and to try to protect that heritage from ransacking and spoliation.

How do we do this?

First, let us say that this is a tragedy because in material and spiritual ways the liberation of South Africa is far from complete.

We should all feel free to express an opinion on politics and for a start that means we need to stand up to the loud schoolyard bully boys who would turn the ANC into vehicle that is being driven primarily for the advancement of their own ideologies and interests; interests which obviously are not the same as the national interest.

For example, as we saw at the recent Congress held by the Congress of South African Trade Unions, one of the most vitriolic bullies is General Secretary Blade Nzimande. Nzimande appropriates our heritage for himself. Judged by his speeches, he regards it as his mission to constantly cajole, corral and marshal; to claim for himself and secondly his party an exclusive leadership role; to assert a monopoly of the right road to liberation. But instead of convincing South Africans by articulating a plausible vision for the much-needed social revolution, he finds neo-liberals under every bed, makes enemies of friends and leaves the nation's real enemies at liberty to ransack the present and the future.

Take for example his warning that the Alliance should beware of people campaigning for social justice in education or health, his misleading allegation that non-governmental organizations cherry-pick issues that they can use to damage "the revolution" and the "liberals under the bed" claim that many NGOs "are captured by particular class interests, not least those of their often (imperialist) donors". These serious allegations – baseless but presented as truths – were designed to keep the ordinary Cosatu member suspicious of all but the party.

But hold on comrades: this warning is hypocritical in the extreme when it is not disclosed who funds the Communist Party -- or the ANC, for that matter. If it turns out that the SACP is heavily funded by the Chinese government, or mine owner Patrice Motsepe, what should we make of that? NGOs and Cosatu should be commended for showing where their money comes from -- why can the SACP or the ANC not do the same? What are they hiding and why?

Nzimande tells organised workers that "it is imperative that we close ranks" so as to continue to advance "the revolution." But for millions and millions of people the revolution has stopped. To very many on the very large margins of society it looks like the rising tide of equality and security stopped just after it passed Nzimande Crescent.

And it is because the revolution has stopped that there we now see an unravelling of the social cohesion created around the dream of liberation that was advanced by the ANC.

This was perhaps inevitable because it was always a flimsy cohesion. It depended on the poorest of the poor unselfishly but temporarily putting aside their claims for a dignified life and trusting in the national promise. There was a hope that our heritage would make the future.

In nearly 20 years it has not done so. Grotesquely, many things have been allowed to get worse. It is therefore not surprising when “the people” once more stand up and demand to be part of the nation. It reflects a growing distrust that the compact is not going to be honoured – that the poor are not going to get their share of the pie. Strangely the dignity people demand is nothing more than an accumulation of little things: toilets, good schools, freedom from fear, electricity, a doctor or nurse who treats you and treats you with respect. Marikana was a cry for dignity because you cannot feel yourself to be part of a nation without it.

The Massacre of Marikana (for it was a massacre), will make August 16th as much a part of our heritage as Sharpeville, Soweto and Bisho. Sadly, there is a real danger of many more Marikanas. On a smaller scale they are already happening: according to the 2011/12 police crime statistics, there are three violent service protests every day, leading to more than 3000 arrests (or nine a day). We may not like the form of these protests, we may abhor their use of violence, but underneath them is a discontent that is rooted in intolerable living conditions, made psychologically unbearable by the rancid stench of inequality.

But the killings of Aug. 16 obscured something more profound, something that is also connected with our heritage and national psyche, for Marikana was also a revolt and an uprising.

Several weeks ago City Press carried a picture of 34-year-old Mgcineni “Mambush” Noki, more commonly known as ‘the man in the green blanket’. It is hard to look at this picture and not see the dignity, the outrage, an almost primal welling-up of emotion of the slave who now has no choice but to break his chains. For reasons we don’t know, Noki rose to a position of leadership in the strike. With facts that may still be established it may turn out that Noki was singled out and murdered by the SAPS Tactical Response Unit. We don’t yet know.

Yet, using apartheid-worn methods, people in our press and our politics are making Noki the problem, the enemy. Why has nobody asked about the life story of this man? Where was he in 1994 at the age of 16? What did he dream of on April 27? Where was he ten years ago? How did he live, laugh, make love and work? Many insights might be gained from finding answers to these questions. Understanding and celebrating Noki – adding him to our pantheon of heroes – may help us understand the mood of the nation.

So, with Heritage Day 2012 now behind us, it is time to resolve that tomorrow we will reclaim and take ownership of all the parts of our heritage, including the ANC. We should appeal to the overwhelming majority of honest members in the ANC – and the public service -- to make their voices heard, and promise them our support as a society. For at this point, there is no other party capable of re-establishing a common purpose and programme that is able to transform South Africa, and create a country that is inclusive, values all its citizens and brings dignity to our workplaces, schools, hospitals and communities. DM

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**Unlawful strike action at KDC WEST and BEATRIX**

Gold Fields Limited  
(Reg. No. 1968/004880/06)  
(Incorporated in the Republic of South Africa)  
("Gold Fields" or "the Company")  
JSE, NYSE, DIFX Share Code: GFI  
ISIN Code: ZAE000018123

**MEDIA RELEASE****UNLAWFUL STRIKE ACTION AT KDC WEST AND BEATRIX**

Johannesburg, 25 September 2012. Gold Fields Limited (Gold Fields) (JSE, NYSE, NASDAQ Dubai: GFI) regrets to confirm that, notwithstanding press reports to the contrary, the unlawful and unprotected strike at the West Section of the KDC Gold Mine (KDC West, formerly Driefontein) on the West Rand in South Africa continues. The strike started on 9 September 2012.

In addition the employees at the Beatrix Mine in the Free State have also commenced with an unlawful and unprotected strike. The strike started at the West Section of Beatrix (formerly Oryx Mine) on Friday, 21 September 2012, and spread to the rest of the mine on Monday, 24 September 2012.

The large majority of the 15,000 employees at KDC West and 9,000 employees at Beatrix are participating in the unlawful strikes and production has been halted at both operations.

The Company has received urgent interdicts for KDC West as well as Beatrix West, and is applying for an interdict for the remainder of the Beatrix mine. The Company is evaluating all options to deal with the unlawful strikes.

Enquiries

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Meet Evans Ramokga, a thorn in Amplats' side

- MANDY DE WAAL
- [SOUTH AFRICA](#)
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- 25 SEPTEMBER 2012 04:25 (SOUTH AFRICA)

Evans Ramokga is young, well-spoken, energetic and charismatic. He is leading what he calls a “mining revolution” at Amplats near Rustenburg. The workers there are protecting him, the police are looking for him, and he wants to set up a new trade union. South Africa would do well to remember his name. By MANDY DE WAAL.

“That miner is causing trouble,” said police Capt. Dennis Adriaio about Ramokga.

That was in response to Ramokga’s claims that an armoured police vehicle ran over and killed a miner outside of Sondela informal settlement last week. Adriaio says police aren’t aware of any deaths as a result of police action. The SAPS spokesman said he’d also personally phoned the local hospitals and morgues, but no death was reported.

Asked why he was unable to produce a name or what happened to the body, Ramokga said he had investigated the incident and alleged that the police had done away with the corpse. But Adriaio's assessment still fits -- though the trouble Ramokga is causing could have far wider implications.

Ramokga has even bigger plans. After helping to lead a wildcat strike that sent attendance levels plummeting to 20 percent, the young winch operator at Anglo American Platinum's Khuseleka Mine says he wants to create a new union.

"Right now we have been planning to build a new organisation; we have lost trust in the existing trade unions," he said. "Even (Amcu, the Association of Mineworkers and Construction Union) is a problem because we don't know where it originates and what its intent is. We want to start on a neutral point, and fresh start."

Amplats has threatened striking workers with legal action if they didn't return to work. Ramokga was brought to Johannesburg by civic organisations working to support workers affected by the ongoing mining crisis.

Ramokga is earnest, impassioned and rather eloquent.

"The madoda, they don't want me to go out where the police are. They are protecting me," he said. He says that the police have been phoning him and want to come in for questioning. Ramokga says he never really wanted to be a miner.

"My sister paid for me to study mining at college after matric, and then I had to find a job," he said. "We had no money or finances so I decided to go work for the mines hoping that they would develop me as time went on."

Ramokga is indeed getting 'developed' by the mines, but his growth is possibly not what Amplats management had in mind. He has been quoted by local and international media as saying that strikers would bring mining in Rustenburg to its knees.

"Since March, we have been presenting a memorandum of demands to the union which is NUM, but they never came with feedback to say that the management can afford this or not," he said. "They don't come back to us. On May 31 we went to the region and asked them if they can come and help us, because we told them the branch that controls us doesn't have any contact with us. Even the region didn't come back to us. So we as the mineworkers elected five people to take this memorandum to the mine management."

He says miners want new pay structures along with an increase.

"The thing with Anglo is that there are about 30 to 40 per cent of workers that are getting a higher salary than others. Our strike is not like the Marikana strike - we are not fighting for what's not there. We are fighting for what's there."

He says the powerful NUM has been no help -- even though workers are still paying for membership.

"They don't want anything to do with us. The workers are angry and say that even if the strike is over they don't want to be represented by NUM anymore," he said. "Now we know the motive. NUM has shares in mining companies. That is why they know each and every demand. Now we know, although we didn't know that at first. We always supported NUM. In our minds we thought that management disrespected our organisations, but now we know differently."

In August City Press reported that the National Union of Mineworkers (NUM) was ["doing good business" in the mining sector](#).

"The NUM's property company, Numprop, is linked through housing projects to at least two mining houses, Xstrata and Harmony Gold. This is despite the fact that the union explicitly

states it does not invest in the sectors in which it organises to prevent conflicts of interest,” the report read.

A fresh beginning, Ramokga, added would enable the workers to become more knowledgeable about politics and organising.

But will Ramokga and his co-workers be allowed by NUM, management and politicians with vested interests to create a new trade union? If the sentiment at the recent COSATU congress is anything to go by, the odds are heavily stacked against them. **DM**

NUM ‘doing good business’ in mining sector  
Loyiso Sidimba | Mon, 27 Aug 2012 09:21

[miningmx] -- The National Union of Mineworkers (NUM) is not afraid to do business with mining companies.

The NUM’s property company, Numprop, is linked through housing projects to at least two mining houses, Xstrata and Harmony Gold. This is despite the fact that the union explicitly states it does not invest in the sectors in which it organises to prevent conflicts of interest. The NUM has two companies through which its investments are held: Numprop and the Mineworkers’ Investment Company (MIC).

Both are owned by the NUM’s Mineworkers’ Investment Trust (MIT), in which its top officials are trustees. The trust was established in 1995 “to improve the quality of life for its members and former members, and their dependants through investment opportunities”. Numprop has a business relationship with Xstrata through the Tubatse Estate, a housing development in the Limpopo mining town of Burgersfort. Numprop is the joint developer of the estate with Commercial South African Properties.

The project is believed to be worth R750m. Housing units at the Tubatse Estate will cost between R600,000 and R1.5m. Although Xstrata denies any involvement in the development, the MIT’s annual report for 2011 states that a tender “was issued by Xstrata in which we [Numprop] were short-listed”.

Xstrata’s Christopher Tsatsawane said the company did not have any involvement in the - Tubatse Estate.

The NUM has been under fire in the wake of the Marikana massacre for its perceived close relationships with mining houses. This is seen as one of the reasons behind the growth of the Association of Mineworkers and Construction Union, NUM’s competitor on the platinum fields.

NUM general secretary Frans Baleni, who chairs the MIT, said that although the union prevented its entities from doing business in the mining industry, this did not preclude them from investing “upstream or downstream of the industry, where the NUM does not organise”.

“To prevent the inclusion of its various commercial entities from any association with mining would in effect bar these entities from undertaking any transactions, given how closely interlinked mining is with all sectors in the South African economy,” he told City Press.

On the MIT’s links with mine owners, Baleni said the trust cannot dictate the investment mandate of its partners. He reiterated that mining reaches all sectors of the economy.

“If we do not want any association with partners who invest in mining companies, then we would be very limited in terms of whom we co-invest with,” Baleni reiterated.

He said the reason for Numprops' involvement in housing developments in mining towns was to improve the lives of members. The MIT had no reason to bar Numprop from doing business in the mining industry, as this was its way of facilitating access to housing for mine workers, Baleni said.

Another Numprop partnership "in the pipeline" is with Harmony Gold to convert mine hostels into family units.

Numprop also intends to redevelop mining towns and has teamed up for this with Mzansi - Investment Holdings. The union says Numprop doesn't make any profit, owing to poor funding.

The NUM revealed at its congress that it was investigating the possibility of the MIC taking over Numprop. Numprop also wants to turn a farm close to Humansdorp, Eastern Cape, into a new RDP housing development.

The company provides the NUM with office accommodation and owns 10 properties valued at R74m.

The union's head office in downtown Johannesburg is also owned by Numprop. Two weeks ago, Numprop kicked out the correctional services department after it failed to pay about R1m in rent. Parole officers had to work in the streets after being evicted.

The MIC wants its investment portfolio to have a net asset value of R3bn by next year and is targeting healthcare, renewable energy, property, retail and the telecommunications sector for future investments.

The MIC also has business relationships with several firms with mining interests.

Remgro, the MIC's fellow shareholder in FirstRand, owns about 5% of Implala Platinum.

WDB Investment Holdings, the MIC's empowerment partner in FirstRand and Masana Petroleum Solutions, has interests in Kalahari Resources and Anglo Inyosi Coal.

The NUM collected about R209m in fees from its 310,820 members in 2011.

- City Press

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(There will be a press conference on site in Nkaneng... call #s below if interested.)

----- Original Message -----

**Subject:** Women's March In Marikana - BANNED

**Date:** Fri, 21 Sep 2012 18:23:31 +0200

**From:** Marikana Solidarity Campaign <marikanasolidarity@gmail.com>\

Dear Comrades,

The women's march, which was due to happen tomorrow in Marikana has been banned, we have had interventions from our legal team but the police and municipality insisted that we should not continue with the march. The women of Marikana were also concerned about safety due to the marched being banned by the police.

We are however, looking at moving the march to Sat 29th September.

I will keep you updated with the progress of the new proposed date for the march.

It is now more critical that we all show our support for next protest.

Regards  
Nhlanhla Ndaba

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***PRESS RELEASE: FOR IMMEDIATE RELEASE***

**WOMEN MARCH FOR JUSTICE FOR MARIKANA**

**Issued by: Women's Forum of Nkaneng in Wonderkop, Marikana**

21 September 2012

Women of Marikana will march from Nkaneng, an informal settlement in Marikana, to the Marikana Police Station on Saturday, 22nd September, to submit a memorandum of their demands to the police. They will be joined by women supporters from Gauteng, Limpopo, and other parts of North West Province. Marikana, a mining town in North West Province that is home to Longman Plc, the third largest platinum mining corporation in the world, has been the epicentre of recent calls for a living wage by mine workers. A six-week strike that ended on Tuesday, 18 September, left at least 45 dead, including 34 miners who were gunned down by the police on 16 August.

The women's march calls for an end to police brutality in Marikana and the withdrawal of the additional police and the army, which have been deployed in the area, as well as for a full investigation into police violence and other unlawful activities by the police and armed forces in the past month. Since the beginning of the strike and the police crackdown, women and children in Marikana have been subjected to daily harassment and intimidation, late-night police raids in which doors have been beaten down, and men beaten and arrested, and denied freedom of movement and association.

*"It wasn't enough that they killed our sons, our husbands, our brothers, who were only asking for a living wage. Now they beat our doors down. The police drag us out of our shacks. What have we done? We want these police out. Our children are traumatised. When they see police they run...."* said Primrose Sonti at a women's meeting in Nkaneng, Marikana, September 15<sup>th</sup>.

On Friday, 14<sup>th</sup> September, as negotiations continued between the strikers and the mining corporation, the South African president announced a toughening stance on the protracted dispute and scores of Nyalas, backed up by the army, entered Marikana to "restore peace." At 5 a.m. on 15 September, the police raided Nkaneng with no provocation and, a few hours later, they shot rubber bullets into four women outside a local shop.

*"We were just standing by the shop on our way to the community office. We saw the Nyala [armoured patrol vehicle] coming and we thought they will not shoot women. But one policeman opened the door and started shooting. We were not armed. We were not even singing. We were just standing in the street. People scattered. There were children around. They started shooting randomly at people and their shacks. Next thing I saw there was blood flowing down my leg,"* said Paulina Masutlho, who was shot in the leg and abdomen, on Saturday, 15 September, from the Job Shimankana Tabane provincial Hospital in Rustenburg, where she was in good spirits and looking forward to being discharged.

Paulina died on 19 September, following surgery; she was supposed to have been released on that day. Her family and other activists have called for an autopsy to determine the cause of her death. The women of Marikana are further galvanised by their outrage and anger at the death of their sister and comrade, a death which they directly attribute to the police shooting.

*"We want Zuma to know that we are angry. Instead of sending us help, he sends us police and soldiers to kill us. We are angry and we will never forget this. If he did not send these police, Paulina would still be alive. We will never forget,"* said Melita Ramusedi, a woman injured with Paulina on September 15<sup>th</sup>.

In addition to the violence and violations they have faced in recent weeks at the hands of the police, the women of Marikana also want to draw attention to longstanding and on-going violations of their fundamental rights, in particular, to the lack of decent housing, adequate water and electricity, schools, medical facilities, sanitation, roads and other basic infrastructure in their communities.

The March will start at the Wonderkop ext. 2 offices at 11 a.m. on Saturday, 22 September and end at the Marikana Police Station. Delegations from community groups and movements from Soweto, Alexander, Katlehong, Vaal, Orange Farm, Johannesburg, Pretoria, and Rustenburg will join the women, as will representatives from the Marikana Support Campaign in the Western Cape, and mining affected communities such as Mokopane from Limpopo Province. Women will wear black to show unity, sorrow, outrage, and mourning that democracy is dying.

**Police and army out of Marikana now!**

**Women demand Justice for Marikana!**

FOR FURTHER INFORMATION:

**In Marikana:** Nomzekelo Sonti 083 968 8316

Thumeka Magwangqana 084 710 8111

**In Johannesburg:** Siphon Mthathi 071 635 8668/ Samantha Hargreaves 083 384 0088

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## **Mouthpiece for strikers dies**

September 21 2012 at 09:00am

By POLOKO TAU

poloko.tau@inl.co.za

NOTHING would have made ANC councillor Pauline Masuhlo happier than the end of Lonmin strike.

The socially aware councillor died in hospital just a day after thousands of Lonmin workers accepted their employer's 22-percent salary offer.

Her family now wants Masuhlo's death to be thoroughly investigated because they believe she could have died as a result of a rubber bullet lodged for three days in her leg, close to the knee.

Masuhlo was allegedly shot by police last weekend while they were disarming and dispersing striking miners every time they attempted to gather.

The dead woman's son, Kopo, said although his mother had sympathised with the strikers, she had not been a part of them when "police drove around in Nyalas, shooting anything that was moving" in Nkaneng informal settlement last weekend.

Kopo, 26, who is employed by a company contracted to Lonmin, said his mother had left home with other women going to their office in Nkaneng, where she normally consulted with the community.

"I was also in the area when I received a call informing me that my mother had been shot. I found her lying on the ground, bleeding [from] her knee," Kopo said.

"My mother has [been worried about my safety during the strike] and [she] was the one who decided I should stop going to work."

During the strike, Masuhlo had been seen among a group of women who went to the rocky outcrop close to the informal settlement, singing and carrying placards in support of the miners. She was there for the families of the dead men killed by the police and acted as a link between the families and officials.

During a memorial service of the miners killed in the Marikana massacre, Masuhlo was the most visible woman. She turned heads as she walked around, wearing a full miner's underground kit, including white overalls, gumboots, a hard hat and goggles.

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## **Police face community's wrath**

August 19 2012 at 03:19pm

By Asha Speckman.

[Comment on this story](#)

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Paulina Masuhlo, centre, and other angry women on Friday afternoon after police shot and killed 34 protesting miners near the Wonderkop informal settlement in Marikane near Rustenburg on Thursday. The women demand that the police leave the area, accusing them of brutality and saying that they opened fire first. National Police Commissioner Riah Phiyega claims that the police had no option but to open fire on the protesters to defend themselves from the crowd. Photo: Leon Nicholas.

A lone police helicopter circles overhead the Wonderkop informal settlement, drowning the chants and song of a mass of stick-wielding women on Friday. It is later joined by two others, blades churning the air above.

The women have taken over the protest in the scorching North West Province sun and are demanding the withdrawal of police from the dusty area next to the Lonmin Karee mine.

About 500 metres away from them a large group of men stand tense and motionless, their gaze fixed towards Wonderkop hill where only a day before police mowed down their colleagues and friends.

All of 34 people had died in an incident compared with the infamous Sharpeville massacre by apartheid authorities.

Today, the police have cordoned off the hill, a protruding mass of rock reminiscent of Australia's Ayre Rock, with barbed wire and barricaded the area.

The men who had gathered in the morning and watched police throughout the day dispersed at mid afternoon to reportedly gather elsewhere.

The women chanted "Silwela amalungelo ethu (We are fighting for our rights)".

Paulina Masuhlo is leading the women. Her 26-year-old son Kopo, a shaft sinker at Lonmin's Karee mine, is missing. She last saw him at 7am on Thursday when he left to join the miners meeting at Wonderkop. She has been unable to trace him at the hospital and she is cannot ascertain if he has been arrested or not.



"I arrived last night at about 7 when people were being loaded on to ambulances. I understand the police started firing at people. All they [the miners] did was to raise their concerns. Our people are not being employed. We are staying in a squatter camp which Lonmin erected when they closed the hostels and put up family units. Government is not helping," Masuhlo said.

At the Lonmin mine hospital scores of relatives wait outside the gate and are ferried in and out in groups of 20 to check if their loved ones are at the hospital.

Patrick Tulumane, a miner in his 50s, was part of the group who met for the union meeting at Wonderkop.

He claims police fired first.

By Friday, the death toll had climbed to 34 according to Riah Phiyega, the national police commissioner.

Phiyega said 78 people were injured and more than 250 people were arrested.

"Police had no option but to open fire," Phiyega said. "This is a dark moment for the country. This is no time for pointing fingers."

The communities claim that the police were brutal.

On Monday this reporter witnessed police officers removing handcuffs from a dead miner who was shot in the arm and perished at Donkerhoek, an informal settlement on Lonmin land, where the first fatalities took place.

He clearly was defenceless at the time. His knobkerrie and cracked cellphone lay close by.

Colonel Levi Mere, of the Gauteng SAPS, told Business Report on Friday that the police had to defend themselves on Thursday.

"They [the miners] were carrying guns in blankets. You could only see the barrel. They shot at very close range. Which language can we use? We've got the legal responsibility to serve and protect. Some people see police brutality but they don't see police being shot," Mere said.

President Jacob Zuma cut short his trip to Mozambique, where he was attending a regional heads-of-state summit, and will travel to Marikana today, his office said in a statement.

About 3 000 rock drill operators went on an illegal strike on August 10 demanding that Lonmin increase basic wages from R4 000 to R12 500.

The strike escalated into violence that has claimed the lives of factional union members including mine security guards.

Eight vehicles were also torched at Lonmin.

A Zimbabwean woman whose husband is a rock drill blaster spoke on condition of anonymity.

Luckily for her, her husband returned alive from the Wonderkop shooting.

She said R4 000 was a pittance. For their two-roomed shack in the Wonderkop informal settlement the family of four pays R600. Groceries amount to R1 500. They send R1 000 to Zimbabwe to a third son and the family looking after him. The family spends R400 on transportation for the five-year-old son to get to the creche on the mine compound. Creche fees are R200. The 14-year-old son in grade 7 needs R300 for his school fees.

She sells clothes to earn an additional income.

“The children are not going to school because of the violence. Our husbands are not going to work. We are suffering. We don’t know how this strike will end up.” – Additional reporting by Bloomberg

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### **Marikana probe to begin next month**

September 21 2012 at 01:34pm

By SAPA

Comment on this story

Reuters

File photo of striking mineworkers marching outside Lonmin's Marikana mine in the North West province as they await the arrival of freed colleagues.

A judicial inquiry into the shooting at Lonmin's Marikana mine would begin on October 1 and be completed within four months, Justice Minister Jeff Radebe said on Friday.

Public hearings on the matter would be held in the Rustenburg Civic Centre in North West, he told reporters in Pretoria.

“President Jacob Zuma has given very tight time-frames for this commission, namely of finalising its investigation within four months from the date of commencement of its work.”

Justice director general Nonkululeko Sindane said the start-up cost for the commission amounted to about R24 million.

Zuma announced the three-member judicial commission of inquiry last month to probe the mine violence in which 44 people had died in Marikana in North West. Two more people have died since then.

The commission will be chaired by retired Judge Ian Farlam.

It would consider, among other things, whether Lonmin responded appropriately to the threat of an outbreak of violence on its premises.

“These tragic incidents dominated our media space and also made news headlines internationally,” said Radebe.

He said Zuma deemed it important that the commission investigate the incidents, which were of public, national, and international interest, and make appropriate findings and recommendations.

“The return of the striking miners to work on Thursday is an important milestone in our collective endeavour to restore peace and harmony in the beleaguered community.”

The commission has been mandated to determine the roles played by Lonmin, the police, the Association of Mineworkers and Construction Union (Amcu), and the National Union of Mineworkers (NUM).

Also, the commission will determine the role played by the department of mineral resources or any other government department or agency, and the conduct of individuals and groupings in promoting a situation of conflict and confrontation which could have given rise to the shootings.

Radebe said Zuma would soon promulgate regulations which would confer powers on the commission to enable it to execute its task.

“The regulations are in its final stages. They are expected to be signed by the president today and released on Monday.”

The regulations would also empower the commission to gather evidence by conferring on it powers such as being allowed to enter and search premises, secure the attendance of witnesses and compel the production of documents.

Farlam has designated a counsel as evidence leaders who would evaluate and present evidence before the commission.

The counsel consisted of advocates Mbuyiseli Madlanga, Mathew Chaskalson, Geoff Budlender, Johannes Nxusana, and Charles Wessley.

Radebe said researchers should start with their investigative work this coming week.

“The commissioners have commenced with their work and have had a few meetings, including the meeting with 1/8involved 3/8 parties.”

The families of the Lonmin victims had been urged to attend the hearings.

Regarding the budget for the commission, Radebe said all the different needs had been costed, and his department was liaising with the National Treasury to request the funds required for the work of the commission.

“Pending an allocation by the National Treasury, the department has earmarked funds from our baseline allocation for the start-up operations.”

Radebe said the commission had an additional task of bringing hope and comfort to the bereaved and other affected families.

“We will not shirk our responsibility in providing the best enabling environment for the commission to best fulfil its mandate,” he said.

“We owe the unfortunate victims of these tragic incident no less.” -Sapa

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### **Unions, mining bosses discuss wild strikes**

Friday 21 September 2012 18:27

SABC

About 5 000 workers have downed tools at AngloGold Ashanti's Kopanong Mine. (SABC)

Unions and mining bosses are locked in an emergency meeting at the Chamber of Mines. They are trying to find ways to mitigate the prevailing wildcat strikes in the mining sector. About 5 000 workers have downed tools at AngloGold Ashanti's Kopanong mine. It is the second gold producer after Goldfields to be hit by strike action.

First it was the platinum mines, now gold mines are in the firing line. The workers at Anglo Gold Ashanti are also demanding R2 500 a month. There are now fears that coal mines could be next.

National Union of Mineworkers general secretary, Frans Baleni says: “We are getting some signals of some grumblings in some of the collieries, especially the sub-contractors of the

collieries and that is why in this meeting we have both gold and coal as part of the chamber of mines to deal with these issues.”

Finding solutions is difficult. Baleni adds: “There are issues which are beyond our control like in the Driefontein Goldfields Mine where workers are saying they don't want to pay tax because tax is too high. Those issues are beyond our control but, where we think we can find solutions we are throwing ideas to the employers.”

Unions and employers are concerned about the future of collective bargaining.

Workers are showing total disregard for existing wage agreements reached by the mining houses and the unions.

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### **Marikana commission could cost R74m**

2012-09-21 12:51

Sabelo Ndlangisa, City Press

Johannesburg - The estimated costs of the Marikana commission is expected to be between R68 and R74m, the justice department said.

The justice department's director general, Nonkululeko Sindane, said the estimated costs of starting the commission and paying salaries were R24m, with additional costs expected to be between R44m and R50m.

The Farlam Commission was appointed following the deaths of more than 44 people after the bloody strike at the Lonmin platinum mine in Rustenburg.

President Jacob Zuma was expected to sign regulations that will govern the work of the commission.

The signing was set to take place on Friday and the commission, which is chaired by retired Supreme Court of Appeals judge Ian Farlam, is scheduled to start its work in Rustenburg, North West, at the beginning of next month.

Briefing the media in Pretoria on Friday, Justice Minister Jeff Radebe said the regulations would give powers to the commission to carry out its work.

“These regulations will enable the commission to conduct its work and investigation in a meaningful and proper way,” he said.

“These regulations will also empower the commission to gather evidence by conferring on it such powers as are necessary, including the power to enter and search premises, secure the attendance of witnesses and compel the production of documents.”

Radebe said the terms of reference for the commission had been gazetted in English, isiXhosa and seSotho to promote “greater access and understanding of the task of the commission”.

He downplayed concerns that the deployment of the army in Marikana would not be conducive to the operation of the commission, which will work from the Rustenburg Civic Centre.

He also announced the names of the evidence leaders Farlam has appointed. They are:

- »Advocate Mbuyiseli Madlala, SC;
- »Advocate Matthew Chaskalson, SC;
- »Advocate Geoff Budlender, SC;
- »Advocate Johannes Nxusana; and
- »Advocate Charles Wesley

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Uncertainty over Amplats permit

Sep 21 2012 18:19 Sapa

Rustenburg - Uncertainty surfaced on Friday on whether striking Anglo American Platinum (Amplats) workers had permission to hold a public meeting at a stadium near Rustenburg.

Worker leader Tebogo Lebeke said the Rustenburg municipality had given the nod for the strikers to meet at Bleskop stadium, but the mine disputed this.

Amplats spokeswoman Mpumi Sithole said: "Bleskop Stadium is private and belongs to Anglo Platinum [JSE:AMS]... the municipality would not have given approval for a property that does not belong to them."

Lebeke said the permission was obtained on Thursday afternoon.

"The permit allows us to hold a meeting. We are going to assemble at the Bleskop Stadium to update workers."

The workers would get together on Monday to discuss strategy ahead of another round of wage talks with the mine management the next day.

Lebeke said a rally at Bleskop stadium on Wednesday would be used to report to workers on the state of negotiations.

Sithole said the company had put up notices at the stadium that anyone wanting to use the venue needed to apply to Amplats.

"No one applied."

Amplats' workers went on strike last Tuesday demanding a salary increase of R17 000, but were prepared to accept R12 500.

The situation was tense at Sondela, near Amplats' Jabula Shaft, in Rustenburg on Friday.

Roads remained barricaded with stones, and residents burnt down any remaining hawkers' stalls. Most of the stalls were burnt down on Thursday, when residents also blocked the road linking the informal settlement to the mine, and other internal roads with rocks and burning tyres.

Workers said this was to prevent the police from gaining entry to the informal settlement.

They accused the police of shooting randomly when they dispersed mineworkers gathering illegally at the nearby sports field.

Amplats said on Thursday that the strike was illegal and it had given its workers notice that they were required to return to work that day.

"All the company's Rustenburg Process Operations and the Bathopele mine have resumed full production," Sithole said.

"The company continues to be disappointed with the low turnout rate at four of its Rustenburg mines, which are currently reporting less than 20% attendance."

Sithole said a higher police visibility and action had created an environment conducive for workers to return.

"As already stated, our employees have until night-shift today (Thursday), to return to work, failing which legal avenues will be pursued," she said.

She said Amplats' Rustenburg mining operations were already under considerable economic pressure and the illegal strike was making operations even less viable.

Captain Dennis Adriaio said police would maintain a high visibility and presence to monitor the wildcat strike situation in the platinum belt.

A strike started at Lonmin's Marikana mine on August 10, and has since spread to other mines.

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Anglo American Plat Ltd - Anglo American Platinum Update

Release Date: 21/09/2012 16:38:00 Code(s): AMS

Anglo American Platinum update

ANGLO AMERICAN PLATINUM LIMITED

Incorporated in the Republic of South Africa

Registration number 1946/022452/06

Share code: AMS

ISIN: ZAE000013181

Anglo American Platinum update

Anglo American Platinum Limited (“Anglo American Platinum” or “the company”) is providing an update in respect of its Rustenburg operations following resumption of those operations on Tuesday 18 September 2012.

As announced on Wednesday 19 September, the current industrial action is illegal and Anglo American Platinum has given notice to its employees that they are required to return to work. The company continues to be disappointed with the low turnout rate at its Rustenburg mines which are currently reporting less than 20% attendance. The company continues to urge employees to return to work and requires that they do so by no later than the night shift



on Monday 24 September failing which legal avenues will be pursued.

The increase in police visibility and action has created an environment conducive for our employees to return to work and isolated incidents of intimidation and violence are being dealt with.

Anglo American Platinum's Rustenburg mining operations are already under considerable economic pressure.

We continue to monitor the situation closely and will provide further information once attendance rates are available on 25 September.

For further information, please contact:

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Notes to editors:

Anglo American Platinum Limited is a member of the Anglo American plc Group and is the world's leading primary producer of platinum

group metals. The company is listed on the Johannesburg Securities Exchange (JSE). Its mining, smelting and refining operations are based in South Africa. Elsewhere in the world, the Group owns Unki Platinum Mine in Zimbabwe and is actively exploring in Brazil.

Anglo American Platinum has a number of joint ventures with several historically disadvantaged South African consortia as part of its commitment to the transformation of the mining industry.

Anglo American Platinum is committed to the highest standards of safety and continues to make meaningful and sustainable difference in the development of the communities around its operations.

[www.angloamericanplatinum.com](http://www.angloamericanplatinum.com)

Anglo American is one of the world's largest mining companies, is headquartered in the UK and listed on the London and Johannesburg stock exchanges. Anglo American's portfolio of mining businesses spans bulk commodities – iron ore and manganese, metallurgical coal and thermal coal; base metals – copper and nickel; and precious metals and minerals – in which it is a global leader in both platinum and diamonds. Anglo American is committed to the highest standards of safety and responsibility across all its businesses and geographies and to making a sustainable difference in the development of the communities around its operations. The company's mining operations, extensive pipeline of growth projects and exploration activities span Southern Africa, South America,

Australia, North America, Asia and Europe. [www.angloamerican.com](http://www.angloamerican.com)

Johannesburg

21 September 2012

Sponsor

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NUM, workers sign MOU: Gold Fields

September 21 2012 at 07:37pm

By SAPA

Comment on this story

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INLSA

Mine workers sing at Gold Fields KDC mine in Westonaria. Picture: Bongwiwe Mchunu.

Related Stories

- We will not negotiate salary - Gold Fields
- 
- Thousands gather at Gold Fields
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- NUM to meet with Gold Fields worker reps
- 
- Lonmin deal stirs more mine strife
- 

Johannesburg - The leadership of the National Union of Mine Workers (NUM) signed a memorandum of understanding with striking workers at KDC East mine, Gold Fields said on Friday evening.

Spokesman Billy Jacobs said the memorandum meant that the strike was at an end and workers would resume their duties on Tuesday.

NUM president Senzeni Zokwana said: "It does not necessarily mean that the strike is over, it is just an understanding".

On Friday afternoon, a NUM team met the representatives of the striking workers, but some of the workers did not agree to the conditions.

Zokwana said that some of the workers might have been inebriated because the meeting was held so late, and so another meeting was scheduled for Saturday morning.

At this meeting the team would engage with workers to try to persuade them to accept the terms of the memorandum.

As such, it would be clearer on Saturday whether there was any progress toward ending the strike.

Earlier, another Gold Fields' spokesman Sven Lunsche said the company would continue to support the engagements between the NUM and workers.

The company could decide as early as next week what action could be taken if workers did not return to work.

Workers at Gold Fields have been on a wildcat strike for 11 days, in demand of a monthly salary of R12 500 after deductions. - Sapa

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Work resumes at Eskom's Medupi site after labour protests cause two-week stoppage

FRIDAY, 21 SEPTEMBER 2012 07:41

The construction of Eskom's Medupi power plant was back to full speed yesterday, after protests at the site led to a cessation of all work. "Yesterday there were already more than 15,000 workers on site, so everything is back to normal", said an Eskom spokeswoman. The utility is looking to make up time for the nearly two-week delay. Two weeks ago some 80

Murray & Roberts contract workers damaged some vehicles and equipment during a protest over the impending non-renewal of their contracts.

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Bring on the sanctions - Bishop Paul Verryn on Marikana and poverty

- Mandy de Waal
- 
- 21 September 2012 02:36 (South Africa)
- 

If the enormous losses suffered at Marikana – and the ongoing struggles of this country’s poorest people – are not recognised, then the Marikana massacre is going to look like a Sunday school picnic. So says bishop Paul Verryn, who is calling for international sanctions as well as a national day of mourning to spur South Africa’s more privileged into action. By MANDY DE WAAL.

Marikana is a symbol for the whole of South Africa, a country embroiled in a class war where violence against the poor continues to be validated. This is the view of human rights activist and Central Methodist Church bishop, Paul Verryn, who believes that if peaceful solutions can’t be forged for a reasonably small-scale “revolt” like Marikana, South Africa might be headed for a much larger revolution.

“I am sorry to say this, but what happened at Marikana is going to look like a Sunday school picnic,” Verryn has warned, saying that if government is no longer willing to consider the needs of the poor, offshore activists should consider calling for sanctions.

“If there is not going to be a preparedness to listen to the poor in this country, then ultimately those abroad should consider sanctions. It is the only thing that seems to shift the minds of people high up. That helped transitions to take place in the nineties, and if sanctions have to come back, then so be it,” he explained.

Speaking at the launch of a campaign to call for wider civic involvement in the Marikana plight where 46 people have now lost their lives, and which is in now in a de facto state of emergency, Verryn said the real struggle in South Africa was over class. “It has been like this for decades,” he said. “What we’re witnessing really is a class war.”

“Government urgently needs to investigate the discrepancy between the poor and the elites. I think this should be part of the Department of Justice’s portfolio. Poverty is challenging the very survival of this country, and if we don’t do something about it soon, we will all sink as a ship of fools.”

Verryn was in Marikana on Saturday 15 September 2012, when police invaded Nkaneng near Wonderkop, shot at residents with rubber bullets, and fired teargas into the shack dwellings.

“I was visiting an ANC ward councillor who told me about how he had been fired on. He had to drop to the ground and crawl back into his home to avoid being hit,” Verryn said. “As he was telling me this and showing me the used and unused rubber bullets he’d picked up, it took me right back to White City.”

The ‘White City War’ is one of the many Apartheid scars that are part of South Africa’s history. What started as a rent boycott in Soweto ended as a massacre when police invaded a community meeting and started firing indiscriminately. In their book *Soweto: A History*, Philip Bonner and Lauren Segal describe what happened.

“The police burst in on a meeting that had been called to discuss the issue of evictions. A few people in the crowd were chanting, ‘We are not fighting’, and were reported to be holding their hands in peace. Without warning, the police opened fire, killing 21 people and injuring 98,” the authors write.

“You must understand that the issue of White City is very personal for me. What happened there is that the police just drove through the streets and pegged off people as they were in their yards to try and pull the protests into so-called order. Now we are hearing the same sort of thing, of this ‘potshotting’ at people with rubber bullets in Marikana,” Verryn said.

“At White City the people were positioned as a rebellious, ungovernable mass. In Marikana the people are being projected in the press as barbarians, as people making these high demands and destabilising our nation. But in actual fact they are vulnerable human beings just like you and me who feel because of their humanity they have the right to speak,” he added.

“Let us just remind ourselves that for year after year after year, the workers at Marikana have faithfully been digging down holes to earn something for their families and to create some semblance of survival. While they have done this they have created wealth for South Africa, and created a sector which is in part the backbone of our economy,” Verryn said.

Verryn is calling on all right-thinking South Africans to remember “we are all Marikana”. He states that this country’s citizens cannot and should not live in a country that idolizes a military solution to a humanitarian crisis in the mining sector. “Yes, the murder of two police officers at Marikana is unacceptable, but now we have profoundly armed police randomly attacking the community. It is an abhorrent human rights violation of a community that is essentially mourning a terrible loss.”

The Methodist bishop is calling on government to declare a national day of mourning for the lives lost at Marikana. With President Jacob Zuma having just ordered the defence force in, compassion for the people of Marikana seems to be the last thing on his agenda. DM

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Corporatism, which has its roots in Mussolini's fascist state in Italy, organises society into a tripartite arrangement composed of the state, capital and state-controlled labour. All workers are organised into a single trade union federation that takes its cue from the ruling party and the state, instead of from the working class. In such an arrangement both the union bosses and the ruling party are richly rewarded and even share in the spoils of capital. Capital welcomes the situation because they are guaranteed a passive and tightly policed working class. In effect, the working class is nationalised and sold to capital. Profits and wealth are privatised while the costs of production are socialised. What better conditions for investment can capital ask for?

### The Smashing of a Strike

By Gillian Schutte • 21 Sep 2012

It was with utter disbelief that we witnessed, on national television, yet another brutal assault from the police force on the Marikana community who were still reeling from the massacre, which took place less than a month earlier when more than 34 miners were mowed down with live ammunition in what can be described as a snuff movie for public consumption.

This second major assault happened on Saturday, September 15, on the eve of the Cosatu Congress, when police moved into the community and let loose a hail of rubber bullets to disarm mine workers of their knopkierries, spears and machetes.

Community members later reported that the police broke into their homes and shacks at night and shot at them, sometimes in the presence of children. Reports of traumatized children and women wounded by rubber bullets were vaguely shown on television. But human rights filmmaker Siphiso Singiswa, who was there, says it was much worse than the media indicated. He interviewed scores of residents who were in deep shock and emotionally traumatized.

One such interview was with the group of women who were standing with ANC Councillor Paulina Masuhlo when the police shot at them from a nyala. "They came at us very quickly with all this dust around the car and in the air. The next thing we were being shot at and then it disappeared so quickly no one could get the number plate," says a woman who asked not to be named for fear of police reprisal.

Masuhlo, in great pain and bleeding profusely from her knee, was taken to hospital. She had agreed to meet Singiswa on Thursday, September 19 for an in-depth interview on the plight of women in Marikana. But a day before the scheduled interview, Singiswa received a phone call from the community informing him that she had died.

Devastated by the news he said, "When marginalised South Africans demand human rights and dignity, it is met with police brutality, which is sanctioned by government and corporate giants. Women and children become collateral damage. We are no longer living in a democracy."

Paulina Masuhlo is one of 46 victims of the violence that unfolded in Marikana over the past six weeks. In this dustbowl littered with substandard shacks, no services and a network of power lines, a spectacle of the abuse of state power played itself out in the form of the brutal repression of a strike. There is no doubt that the violence unleashed by the state was a vital factor that influenced the decision of the striking Lonmin miners to accept the deal offered by the mine bosses in the days after the army moved into Marikana.

What's been most disappointing to observe is the media's unquestioning acceptance of the official position that the "violent" strikes had to be contained.

This was evident in file footage being played repeatedly on television news programmes, which showed the close-up of a miner licking the tip of his spear with a glint in his eye. It was a sight that is likely to bring to the fore the deeply held beliefs on which white fear is premised - that of the black man as savage and a potential killer. Cut from that scene to a wide shot of thousands of men with various cultural weapons and we were given the message that masses of black men were on the loose, wild and uncontrollable and therefore needed to be contained, disarmed and suppressed.

Mainstream society bought this story hook, line and sinker and breathed a sigh of relief when they watched police going in and disarming men of symbolic cultural weapons that posed no real threat to the armed police force, or army, or the general public for that matter.

Even for the less analytical, it was surely hard not to notice the cosy partnership between the state, business and the media, as it became starkly clear in the reportage of the Marikana strike that a great effort to demonise the mineworkers was made. The word "violent" was repeatedly used to describe the strikes that spread in the region when in fact; the practically leaderless mass action was highly organized and remarkably free of violence.

From where we were sitting as independent filmmakers in the field, the violence came predominantly from the police. Bringing in the army was the state's last-ditch attempt to portray the miners as ungovernable and out of control to justify a brutal attack on them.

At this point, police also demanded press cards for entry into the area. Aid organisation, Gift of the Givers, was told that they would not be allowed in as gatherings of more than ten people were outlawed. This meant that children, women and men were to go hungry yet again – a gross violation of human rights.

It was clear to those with political knowhow that this was a total onslaught designed to smash the strike. It became a bizarre spectacle, which played out similar to apartheid era police and army raids on struggle comrades in the 70's and 80's. Only this time, the faces that spin doctored and blatantly lied to the public about what was actually taking place were those of former struggle veterans. Trade union leaders Frans Baleni, Senzeni



Zokwane, Zwelinzima Vavi to name a few, made disingenuous commentary. Jeff Radebe, Pravin Ghordan, Nathi Mthetwa and other ANC leaders joined the cacophony.

Mac Maharaj appeared on television to assure the general public that this was not an attack on democracy or in contravention of any human rights. No, he said, rather it was a necessity to bring stability back to South Africa. He said it with a straight face seemingly unconcerned about echoing the same sentiments expressed by Pik Botha when calling for a state of emergency almost two decades ago.

There was little sympathy for the community who were both traumatized and on the verge of starvation.

However, social media exploded amongst activists who were compelled to speak of the atrocities we were witnessing right before our eyes by a party that ironically prides itself in its struggle history.

In response to my emailed question about why the strike was smashed, Bench Marks Foundation chief researcher, David van Wyk said:

"The events of 16 August as well as subsequent state repression represent an attempt to smash the strike at Lonmin's Marikana mines.

South Africa is being ruled by a corporatist state that believes that all of society should be structured in such a way as to serve the interests of monopoly capital in general and mining capital in particular. Corporatism, which has its roots in Mussolini's fascist state in Italy, organises society into a tripartite arrangement composed of the state, capital and state-controlled labour.

All workers are organised into a single trade union federation that takes its cue from the ruling party and the state, instead of from the working class. In such an arrangement both the union bosses and the ruling party are richly rewarded and even share in the spoils of capital.

Capital welcomes the situation because they are guaranteed a passive and tightly policed working class. In effect, the working class is nationalised and sold to capital. Profits and wealth are privatised while the costs of production are socialised. What better conditions for investment can capital ask for?

The Marikana strike had to be quickly resolved or crushed exactly because workers were acting outside of this cosy relationship."

What has become apparent is the governments fear and tyrannical response to the uprising of workers - in particular, in the mining sector.

As van Wyk put it, "The Marikana victory has struck fear into hearts of corporatists who have dominated recent politics. The first horizontal movement where people represented

themselves and showed their power has sent shivers down the spines of those who believe that society can only be organised in parasitical hierarchical structures.” Schutte is an award winning independent filmmaker, writer and social justice activist. She is a founding member of Media for Justice and co-producer at Handheld Films.

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<http://www.marxist.com/south-africa-interview-with-floyd-shivambu.htm>

South Africa: Interview with Floyd Shivambu, suspended ANC YL spokesperson: “This is an anti-capitalist struggle for economic freedom”

Written by In Defence of Marxism Thursday, 20 September 2012

Floyd Shivambu was a leading member of the South African Students Congress (SASCO) as well as a leading member of the Young Communist League (from which he was suspended in 2010). As a leading member of the ANC YL he played a key part in developing this organisation’s stance on the need to nationalise the mines which has now become a central issue of the political debate in the revolutionary movement in South Africa.

Floyd Shivambu. Photo: Gary van der Merwe  
Floyd Shivambu. Photo: Gary van der Merwe  
Together with expelled ANC YL president Malema, he has intervened actively in the strike by Lonmin platinum miners at Marikana. Their support for the miners at Lonmin, and in other companies who have walked out in the last weeks, has earned them the hatred of the capitalist media and of the state. According to union representatives at the South African Broadcasting Corporation there is a veto on any mention of Julius Malema in the company’s outlets.

There have also been threats on their lives. On Saturday, Julius Malema was prevented by the police from speaking at a rally of striking mineworkers who had invited him. Armed with automatic rifles, they threatened to arrest him, bundled him and his supporters (amongst them Shivambu) into a car and then followed them with police cars and a helicopter to make sure they were on the highway on their way out of Rustenburg.

These are all violations of basic rights which any consistent democrat should oppose. Whatever the views Malema and Shivambu might have about the miners’ strike, nationalisation, the leadership of ANC and the National Union of Mineworkers, the workers and public opinion in general should be free to listen to them if they so wish and make up their own minds about their ideas. If other leading figures of the ANC, the unions and the SACP have different views on these questions, they should also address the workers and the communities and engage in a serious debate.

Instead, what we are witnessing is a heavy handed orchestrated attempt to suppress their views using the full force of the state apparatus. If this is done with the expelled and suspended leaders of the ANC YL, who are known public figures, we can only imagine the

extent to which the state and the mine owners are going in order to suppress the views of the strike leaders themselves.

For all of these reasons we thought it would be of interest to our readers to know Floyd Shivambu's views directly. We asked him a number of questions and we are grateful that he was willing to answer them. This does not mean that we agree with or endorse all of his opinions, but we think that they are a legitimate part of the debate. Our own views have been made clear in other articles.

There is one particular point we would like to clarify. We think that both the NUM and the SACP are working class organisations, made up of hundreds of thousands of workers who joined them in order to struggle for better conditions and for fundamental transformation of society. Certainly, we think that their current leadership is not representing the interests of their members and does not stand for socialism. This can be seen clearly in the position they have taken against the nationalisation of the mines, and the way in which their leaders have been co-opted into the very capitalist state they are supposed to be fighting against. However, we think it would be wrong not to distinguish between the organisation as a whole, with its mass membership, and its leadership. Our position is to appeal to the working class to reclaim these organisations, taking them back to their best traditions so they can become tools of revolutionary struggle.

We fully agree with the central idea expressed in the interview: "The attainment of political freedom in South Africa was never accompanied by economic liberation and transformation. The racist apartheid capitalist Masters are still in control of the economy and have only co-opted a few previously oppressed individuals into the higher echelons of capitalist domination."

This is something we have repeatedly explained in our articles about South Africa for the last 18 years. The Freedom Charter states as one of its aims that "the mineral wealth beneath the soil, the Banks and monopoly industry shall be transferred to the ownership of the people as a whole." We fully agree. In our opinion the only way forward is the nationalisation of the banks and monopolies, of all key sectors of the South African economy (and mining is the most important one of all, representing about 18% of the country's GDP). This nationalisation (with compensation only on the basis of proven need) should be under workers' control to allow for the democratic planning of the economy to the benefit of the majority of the population. This is what we understand for economic freedom, and it is the only way in which the promise of the Freedom Charter, that the "national wealth of the country... shall be restored to the people", can be achieved.

Interview (our emphasis throughout)

In Defence of Marxism (IDOM): First of all, let us deal with what happened at Marikana on August 16 when 34 striking miners were killed. The official version of the police states that they acted in "self-defence", but there is now a growing body of evidence that this is not true. What can you tell us based on new information which has emerged and your own contact with the survivors?

Floyd Shivambu (FS): From the information we received from so many eye witnesses, it appears that the South African police had intended to arrest more than 5000 workers for what they call an “illegal gathering” and “possession of dangerous weapons”. Part of the arrest strategy was to place barbed wire around workers and then arrest all of them. When workers tried to escape from the barbed wire, the only way out was through the open space where armed police were waiting with guns and live ammunition and then the massacre took place. In three minutes, 16 people died and the remaining 18 were killed at close range by the police when they were trying to arrest all of them and some as a result of being hit and injured by the police vehicles that drove over their heads. That is the information workers gave to the police and told everyone who cared to listen, but thus far no action has been taken. Workers never confronted the police; they were running away from them; and that explains why forensic evidence indicates that most were shot on the back.

IDOM: Why did you and other expelled leaders of the ANC Youth League go to Marikana?

FS: We went to Marikana because for a considerable amount of time we have been at the forefront of the oppressed and exploited masses of South Africa in the mines, informal settlements and townships and it then became our revolutionary obligation and responsibility to join in the demands of workers like we have done on many occasions before.

IDOM: There have been allegations that arrested miners were then subject to torture. What can you tell us about that?

FS: The arrested workers were subjected to torture because elements of the State wanted these workers to wrongly “confess” that our involvement in Marikana had led to the violence and catastrophe, but they never found anything of that nature.

IDOM: What is your opinion of the reaction of the NUM leaders to the massacre?

FS: The NUM is a useless Union, led by Career Unionists who are now co-opted by big business. The NUM has lost ground and does not represent workers; hence they become petty and only shout from offices when we go to the ground to speak to workers.

IDOM: Most of the capitalist media try to present the conflict as one between NUM and AMCU. What are the real demands and conditions of the striking miners and how are they organised? What are the arguments in favour of their claim of a wage increase to R12,500?

FS: There was never any conflict between NUM and AMCU in Marikana. Workers resolved to confront the bosses without any Union representation and both AMCU and NUM joined the workers after they had taken action to demand the wage increases. The conflict was between the mineworkers and the mine bosses, and the State joined in on the side of mine bosses to kill, arrest and threaten mineworkers.

IDOM: More generally, what does the Marikana incident tell us about the situation for the majority of workers and poor in South Africa 18 years after the end of apartheid?

FS: The attainment of political freedom in South Africa was never accompanied by economic liberation and transformation. The racist apartheid capitalist Masters are still in control of the economy and have only co-opted a few previously oppressed individuals into the higher echelons of capitalist domination.

IDOM: As a leader of the ANC Youth League you campaigned around the issue of the nationalisation of the mines. How do you see that in the light of what happened at Marikana?

FS: Marikana strengthens our call for the Nationalisation of the Mines, and no proper thinking individuals, apart from those with class prejudices and interests, can now oppose the Nationalisation of the Mines and other strategic sectors of the economy.

IDOM: Julius Malema, you and other expelled leaders of the YL have been visiting striking miners in different locations. What is your experience of the conditions facing mineworkers in South Africa today?

FS: Conditions of workers in the Mines are inhuman, with no electricity, no running water, no sanitation. Workers are forced to live like animals and the surrounding municipalities do not provide any services to these mineworkers.

IDOM: The issue of the nationalisation of the mines has become an important question dividing the left and the right within the broad mass democratic movement. The SACP leaders and the NUM leaders are surprisingly opposed to such a demand. How do you explain that?

FS: The SACP and NUM are not Left formations. They used to be on the Left, but have now been hijacked by Careerists who think and believe that their individual promotion into senior government posts means workers and the oppressed people are free. It is actually useless to discuss the SACP because we would just be giving it the dignity it does not deserve.

IDOM: Nationalisation of the mines would go contrary to the sunset clauses in the Constitution and would immediately bring forth the wrath of the capitalists, both national and multinational. How would you respond to that?

FS: The sunset clauses period has long passed and as we have said in our perspectives before, now is the time for radical and decisive policy shifts which will restore wealth and natural resources to the ownership of the people as a whole.

IDOM: A recent statement by the NUMSA CC has clearly come out in favour of nationalisation of the mines, but also of all major industries. Would you agree with that?

FS: Our view on Nationalisation has never been limited to the Mines only and we have said in our congress resolutions and in the ANC, that there is a need to discontinue private ownership of other strategic sectors of the economy like Petroleum, Iron Ore and Steel corporations and the banks.

IDOM: In the light of the worldwide crisis of the capitalist system, do you think socialism is the answer? In your recent visit to London you visited Marx's grave, do you think his ideas are relevant?

FS: Our tools of analysis and guide to action and our ideological telescope is deeply rooted in Marxism-Leninism and we have never made any secret about that. We are leading an anti-capitalist struggle in South Africa, and we aim to achieve a society inspired by the Freedom Charter objectives and whether the Freedom Charter is socialist is a question we should discuss in great detail

IDOM: Coming back to the Marikana strike, the workers are still standing firm for their full claim of R12,500 – what is the situation on the ground? Are they confident they can win?

FS: There is progress and workers have been given between R11.000 and R13.700 as a result of the protest action. We are happy that workers accepted this victory and what needs to be done is to consolidate it into a national minimum wage in all Mines of not less than R12.500 and we are on it.

IDOM: You have been expelled from the ANC YL – do you still consider yourselves as part of the Congress movement?

FS: We are still part of the Congress movement, and we have defined ourselves as Economic Freedom Fighters whose mandate is to lead and influence a political and ideological battle that will result in discontinuation of private ownership of the key means of production. We were isolated from the ANC by a Jacob Zuma led faction because of these views but we will win this battle.

IDOM: In the run up to the Manguang Conference there is a lot of talk about personalities, but what are the real political differences at stake?

FS: Our view which we express everywhere is that the 53rd National Conference of the ANC should never be about personalities, but about policy and perspectives which should lead to what we say is the attainment of Economic Freedom. Unfortunately as revolutionaries you cannot afford to ignore the subjective elements that can undermine the success, pace and direction of a revolution. With good resolutions, some subjective weaknesses of leadership can undermine the revolution. So we are vigilant on all fronts.

IDOM: Is there any message you want to convey to In Defence of Marxism readers?

FS: Let's all continue in the struggles against capitalism and let's inspire each other to fight on because victory is certain. We have learned a lot from In Defence of Marxism and have,

at times, considered your analysis of South Africa, because such analysis is not full of the racial prejudices that characterize our society.

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ANC chums unsettled by Marikana deal

September 21 2012 at 09:00am

By Donwald Pressly

Independent Newspapers

INSIDE PARLIAMENT

One can bet one's bottom rand that the massacre of 34 workers at Marikana last month would not have happened if they had been allied to Cosatu.

With the focus falling on trade union matters probably more than ever before in our country's history, the fissures in the tripartite alliance are beginning to show. Suddenly we have Cyril Ramaphosa, a former National Union of Mineworkers (NUM) general secretary, sounding like the late Harry Oppenheimer as he referred on radio yesterday to "the incident" of Marikana. Somehow a massacre turns into something unfortunate rather than the tragedy that it was. President Jacob Zuma himself referred in Parliament to an "illegal" strike at Marikana.

Then this week Frans Baleni, the NUM general secretary, was asked by talk radio what car he drove. He said "an E300", which, as any waBenzi would know, is a pretty expensive German luxury vehicle.

Singing in unison Ramaphosa, Gwede Mantashe, the ANC secretary general, and Zwelinzima Vavi, the re-elected Cosatu general secretary, echoed the latest mantra: their extraordinary collective view was that the Lonmin's agreement to wage hikes up to 22 percent would break down the collective bargaining process.

Mantashe apparently believes that the wage settlement will put South Africa on a dangerous path. As reported from Cosatu's 11th national congress, the NUM argued that it could possibly lead to more unrest in the mining sector. Workers in other sectors would have the audacity to demand above-inflation increases, which was unsustainable.

Funny how these arguments don't arise when the Cosatu unions are holding the government to ransom when the collective bargaining processes take place over state sector salaries.

Only recently annual increases over a three-year period of 7 percent – outside the inflation targeting band of 3 percent to 6 percent – were announced, and this followed double-digit increases for years.

One newspaper reported NUM president Senzeni Zokwana complaining that Lonmin had earlier refused to give workers a 15 percent raise when negotiating with NUM but caved in under pressure from the Association of Mineworkers and Construction Union (Amcu).

Collective bargaining in the mining sector means a union with 51 percent of the workforce in the bag gets to do all the negotiation with management. Cosatu unions tend to have this stranglehold, at least at present.

The growth of rival trade unions, including Amcu, has begun to upset this cosy arrangement. Owing to the fact that the politically non-aligned unions cannot use the official channels, they are forced to use atypical tactics.

The ANC-aligned trade union movement is at sea. Their leaders' lavish lifestyles, their flashy cars and obsession with the upcoming ANC elective conference has begun to isolate them from the ordinary workers, many of whom are now choosing to achieve their ends through other mechanisms. It is glaringly obvious that increasingly the government won't have a tame workplace environment in future.

It is no wonder that Roseberry Sonto, an ANC MP, doesn't think it is a good idea that the National Assembly minerals resources portfolio committee should go to Marikana.

Sonto muttered something – which he said was reported out of context – about it being suicidal. He may have got something right that all the other top ANC alliance leaders have misread.

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Daily Maverick

Whatever happened to Cyril?

Greg Nicolson

Cyril Ramaphosa was awfully quiet on Marikana until he appeared on radio on Thursday. GREG NICOLSON heard not the man we've been waiting for to save the ANC, but a symptom of problem that runs through the party.

Cyril Ramaphosa has been viewed as the ANC's prince for a long time, a knight who will one of these days come riding into the leadership battle to slay the dragons of poor leadership, corruption and mismanagement. His fans point out that he has the experience and talent to transform the ruling party while remaining sufficiently separate from the splinters of factionalism to put his abilities to work.



Some of the adoration comes from his absence: his withdrawal from public politics means he's one of the few remaining anti-Apartheid leaders who have avoided scandal and controversy. But much of it comes from his CV.

Ramaphosa played the central role in establishing South Africa's biggest trade union, the National Union of Mineworkers, and was active in the Mass Democratic Movement. He proved himself in the Convention for a Democratic South Africa and is a former secretary general of the ANC. To top it all off he's built a business empire worth R3-billion, making him the country's 15th richest person.

Yet, all those successes worked against him Thursday as he spoke to SAfm's Xolani Gwala. Despite being a member of the ANC's National Executive Committee, Ramaphosa is more comfortable talking business these days, happy to leave the juicy topics to his comrades at the peak of the party.

But there's an email doing the rounds that accuses Ramaphosa of being the Dr Evil behind the Marikana massacre. It alleges that a company he owns has been sub-contracting workers to Lonmin and taking a cut that would make the worst labour brokers jealous. "How could Cyril Ramaphosa exercise such influence over Lonmin's executive board to be able to effectively bend it, and potentially the board of Xstrata too, to do his bidding," asked the email's author, Arthur Mackay, who described himself as "an analyst of global and economic political issues".

Ramaphosa dismissed the claims out of hand on Thursday. He called the email, which spins a collection of lies and half-truths into a conspiracy, "ludicrous". "This is a serious allegation and quite a sensational one for that matter – the truth is neither Shanduka (Group) nor I own a company involved in labour broking – because that is precisely what the allegation is."

Ramaphosa, who has a 9% stake in Lonmin, placed responsibility for the Marikana strike and deaths on a broad group of stakeholders. "I think a lot of us stakeholders are to blame. Marikana should not have happened. We are all to blame and there are many stakeholders that should take the blame. But taking the blame should mean that we make sure it never happens again."

To stave off a repeat of the disaster, he suggested government use its authority to implement the Mining Charter and withdraw the licences of non-compliant companies. "The issue of the mining licence is a critical one and that's the power the government has... If that's in force we'll see more and more regulatory compliance and even as an investor in this mining business I would say, 'Yes, I do want my government to regulate very closely and make sure that we comply.'"

The interview was one of damage control, and he got lost on a number of questions. Discussing international salary standards he was stuck on the example of Australia, where the mining industry is radically different. He came off as open to nationalisation, but

favouring private investment. Instead of strong responses, Ramaphosa offered listeners the prevaricating answers of a man worried about share prices.

The interview took a dive when he apologised for bidding on a buffalo cow and her calf. In April, Ramaphosa bid R19.5-million for the buffalo but was outbid by a Bloemfontein businessman. “It was a mistake. I regret it. It was a mistake to even put up my hand to do so and I’ve been chastised by some of my good comrades and even before they chastised me I did admit that was a mistake. I regret it because it is an excessive price in the sea of poverty. I belong to a community and it was one of those moments when I was blind-sighted.”

The buffalo response was more sincere than what he offered on Marikana. Since Ramaphosa’s Shanduka took control of Lonmin’s Black Economic Empowerment partner, Incwala Resources, there seems to have been no effective improvement in transforming the work or social conditions of its employees. His silence on the matter has been inexcusable, given the regular reports of the dismal conditions the miners face.

On Thursday, Ramaphosa referred to his days leading the NUM, saying he “spent nine years with mine workers fighting for their rights”. A worthy candidate for president or deputy president would be able to say how he’s still trying to fight for their rights, but Ramaphosa has avoided that criticism while he works in the corridors of business, his absence from politics only increasing his appeal.

But the SAfm interview showed Ramaphosa the businessman is dominant, not Cyril the freedom fighter. It isn’t a unique transformation of a struggle hero into a capitalist mogul: those who will have the most influence on the ANC’s Mangaung election have deep investment in business – Jacob Zuma, Tokyo Sexwale and Mathews Phosa. Kgalema Motlanthe’s partner Gugu Mtshali has already been involved in scandal.

Ramaphosa’s a symbol of that party-wide problem. For years the ANC has been in stuck in the balance between being the party of the people and coddling big business. It’s an unholy marriage that doesn’t produce leaders. It benefits insiders. In that sense, what happened to Cyril is what happened to the ANC. DM

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Cyril Ramaphosa’s Mensis Horribilis isn’t getting any better

Alec Hogg puts viral email into perspective.

You have to feel for Cyril Ramaphosa. Until Lonmin hosted the spectacular explosion of the festering sore that is mining labour relations, he seemed blissfully unaware of a nasty human trait called envy. Living in a bubble inhabited only by the very rich, can do that. Last month his greatest stress seemed to be outbidding people like SABMiller’s Norman Adami or game farmer Piet du Toit in the financial bubble that masquerades as a buffalo auction. Three weeks later and Cyril’s very much back on earth.

He's not yet found a way to repair the damage, though. The former trade union leader accepted an invitation to join Xolani Gwala on SAFM this morning. That Ramaphosa needed to do something is obvious. His role as a Lonmin director and substantial BEE partner thrust him into the spotlight after the Marikana tragedy. There's also that scurrilous email that's gone viral – a Goebbels-like hatchet job which mixes the occasional half truth with piles of outrageous lies. Half a dozen emails arrived in my inbox asking me to investigate. Only minutes into fact checking it became obvious one of the few things this “Arthur Mackay” fellow got right was the spelling of Cyril's surname. It's largely unadulterated falsehoods. The email is republished below.

You wouldn't expect Ramaphosa to dignify such rubbish with a response. But on national radio this morning, he tried manfully to respond to biting critical callers, emails and SMSes. He was helped by being flooded with so many questions that he could pick and choose; easily able to sidestep really tough ones. But that tactic only helped a little. It was a mistake to open himself to vox populi. One compounded by being poorly prepared on obvious questions like relative mining wages or Nationalisation.

Because of his attempt to muddle through, listeners would have ended up thinking Ramaphosa agrees South African miners should be paid the same as their highly qualified, better tooled and hence exponentially more productive counterparts in Australia. Also, the impression was created that Ramaphosa is sympathetic towards Nationalisation. A better prepared interviewee would have capitalised on the opportunity, guiding his audience towards more accurate comparisons by using wage rates for unskilled miners in other developing countries where labour intensive mining is applied (like India, China, Brazil, Chile, Peru, other African nations). Comparing apples with other apples. Not Australian oranges. All he actually needed to do was repeat research by economist Mike Schussler which shows SA miners are actually doing rather well when compared with peers.

Ramaphosa's form continued when he was quizzed on Nationalisation by a caller citing Botswana (good) and Zimbabwe (erm, hello?) as successful examples. Instead of patiently explaining why the Debswana partnership is radically different to the Zimbabwean Regime's plundering for short-term gain, and how State management of mines been a disaster everywhere it's been tried (Zambia, Soviet Union, China – better still SA's only State owned mining operation Alexkor), Cyril waffled on about how the ANC considers every option. Once more missing a great opportunity to inform and educate. But it's been that kind of month for Shanduka's chairman.

In November 1992 during her traditional curtain-drawing speech, England's Queen Elizabeth described it as her Annus Horribilis, “not a year I will look back on with undiluted pleasure.” She was referring mainly to the marital problems of her three children: Charles, who separated from Diana; Andrew and Anne (both of whom divorced their spouses that year). For Ramaphosa, September has been his Mensis Horribilis. A month which began with losing his record for the purchase of a single buffalo (R18m), a dubious achievement broken by Piet du Toit's R26m acquisition at a Bela Bela auction. This morning on SAFM,

Ramaphosa missed his chance to start turning things around. Hopefully October will be a lot better.

\*Alec Hogg is the founder and editor in chief of Moneyweb. He blogs daily at [www.alechogg.com](http://www.alechogg.com)

Published below is the hatchet job on Ramaphosa which has gone viral on the Internet. Hardly a single "fact" is true. The author "Arthur Mackay" and the website on which it supposedly appeared "marikana-truth.com" do not actually exist. The garbage is republished here so when some misinformed busy-body regurgitates its contents, you'll know from whence it comes.

### *MARIKANA MASSACRE: ALL THIS TO PROTECT AN OLIGARCH?*

*Posted on September 5, 2012 by Arthur Mackay*

*Amidst all the confusion after the shooting of 44 protesting miners at Lonmin's Marikana platinum mine in South Africa, we should not lose sight of the astonishingly simple underlying issues.*

*We are told the workers are demanding that their wage be raised to R12,500 per month (about \$1,500) but the workers claim their salary is already at this level. They say they are sub-contracted by a company owned by billionaire South African oligarch Cyril Ramaphosa. He only pays them R5,400 or less and pockets the rest paid out by Lonmin.*

*If this is so then agreeing to the workers' demands would cost Lonmin nothing and the whole dispute is between the workers and Cyril Ramaphosa. Instead of saying this however, Lonmin has placed itself between the two and taken responsibility for negotiating a pay rise which no one has asked for. Doing this, Lonmin is placing Cyril Ramaphosa's private interests above those of its common stockholders and is neglecting its fiduciary duties. It is also leaving itself open to litigation.*

*Cyril Ramaphosa in fact owns 9% of Lonmin but was paid out \$304m in cash by the company in 2010 in a deal backed ultimately by Xstrata. By comparison common shareholders have received only \$60m in dividends in the last two years and have incurred over \$2.5bn of paper losses. What the workers are requesting is that Ramaphosa share with them about \$18m which he is taking from their wages.*

*When Cyril Ramaphosa bought 50.03% of Lonmin's Black Economic Empowerment partner Incwala Resources in 2010, Lonmin put up the \$304m in cash which he needed. Lonmin funded this with a share issue to which, according to Lonmin, Xstrata was the key subscriber. Since then a further \$51m of credit has been extended to Ramaphosa.*

*Ramaphosa's company also provides all of Lonmin's welfare and training services and for this he may have been paid at least \$50m in 2011 alone. Based on the worker's demands and their living conditions, we can guess at how much of this reached its stated purpose. Companies*

*linked to Ramaphosa were also paid “advance dividends” by Lonmin of \$20m in the last two years.*

*All-in Lonmin seems to have paid Ramaphosa and his related companies well over \$400m since he bought into the company. This is about 25% of Lonmin’s current market value and is a very large amount for a man who was supposed to be doing the paying when he bought his stake.*

*And this is not all.*

*The Marikana conflict is portrayed as a dispute between two unions, the hegemonic NUM and a small new union, the AMCU. But the NUM has been Cyril Ramaphosa’s vehicle since he founded it in 1982. He was its Secretary General until 1998, the year he went into private business to become a billionaire. This has led to claims that the ANC has instituted a form of modern day slave labour. The workers’ employer and their union are effectively the same person. Is it surprising that the workers worry that their union is not wholeheartedly defending their legal rights?*

*All this casts the Marikana conflict in a very different light to what we have heard so far.*

*The dirt-poor Marikana workers, many from Lesotho, living in slums, wearing rags, are asking for an extra \$750 per month from one of the most powerful figures in the ANC and one of the richest men in the world, and they are openly calling him an exploiter.*

*Such a debacle, which calls into question not only Lonmin, Xstrata and Ramaphosa but also the whole ANC hierarchy, the reality of the “New South Africa” and the credibility of the ANC’s many foreign supporters, not least those in the United States, helps to explain the speed and the savage brutality of the reaction.*

*On 16th August, 6 days into the strike, the police opened fire injuring 112 and killing 34.*

*Local witnesses claim the workers were not charging at the police but were fleeing from them as tear gas was thrown at them by another police detachment. Autopsy reports apparently confirm many were shot in the back.*

*At the time Jacob Zuma, President of South Africa, was in Mozambique at an SADC meeting. He returned to South Africa but only one day later. He visited Marikana briefly but stayed away from the main area. A full five days passed and only then did he return and visit the crime scene. On the day of the attack Ian Farmer, the CEO of Lonmin, was diagnosed with a “serious illness” and still has not returned to work.*

*A few days later the 270 men who were arrested were charged with committing murder. They allege that they were stripped in their cells and beaten with sticks. Once an international outcry began and it became apparent that the publicity of a trial could be counter productive, they were quickly released.*

*Even with the above illumination, some crucial questions still remain.*

*How could Cyril Ramaphosa exercise such influence over Lonmin's Executive Board to be able to effectively bend it, and potentially the Board of Xstrata too, to do his bidding? And what truth could the South African government have been so desperate to hide that it was judged better to risk everything and open fire on its own people, rather than let it see the light?*

*The answer lies at the heart of the bitter fallacy of the South African commodities boom and the emerging markets paradigm which we have lived in the last 15 years. The sad truth is that nothing has changed, or, more accurately, nothing has improved.*

*In the past there was one oligarch, Harry Oppenheimer, who controlled Anglo American. Mr Oppenheimer officially opposed the apartheid regime and was a liberal but conveniently continued to export gold and diamonds from South Africa up to and beyond 1994.*

*Today there are five to ten oligarchs. They are black and they are African. They too oppose apartheid and they too are exporting all of South Africa's gold and diamonds at the present time. The reason Cyril Ramaphosa could ransack Lonmin in the way he has is because he effectively is Lonmin. Lonmin exists in many ways to serve his interests and its foreign shareholders would do well to understand this. The whole debate about nationalisation is therefore completely moot. South Africa's mines have already been nationalised and given over to a ruthless tyranny, signed, sealed and delivered by the many cheerleaders of the ANC overseas.*

*So what will happen next? In fact the next Marikana has already occurred. Tear gas was fired and four workers were shot two days ago on a gold property near Johannesburg controlled by another oligarch, Tokyo Sexwale. The strategy of the ANC's opposition, which is correct given the extent of the disenfranchisement since 1994, will be to now target every oligarch. It will be demanded that they return much of what was taken. But this will never be done voluntarily and so this conflict, just like the apartheid struggle, will go on for many years.*

*Will this really be the lasting legacy of the post-apartheid era? Is this what Nelson Mandela's years in prison, Bill and Hillary Clinton's ringing endorsements, Bob Geldof's concerts and Bono's songs were meant to bring to us? Will they all now leave the world in darkness, with a set of fearful problems for a future generation to sort out? We will have to hope for the best but prepare for the worst.*

*– Arthur Mackay is an analyst of global economic and political issues.*

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The economics behind the Marikana killings

2012-09-19, Issue 598

<http://pambazuka.org/en/category/comment/84183>

Workers at Lonmin's Marikana mine, west of Pretoria, have just accepted an offer of a 22 per cent overall pay increase, ending weeks of bloody strikes in which dozens died. Police brutality and the exploitation of workers were the defining features of the strike.

'We were only tolerated simply because our cheap labour is needed.' - Steve Biko

The killings of 34 demonstrating mine workers in South Africa last month has several background factors, but two of them stand out: police brutality and the exploitation of workers. And they are interlinked.

The aggressiveness of the security forces' represent the conditioning produced by the 'governmentality' of national and international elites. Thus, the assault in Marikana, South Africa, is not an isolated event, it's a global phenomenon. One major difference is the explicitness of this event - workers usually perish in silence due to, for instance, poor health or social violence, away from the cameras.

The economics behind this 'governmentality' propose that the labour market has to be 'flexible' to the demands of 'the market'. In other words, workers have to endure low incomes and poor working conditions, especially if they are easily replaced with others from the abundant labour supply. The current standstill at the Marikana mine is due to this confrontation. The striking workers threaten those that are willing to work at prevailing rates. Thus, this economics rationale also push workers to clash with each other.

Any uprising against the prevailing conditions is seen as an act of disobedience, which disturbs the functioning of the markets. Since disturbing the markets is seen almost like an original sin, the troublemakers face harsh reprisals. And so, over 300 hundred rounds of live ammunition were fired upon the desperate, angry, and alienated mine workers of the transnational corporation Lonmin, one of the largest mining companies of the world. It should be said that the level of police brutality seems to be partly attributable to vengeance - two police officers were killed in the clashes preceding the shootings of the 34 workers.

What was the demand of the workers? They demanded wage increments, from about R4,000 (about USD500) to around R12,000 (about USD1,500) per month. This 300 per cent pay rise may seem out of place, but living costs of the country are constantly rising, while the platinum industry is among the world's most profitable, and its executives are among the world's best paid. The UK's High Pay Commission reports that Lonmin's lead executive earns 113 times the average worker in the UK. This amounts to about 500 times the salary of Lonmin's South African mine workers.

Now, allow a naive question: how can any human being's work be valued 500 times more than someone else's? Only an autistic economics justifies such disparities.

In the early 1970s, the legend Steve Biko did not only foresaw an imminent collapse of the apartheid regime, but he also warned that '[i]f we have a mere change of face of those in governing positions what is likely to happen is that black people will continue to be poor,

and you will see a few blacks filtering through into the so-called bourgeoisie. Our society will be run almost as of yesterday.'

This is exactly what has happened. The simplistic and mechanistic neoclassical economics, co-opted by elitist leaders, has prevailed. The consequences are clear. The economic inequality of South Africa is one of the highest in the world. Today, whites earn more than eight times what blacks earn - an unchanged disparity since the end of apartheid.

Steve Biko pointed out that: '...for meaningful change to appear there needs to be an attempt at reorganizing the whole economic pattern and economic policies within this particular country.' So, political liberation should coincide with economic liberation.

Steve Biko died 35 years ago (12 September 1977) after days of torture at the hands of the apartheid police. His philosophy and inspirational spirit lives on.

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\* Deniz Kellecioglu is an economist based in Sweden who has worked in Zimbabwe, South Africa and Ethiopia.

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Marikana massacre: France's NPA sows illusions in South African government, unions

By Anthony Torres and Alex Lantier

21 September 2012

It took three weeks for the NPA (New Anti-capitalist Party) to break its silence on the murder of 34 South African miners on August 16 at Marikana, the site of the worst massacre of workers in South Africa since the end of apartheid. Its September 6 article, entitled "South Africa: After the Marikana killing," sows illusions in the ANC and the South African trade union apparatus that are responsible for the massacre of the striking miners.

Obligated to acknowledge widely reported facts that have shocked the world, the NPA begins with a brief description of the massacre. It evokes the political collaboration between the ruling African National Congress (ANC), the National Union of Mineworkers (NUM), and the South African Communist Party (SACP). The NPA recognizes that the NUM "is paying a heavy price for its support for the government and its collusion with the employers, and is now in full decline".

However, it presents a strike that started with a workers' rebellion against the NUM and escaped the organizational control of the minority AMCU (Association of Mineworkers and



Construction Union) union as a battle between opposing union apparatuses. The NPA writes: “Another union, the AMCU, reputed to be more militant, is now gaining ground. Furthermore, it accuses the NUM of ‘being in the same bed with the management’. At Marikana the two organizations faced off”.

This presentation of events, repeated several times, gives the false impression that a section of the union bureaucracy wanted the strike and still leads it. The NPA thus minimizes the class gulf between the trade union apparatus and the ANC on the one hand and the striking workers on the other—even when a river of blood shed by the police separates the workers from the NUM and the ANC.

The NPA continues: “The NUM considered the movement to be ‘unrealistic,’ whilst the ACMU was in support. It appears that in agreement with the management, the NUM bureaucracy attempted to liquidate the strike using force.”

In fact, it is not a question of tentative reports that make it “appear” that the NUM approved the massacre of the strikers. The facts are established and widely recognized. Faced with a revolt of the workers, the NUM joined the ANC government and the SACP in defending the police, who fired on the miners under the orders of ANC national police commissioner Riah Phiyega.

The NPA quotes neither Phiyega nor the NUM, whose spokesman Lesiba Sesoka unambiguously defended the massacre and denounced the strikers in the following terms: “The police cannot remain indifferent when our country is taken hostage by criminals”.

The NPA also remains silent on the comments by the SACP leaders, who effectively dismissed the massacre of strikers, terming it “violence between workers”. The SACP has been an integral part of the state apparatus since the end of apartheid, occupying high administrative posts of government, and supports the current president, Jacob Zuma.

At the end of the article, the NPA writes: “One would have thought that the Marikana bloodletting would allow the Zuma government to calm things down in the mines. On the contrary. On August 31, 12,000 workers at the KDC gold mine also went on strike”.

The NPA does not explain this repulsive statement, according to which Zuma could “calm things down” with a bloodbath against the workers. On the face of it, however, either the NPA was expecting that the government could crush the strike with a massacre and make no concessions, or it hoped that Zuma would make a minimum offer enabling the union bureaucracy to rapidly organize a sellout and put an end to the strike. In either case, the NPA was mistaken.

As the strike spread, the ANC took an ever more threatening position towards the workers. It continued with repression, having already briefly imprisoned the strikers who survived the massacre, desperately attempting to reassure investors who threatened to pull their funds from the South African mining industry.

Thus, Minister for Mines Susan Shabangu said at a meeting in Australia: “We urge our investors, incumbent and prospective, to take comfort in the solid foundations set by our constitution, government, legal and civil institutions.... The President and people of South Africa are determined to isolate bad elements in our society, that are seemingly committed to undermining the democratic gains of the country to date”.

The NPA is conscious of the pro-capitalist character of the ANC and its trade union organizations. It writes: “The massacre took place in a country where the government is described as ‘left’. A coalition composed of the nationalist ANC party, the local Communist Party (SACP), and the COSATU trade union confederation support the current government of Jacob Zuma. From the workers’ standpoint, the balance sheet of Zuma and his ANC predecessor (M’beki) is disastrous. A thin layer of the black bourgeoisie benefited substantially from the transition, occupying the quarters formerly reserved for the whites under apartheid, in the name of ‘black economic empowerment’. But for the mass of the black population very little has changed”.

However, the NPA formulates no socialist or revolutionary demands against this corrupt capitalist regime. In conclusion, it simply states that “what is stake is obviously the capacity that workers will, or will not have in obtaining independent trade unions, regenerated after being rid of its agents in the bosses’ service, and a real party which represents them”.

This ambiguous formula, characterized above all by its indulgence towards the ANC regime, aims quite simply to cut short the drawing out of the political questions raised by the Marikana massacre, before it poses embarrassing questions for the NPA.

If workers are ready for a merciless struggle against the pro-capitalist personnel of which the NUM is composed—a struggle which of revolutionary dimensions, as the union is entirely controlled by the bourgeoisie—why should workers stop at refounding the NUM? Why not struggle directly for power and the creation of a workers’ state fighting for socialism? The NPA is entirely foreign, and indeed hostile, to such a perspective.

For them, political discussion ends where really it should begin. What would an “independent” union hypothesized by the NPA negotiate with Zuma and Shabangu, or with their potential successors within the ANC? The workers will obtain no lasting gains by negotiating with a regime ready to commit the most despicable crimes in order to smash strikes.

As for a “real party” to represent the South African working class—which is indeed an urgent necessity—it will be impossible to create it on the trade union and implicitly pro-capitalist perspective outlined by the NPA.

In spite of the cynical criticisms it makes of the ANC and the SACP, the NPA is oriented towards the same social layers in Europe that in South Africa have planned the massacre at Marikana: the trade union bureaucracy and the bourgeois “left”.

The NPA has for decades defended the French union bureaucracies, which are empty shells financed by the bourgeoisie and responsible for immense defeats imposed on the workers. During the recent presidential elections in May, the NPA called for a vote for Socialist Party (PS) candidate François Hollande, fully recognizing that he would carry out brutal social cuts.

If the Hollande government were to crush a strike this autumn against PS austerity measures—as the police crushed the petrol strike in 2010 under his predecessor, President Nicolas Sarkozy—what would a South African observer write about the NPA’s role?

He could transpose the NPA’s analysis of Marikana to France, writing more or less the following: “The repression took place in a country where the government is described as ‘left’. A coalition composed of the social-free-market Socialist Party, the local Communist Party (PCF-Left Front), the NPA with the French Democratic Confederation of Labor (CFDT) union confederation directly, and Lutte Ouvrière (Workers Fight) and the General Confederation of Labour (CGT) indirectly, called for the election of François Hollande. From the standpoint of the workers, the balance sheet of Hollande and his PS predecessor (Jospin) is disastrous. The bourgeoisie and a thin layer of the affluent middle class benefited substantially from austerity under the aegis of the European Union. But for the mass of the working class, things are only getting worse”.

The massacre at Marikana has underlined that the affluent middle class layer whose representatives in South Africa organized the massacre, and for which the NPA speaks in France, has passed over to the other side of the barricades.

## **One S.African mine strike ends, but Amplats badly hit**

Thu Sep 20, 2012 10:49am

By Helen Nyambura-Mwaura

MARIKANA, South Africa, Sept 20 (Reuters) - Thousands reported for work at Lonmin's Marikana mine on Thursday, ending a strike in which 46 people died, but at rival Amplats miners barricaded a street with burning tyres and the firm said it had been badly hit by a walkout to demand higher pay.

A police helicopter hovered above a shanty town near Amplats mines at Rustenburg, 100 km (70 miles) northwest of Johannesburg, and armed officers backed by armoured vehicles and water cannon were on stand-by.

There were no reports of clashes but Anglo American Platinum, or Amplats, the world's top producer of the precious metal, reported only one in five of its workers had turned up at its Rustenberg mines.

It was clear the wave of wildcat strikes in the sector had not ended with the signing this week of a pay deal at smaller platinum producer Lonmin.

The unrest, with roots in a bloody turf war between an upstart union and the dominant National Union of Mineworkers (NUM), has sent world platinum prices soaring.

The police shooting of 34 Lonmin strikers on Aug. 16 - the bloodiest security incident since the end of apartheid in 1994 - also piled pressure on President Jacob Zuma, who was forced to call in the army to back up stretched police.

And economists say the precedent set by the big Lonmin pay rises could ripple through an economy already saddled with uncompetitive labour costs, stoking inflation and curbing the central bank's ability to cut interest rates to boost sputtering growth.

"The company continues to be disappointed with the low turnout rate at four of its Rustenburg mines which are currently reporting less than 20 percent attendance," Amplats said in a statement.

It said its Rustenburg "process operations" had resumed full production but the mood among strikers was uncompromising.

"We'll buy 20 litres of petrol and if police get violent, we'll make petrol bombs and throw them at them," said Lawrence Mudise, an Amplats rock driller, holding a sign demanding 16,700 rand (\$2,000) a month, a hefty premium on his current salary.

Police fired tear gas and stun grenades to disperse a crowd of men carrying spears and machetes in a squatter camp near the site on Wednesday.

"We'll not go to work until we get what we want. Our kids have been shot at, our families have been terrorised and brutalised, but we are not going back to work," one miner, who did not wish to be named, told Reuters.

#### LONMIN JUBILATION

A few kilometres away at Lonmin's Marikana mine, thousands of workers reported for their first shift since early August, ending one of the bloodiest bouts of industrial action in the 18 years since the end of white-minority rule.

Many shouted "We are reporting for work" in Fanagalo, a pidgin mix of Zulu, English and other African languages.

The miners were in jubilant mood after securing wage rises of up to 22 percent. "I feel very happy that I can go back to work now," said Nqukwe Sabulelo, a rock-driller at the mine. "I'm going to live well now."

The hefty wage settlement has stirred up trouble in the gold sector, with some 15,000 miners at the KDC West operation of Gold Fields, the world's fourth largest bullion producer, holding an illegal strike.

The Gold Fields protest is fuelled by discontent with the local leadership of the dominant National Union of Mineworkers (NUM) and their stance has been given fresh impetus by the Lonmin settlement.

Gold Fields said this week it would not entertain demands for a minimum wage of 12,500 rand despite losing 1,400 ounces a day - close to 15 percent of group production.

NUM General Secretary Frans Baleni said the union, a key political ally of the ruling African National Congress, was trying to help.

The stand-off threatens the NUM-dominated collective wage-bargaining that has typified South African industrial relations since apartheid.

"We are trying to narrow the demands and get them to go back while we negotiate," Baleni told reporters.

Part of the African National Congress-led ruling alliance, the country's biggest group of unions this week acknowledged the challenge posed by the rise of the militant AMCU union and the need for change.

"The labour movement needs to renew itself," said Zwelinzima Vavi, general secretary of the Congress of South African Trade Unions (COSATU).

"There is the danger of finding ourselves ... outflanked by the new independent unions which are emerging as a result of dissatisfaction from the shop floor."

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### **Fire and pro-Zuma songs at Cosatu conference**

20 Sep 2012 12:24 - Verashni Pillay

Defiant NUM delegates set alight a pile of documents outside the Cosatu conference venue and sang pro-Zuma songs. Watch the videos.

About 100 delegates from the National Union of Mineworkers set alight a pile of documents outside the Cosatu conference venue on Thursday morning, and sang pro-Zuma songs. (See the video below)

**Earlier three men with a red suitcase had been handing out pamphlets on the spot in support of the Marikana miners, and among the burnt papers was the red suitcase and a poster condemning the charging of the miners.** There was also a number of historical archived media coverage of South African politics from decades back.

One of the men present told the *Mail & Guardian* the papers were seeking to divide the alliance, before launching into another pro-Zuma song. The crowd then surged into the conference venue.

Despite general secretary Zwelinzima Vavi's adamant position that the Congress of South African Trade Unions would not endorse any ANC candidate as leader ahead of Mangaung, the delegates had their own ideas and stormed into the last day of the trade federation's conference singing and dancing.

ANC president Jacob Zuma is fighting for a second term as ANC and South African president, while his critics want to have him replaced by his deputy Kgalema Motlanthe. The ANC and other parts of the alliance have tried to contain the lobbying for either individual before nominations officially open on October 1, but with little success.

Vavi himself has tried to rise above the divisive factional battles, despite Cosatu's president S'dumo Dlamini coming out in support of Zuma just before the conference.

"Just to emphasise! Cosatu congress has not endorsed any individual leader for Mangaung! We remain in support of the whole collective," Vavi tweeted on Thursday morning. "The framework we articulated before remain binding policy with the emphasis that Cosatu

won't allow tenderpreneurs to hijack the ANC. So please don't try to get me to move out of the framework by endorsing on Twitter your favourite candidate – I won't."

But a few hours later the singing delegates rushed in from outside, singing: "Sihamba noMsholoza, Sihamba noPresident," which means: "We are going with Zuma." (See the video below)

Delegates from the Police and Prisons Civil Rights Union, the South African Medical Association, the Democratic Nursing Organisation of South Africa, the National Union of Metalworkers of South Africa, the Food and Allied Workers Union and others joined in, disrupting proceedings.

But Vavi reacted calmly, telling delegates they were well within their rights to sing songs supporting any leader of the alliance according to the rules of the congress, "but you may not sing any songs against any leader and you may not do any signs". Delegates were using the popular hand signals denoting their preferred ANC leader: two fingers mean a second term for Zuma, and the football substitution sign for Motlanthe.

Vavi then started them off on singing the song again, before the members settled down for the rest of the congress, which is on its final day.

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### **Zuma authorises army deployment in Marikana**

20 Sep 2012 15:17 - Sapa

The South African National Defence Force has officially been deployed in Marikana from September 14 until next year January.

In a statement on Thursday, the presidency said the soldiers would support the police "in the prevention and combating of crime as well as the maintenance of law and order in the Marikana area, North West province and other areas around the country where needed".

Asked which "other areas" the presidency had in mind, spokesperson Mac Maharaj said this could be any place where soldiers would be needed.

Cape Town, where the military was deployed last year, was one of the areas under consideration, he said.

"It's based on the pattern of crime incidents in the festive season period," Maharaj said.

The deployment to Marikana was needed because "there had been some problems too" in the area.

"The police have had to attend to it. Wherever they need to have support [from SANDF], that support will remain available," Maharaj said.

He said while the military would support police, "the primary function would remain in the hands of the police".

The deployment would last from September 14 until January 31 next year.

The Star newspaper on Thursday reported that a backdated notice had been issued by the ministry of defence that would legalise the deployment of soldiers to Marikana.

The notice was published in the Government Gazette on Tuesday and signed by Defence Minister Nosiviwe Mapisa-Nqakula.

The date on the signature was September 14.

The paper cited the Defence Act as stating that a notice of a troop deployment had to be made in the Gazette within 24 hours. – Sapa

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2012-09-19

#### MARIKANA SETTLEMENT AND ITS IMPLICATIONS

Yesterday, the 18th September 2012 the bosses at Lonmin finally made an offer that was decent and acceptable to the workers. This happened after a long, protracted and deathly strike in which 45 workers died, more than eighty were wounded, more than 279 were arrested and charged for various crimes including murder. This settlement deal embarrasses, first COSATU which had called the demands of the workers unreasonable and



unrealisable, also the ruling ANC whose cowardly and murderous policemen shot and killed miners.

The LONMIN wage deal has been finalised without COSATU playing a major role and its leadership including Vavi have expressed disappointment and concern that such a deal will undermine all existing agreements including the Labour Relations Act. The fact that workers chose to go with a union that did not at the time have the majority membership was not fully recognised by management, also completely rejected all the NUM interventions has put COSATU and the government in a fix. While Vavi has acknowledged the fact that the COSATU leadership lifestyle is far removed from that of ordinary members and also they live in opulence while members can hardly make it, he has warned that the agreement that was won by workers and their union, AMCU through struggle, is in fact dangerous and it is precedent setting for all workers who will now reject their unions for upstart unions.

What is meant here is that this particular struggle of workers has opened real possibilities and workers can now dump their subordinating and betraying unions for those who care for the interests of the workers who have set them up.

Despite the fact that they did not get the R12 500-00 they demanded, LONMIN was made to come closer to that by agreeing to an unprecedented whopping 22% increase to reach the more than R11 000, and a R2 000 once off bonus at the end of the month. LONMIN also agreed to take all workers back including all those who were arrested and charged. While they claim to await the outcome of the judicial inquiry, they have been forced to accede to the demands of the workers.

This is indeed a great breakthrough for the Marikana workers. The LONMIN bosses mourned the fact that they were literally forced to sign an unreasonable agreement, while in the six weeks that workers were on strike they have lost R15 million a day. The truth is, workers called LONMIN's bluff and succeeded. AMCU responded by saying that LONMIN could have saved themselves the trouble and losses had they chosen to settle earlier and the miners also, would have not died.

Had workers not chosen the path they took, the reality is, there would not have been any benevolence and magnanimity on the part of the bosses. They would have not won these gains now or ever. The capitalist system represented by LONMIN and the government was unmoved even in the face of death and suffering of the workers. They remained recalcitrant, arrogant and always committed to extracting whatever profits and exploiting workers.

Finally, this wage deal settlement happened at the time when COSATU was holding its elective congress. Despite the Marikana crisis and the role played by its leading union the NUM, COSATU and its alliance partners continued to blame workers and other sinister forces for the problems. They appointed their own commission of inquiry to investigate the murders. The best they could do was to blame 'the militarised police' not their command

which is the government. They rewarded their leadership by returning all of them unopposed.

We as the Socialist Party of Azania believe that there will be hard times ahead. The ANC led government was provided with an opportunity, albeit painful, of nationalising a foreign owned mine that that in so many ways of undermining the sovereignty of our country and also was directly responsible for the death of so many citizens. In any country that loves its people, the licence of LONMIN would have been revoked. We continue with the call of the nationalisation of the mines and the support of all the workers who continue to fight for their democratic rights and the unions that represent them.

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2012-09-10

#### MARIKANA, THE LABOUR MOVEMENT AND THE SOUTH AFRICAN SITUATION

In about a week COSATU is going to go to its congress. Unlike in past congresses, it will not be a celebratory congress but one which will be about soul searching and to find out how so many things could have gone wrong, also why is it nothing was done to avert the disaster or change the fortune for the better. South Africa, after the callous massacre in Marikana, is in a crisis, a crisis of such enormous proportion that many people believe that fortunes of the South African 'miracle' have forever changed. We entered a space where the government will not hesitate to use lethal force on those who disagrees with it.

Many had thought the callous murder of Andries Tatane in Ficksburg was just a freak accident but there is a growing body of evidence that attest to the fact that our "police service" which was supposed to be much acclaimed has reverted back to being a "police force." They are both callous and brutal. They have accounted, though low key, to more than 3500 deaths since 1994.

However, the crisis is more than just state violence, though state violence is also symptomatic of the depth of the crisis. It is first a labour crisis of great proportions, a political crisis that put into question all which up to now have been celebrated, including the most liberal and democratic constitution in the world, and finally it is an economic crisis that has first played itself out by the more than 400 annual service delivery protests throughout the entire country but also the spate of labour protests and actions particularly in the mining sector, where there has been no visible transformation whatsoever.

South African miners (we mean Black miners, white workers only constitute 1% of COSATU's membership), are the least paid in the world. What is real and cannot be denied is the fact that unemployment, homelessness, poor education - general poverty and want is what define the Black majority in the "democratic" South Africa.

Since its formation in 1985, COSATU has enjoyed unparalleled growth and support and it was rightly referred to as the unquestionable voice and defender of the workers. The ruling

ANC party found itself in an unassailable pole position because of the unquestionable support it received from COSATU as a member of its tripartite alliance. In turn the ANC rewarded COSATU leaders by giving them ministerial cabinet positions that made them party to policies that disadvantaged workers and the Black majority.

COSATU has, in this situation been made a gate-keeper to policies that emanate from the offices of the Brettonwoods institutions that clearly attack the interests of workers, sovereignty of the country and the Black majority.

Unions, including COSATU are set up to advance the interests of workers, to force and win concessions from the bosses and government, to defend the gains which include both civil liberties and democratic rights, all won through struggle. Their uncontested terrain is collective bargaining. They act, speak and represent to the fullest the mandate of those whom they represent. These are the first and key tasks of the labour movement. Unions cannot act in such a way that they are perceived to be betrayed or acted against their members or workers for that matter in favour of the bosses.

This is the crisis that COSATU and its affiliate unions face today. Marikana has its roots in these perceptions. In the past years workers suffered great blows from the bosses and the government, which is understandable, but the hardest was the indirect blows that came through their union leaderships which have refused to stand firmly on their demands but subordinated to the whims and positions of the bosses and the government. COSATU leader, Zwelinzima Vavi refers to the Marikana massacre as 'a full political statement' because more often than not, it is the COSATU unions' leadership that have undermined the demands of the workers they represent or settling at far less than what the workers mandate was. This has deepened the struggle for a living wage.

There are so many challenges that face South African workers including the fact that the government has not transformed the townships which were set up by the Apartheid regime as labour reservoirs - people being forced to live very far away from their places of employment and with no efficient public transport system available. There are still people who literally spend their time travelling to and fro to work - an average of three hundred and fifty kilometres a day.

This problem has reared its head in most COSATU unions, like the teachers union, the public sector unions, the transport unions and tele-communications unions amongst others. Workers have expressed their unhappiness in this state of affairs and some of them have openly expressed their displeasure at being subordinated to the bosses or government. There is a general perception that the COSATU leadership has only one target, that of being part of the ruling oligarchy. This has resulted in COSATU unions losing members or new rival unions being formed. This situation challenges our traditional positions on the labour movement.

In Marikana, for instance, NUM, one of the major COSATU union and a leader in the mining sector, unequivocally said R12 500 was both too much and unreasonable and pleaded due process, sided with management and the police even after the massacre had occurred. It

took almost two weeks for Vavi to come out clearly that R12 500 was not only reasonable but too little when compared with the work the miners do. NUM and Vavi had endorsed the police version of the massacre and even called for people to be prosecuted to a point of being charged for murder. However, NUM, particularly, its leadership is being evicted by workers in most mines.

Vavi has had his own Damascus road experience when he said: "Singing the ruling party's praises will not do the federation or the country good. When the union is engaged in a protracted battle with the government, the grass suffers. Equally when the government is involved in the never ending love affair with the government. The grass still suffers." Despite these revelations, we do not think any such lessons are learnt and understood, as a strong COSATU lobby group is busy trying to remove him as secretary general. Quite clearly, what Vavi is saying is that COSATU must understand that their salvation and redemption as a labour federation lies in its independence.

They use the same attack he has used on Julius Malema when he called him "a wealthy, essentially right wing leader, who demagogically exploits any perceived weaknesses to encourage workers to leave their union, their only means of defence," to attack him. For his part Malema has recently called Vavi, 'the only revolutionary left in COSATU.' These attacks and counter attacks epitomises the crisis that exist in COSATU and even in the ANC. There is merit in calling for the unity of all workers and their organisations but that merit does not exist when the labour unions desert the very workers they are supposed to defend.

The reality is, the COSATU unions are fast losing ground to independent trade unions that are formed out of their own failures and compromises. There are several sectors where COSATU is no longer dominant and there will be more if the status quo continues. In Marikana it is said that 'workers chose death over "wage slavery" accepted by the leadership of NUM. This is exacerbated by the fact that union leaders who refuse the workers to demand more, earn infinitely and riotously more than these workers. How do you compare an annual salary of R36 000 or even R60 000 per annum to that of R1.4 million a year for the president of the NUM? Is there no longer any morality?

The labour Research Service's Directors Fees Survey indicated that the average remuneration of CEO's in the mining sector during 2011 was R20.2million per annum and amounts to R55 000 a day. Yet the union (NUM) and the bosses were agreed and told the workers that the demand of R12 500 per month was unreasonable. This clearly is the conspiracy of the union leadership and the bosses against the workers. The new union in the mining sector, the Association of Mineworkers and Construction Union (AMCU), which stood full square with the workers, almost 28 000 of them in the Rustenburg mining area (the same place where Lonmin is) continue to be isolated by the bosses and COSATU which agrees to go into negotiations with unions which at the moment do not have members at the mines.

A "Peace accord" was signed with these sweetheart trade unions like the openly rightwing "Solidarity" and the United Association of South Africa. This, despite the fact that AMCU is the fastest growing union, not only in the North West but in Mpumalanga, Limpopo and

particularly in all the platinum mines. The president of AMCU, Joseph Mathunjwa was greatly outraged by such a move especially since most of the striking workers believe AMCU is their legitimate union.

This clearly shows how far COSATU is willing to go in order to try and preserve its labour hegemony particularly in the mining sector. How does any union ever justify violence against the workers even if they differ with them. At the centre of all their problems is their twin tripartism, first that of itself with the ruling ANC and the South African Communist Party then that of itself, big business and the government - these limit and subordinate the labour movement's ability to actively fully represent the interests of the workers. The labour movement gets muddled up in issues often outside the armpit of the workers' struggle.

The second crisis, is that of politics. As pointed out in so many discussions, the political patchwork that was CODESA continues to bedevil the Black majority. Even after 18 years of paying the Apartheid debt, subordinating our sovereignty and our economy to the Brettonwoods institutes, poverty remains a defining feature of the Black majority. The real outcomes of CODESA are starting to play themselves out for all to see.

It is no secret that Black people, the country's majority were both the subject and object of their liberation struggle, which really meant that they were supposed to be the great beneficiaries of the freedom struggle. However, that has not happened, they now belong to the most unequal society in the world punctuated by the fact that it is recorded that they are worse off than they have ever been even under Apartheid.

Those who crafted the agreements were fully aware that they were sacrificing everything for the sake of the so-called 'unqualified franchise' - the right to vote, they also knew that the success of that ploy will represent nothing but a pyrrhic victory. The lots of Black people will not have changed - they would not have moved. So in reality it has to be expected that the violence such as that of Marikana was inbuilt in the system right from the beginning. Where there is general poverty, where there is unemployment and generalised lack, the only way out for the trapped Stalinist bureaucracy will be violence. It is a tried and tested method in such situations. The real way out though, is breaking with imperialism with all its empty promises and trappings. Without such a break, very little can be achieved now, or even in the near future. It is in this context and such a consideration that the Black majority have to set up a Black Republic, a product of real and untrammelled democracy.

Finally, the economic crisis that South Africa is facing, largely because of policies that are subordinated and dictated upon by imperialism led in the main by U.S. imperialism, is in so many ways part of the world economic crisis. Despite promises of growing the economy by creating sustainable jobs, only the opposite has so far happened. The economic crisis that has grabbed European countries in a deathly stranglehold has also had devastating effects on the South African economy. More than a million jobs have been lost in the period while very few jobs have been created.

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## South Africa's 'Marikana Moment'

Mark Gevisser

September 19, 2012

The Marikana strike in South Africa is finally over, but the legacy of the massacre that took place there two months ago may prove to be as enduring as that of the Sharpeville massacre more than four decades earlier. On March 21, 1960, the South African police fired into a crowd of demonstrators protesting the apartheid pass laws at Sharpeville, killing sixty-nine. On August 16, 2012, the South African police fired at a crowd of striking wildcat miners at Marikana, killing thirty-four. Not surprisingly, many in South Africa have labeled Marikana the Sharpeville of our times, all the more devastating because the fingers pulling those triggers were controlled by a government voted into power to realize the aspirations of the majority rather than to shoot them down.

In many respects, the Sharpeville reference is inappropriate. The protesters back then were fighting for basic rights to citizenship against a state that viewed them as subhuman; at Marikana, the protesters were fighting for a better wage against an employer with significant black ownership. In both instances the demonstrators were assembled illegally, but in the Sharpeville era the laws were unjust, while at Marikana they were merely being applied ineptly, albeit with equally tragic consequences.

Yet on a symbolic level the analogy is apt. Both massacres represent thresholds. After Sharpeville, the state clamped down as never before, banning the liberation movements and forcing them into exile and underground; the African National Congress responded by turning to armed struggle. The consequences of Marikana might be less dramatic, but the massacre will nonetheless come to draw a similar line between one era and another, with the suggestion of innocence lost at the crossing. There will be pre-Marikana and post-Marikana, just as there was pre- and post-Sharpeville.

President Jacob Zuma's ANC has branded the current era the Second Transition: if the first, Mandela-led transition was about the transfer of political rights, this second, Zuma-led one, we are told, is going to bring socioeconomic uplift to millions who still live in poverty in a country with one of the world's highest inequality rates. The major scandal in South Africa before Marikana was the revelation that an ANC "sweetheart" publisher had failed to deliver thousands of textbooks to South Africa's poorest students for more than six months; the books have still not arrived. In this context, the Second Transition means something else: Marikana marks that tipping point when the liberation movement moved inexorably closer to becoming just another alienated party in power and the people lost faith in its transformative possibilities.

This does not mean that the ANC is going to lose the next elections, scheduled for 2014. There is not yet a viable alternative. **The one serious contender, the left nexus around the ANC-aligned Congress of South African Trade Unions (Cosatu), has proven itself**

**too implicated in state power to perform the job of the opposition; this is one of the root causes of the Marikana tragedy.** And so into the vacuum step wildcat strikers, flash-fire protesters, unwitting anarchists, men who believe traditional medicine will protect them from bullets, men who need a living wage and dignified living quarters, each of whose meager paychecks supports an estimated twenty-six people in a country with an intolerable unemployment rate—people who will become increasingly susceptible to the rantings of dangerous demagogues.

The Marikana strikers, who belong to the parvenu Association of Mineworkers and Construction Union, were on strike for over five weeks. Workers have downed drills at eight other mines, all over pay increases. To contain the unrest, the government announced actions that stopped just short of a state of emergency, and began disarming strikers of their spears and knobkerries. The powerful National Union of Mineworkers (NUM), which belongs to Cosatu and played one of the decisive roles in the anti-apartheid struggle, was viewed by many of these new strikers as the enemy, in league with the bosses and the state; nothing symbolized this more than the position of Cyril Ramaphosa, one of South Africa's richest men and an owner of the Marikana mine, who formed NUM in the 1980s.

The South African economy has taken a blow from Marikana, and even with that strike over, there are augurs of further labor unrest. At the recent Cosatu congress, President Zuma warned that the strikes could spark a recession. But the country will not be engulfed in flames. The state asserted control, albeit belatedly, and at a price, for at Marikana it proved its alienation from the people: government ministers were scarce at the site of the massacre, and the decision to charge the striking miners with the murder of their comrades—rather than the police who shot them—under the apartheid-era “common purpose” doctrine was insane (a charge swiftly withdrawn after the outrage that followed).

Thus drains away the dream of liberation. If a viable opposition does not arise to provide a new home for South Africa's disaffected poor, the ANC will remain in power (much as the PRI did in Mexico) for decades. Power struggles will become bureaucratized, or refracted into leadership battles within the party; this is happening right now, in the run-up to the ANC's all-important five-year conference in December. The expelled youth leader Julius Malema is whipping miners into a froth against their bosses and the government, but he has no interest in starting a new party. Rather, he is running an insurgent movement within the party, in veiled concert with some of its mandarins, to depose Zuma in December, just as he led the movement on behalf of Zuma to depose Thabo Mbeki five years ago.

If Malema succeeds, the beneficiary this time will be the deputy president, Kgalema Motlanthe, a man far more substantial than Jacob Zuma but probably far more ineffectual too, judging from his past record. And whatever his potential, he will be hobbled, perhaps fatally, by having Malema and his ilk as outlier kingmakers. The situation can only deteriorate, and will improve only when a credible, sensible new generation of post-struggle leaders takes the reins, either within or outside the ruling party.

There is, alas, no one in sight. And so the country remains on edge—if not, it must be said, on a precipice. South Africa will not become Zimbabwe. It has a Constitution that is its

hallowed foundation stone, which all parties are compelled to pay lip service to, even if they would rather not. It also has an economy that can weather a flash-fire crisis, a vast private sector and many sound organs of civil society, from a free press to an independent judiciary (for now, at least), to keep state power in check.

Still, given that we must anticipate increased—and perhaps increasingly desperate—protest in the months to come, the question must be asked: Will there be more Marikanas? Jacob Zuma's government is not a steady enough hand on the trigger—or on the tiller—to inspire much confidence.

Mark Gevisser

September 19, 2012

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### **Deep Read: The way home from Marikana**

19 Sep 2012 14:09 - Fezisa Mdibi

Lonmin workers are celebrating the end of their successful strike, but the families of miners slain at Marikana fear their spirits may be lost.

Striking Lonmin workers have settled their differences with mine management and agreed to accept a salary hike that, while not quite what they were demanding, is nevertheless a substantial increase. But in the celebrations – and sighs of relief – that follow, we must not forget the blood price which paid for this peace – a peace that the family of the miners killed in the clashes may never find.

I was at the memorial service that was held for the 34 miners who were killed by the South African police service in the mining town of Marikana in South Africa's platinum belt.

I went out of curiosity, driven by a desire to understand what really happened on August 16. How such a calamity could happen in a constitutional democracy, a free South Africa whose progressive Constitution is the envy of much of the world. How this could happen in a country that has seen miracles worked in situations where others might only succumb to the desire to annihilate each other?

I was with a journalist friend who was there to work. He had been there before, the Friday after the shooting. When we drove into Wonderkop, the shanty settlement where the mineworkers – mostly men – live in tin structures, he slowed the car, and said: "What happened in this area is very bad, please try not to get emotional, it is hectic here."

I thought he was exaggerating.



Driving into the settlement, we were welcomed by a stench that was so pungent that the people who were cleaning up had masks on. They were cleaning up the road, some picking up rubbish from the open field that is just across the shacks where miners live.

Goats, dogs, chickens and birds were competing with one another, scavenging for food in the rotting filth. We drove past a woman who was carrying a bin which she proceeded to dump in the road, with one of the cleaners just a few metres away. Clearly she didn't care. Many of these shacks had no toilets or running water – visible from others was a single tap in front of the shack. This is the informal settlement known to Nguni-speaking people as Enkanini, and Nkaneng to the Sesotho-speakers. Both names mean "by force".

Across the continent and the world, there are many rituals that will be performed when a member of the family dies. Here in South Africa, it is common for a ritual to be performed when someone dies far away from home. This practice dates back many years. To some, it is called ukulandwa komphfumlo – the fetching of the spirit. The belief is that the spirit of the deceased must be "fetched" from the place where they took their last breath; otherwise it roams around for eternity and never gets to rest.

This is done by going to that exact spot where the person died and speaking to the person as if they were alive. This conversation usually gets conducted using the person's clan name and telling them that "Sizokulanda, siyagoduka ngoku" – we have come to take you home.

This will be continued throughout the duration of the journey back home and if the car stops moving at any point – the deceased has to be notified of what is happening until they reach their final resting place. A tree branch is often used in this communication, but this also varies from family to family, and the person talking will put it over the spot where the deceased took their last breath and relay the message that they are there to take them back home. In my village this branch is known as umphafa. The family will then carefully carry this branch home, where it will be buried with the body.

When my cousin – who was as close to me as a brother – died in a car accident in 2010, the elders went to the exact spot where his body was found and fetched him. Although I will never see my brother again on this earth, I take comfort in knowing that his spirit is resting at home.

Fast forward to Marikana – where migrant workers, many from the Eastern Cape, have left their wives and children the same way their fathers and grandfathers have been doing for decades since the introduction of the homeland laws of 1951 – have been gunned down by those who were mandated to protect them.

The air is heavy with tension but there are no police officers visible. Walking through the field where the shooting happened, I notice that, a week later, there is still a layer of thick, now sun-burnt blood on the ground, where some of the deceased fell.

There are cameras everywhere, television reporters from around the world. At the bottom of the rock where the miners sat for days, we see four families separately wandering about – with most of the women covering their shoulders in blankets, though it is scorching hot.

There is a family of about eight people from the neighbouring Kingdom of Lesotho – discernible by their signature Sotho blankets – talking and addressing somebody we don't see in front of us. One woman breaks down and starts wailing very loudly, she then falls to the ground in grief. The television cameras all turn to her to capture this.

One lady turns to us to ask for water. She tells us that the deceased is her father, who hailed from the capital, Maseru. She is the sister of the wailing woman.

Overcome with grief and tears running down her cheeks, the woman on the ground says loudly in Sesotho: "Ntate, you came to look for work in order to support us your children, but you met a cruel death here. We have come to fetch you, to take you home to your resting place." We moved away, for fear of interfering in a sacred and painful family ritual.

The families have come to fetch the spirits of their loved ones, who were not just miners, but fathers, sons, brothers and husbands.

Another family a few metres away is sitting in silence, looking dazed. There are three women, an elderly man whose beard and hair is beyond grey, and two young men.

The elderly man has just finished an interview with a television crew. We walk up to them and introduce ourselves. They tell us they are from Mqanduli in the Eastern Cape, about 1 000km away. "I have lost two grandchildren here," he tells us. "I didn't know that people get killed when they demand their rights."

One of the young men tells us that his two brothers were shot in front of him.

He shows us which way he ran and tells us that some miners were crushed by police vehicles. While he is talking, his entire right cheek is trembling, temples almost popping out of his head. He wears his rage on his sleeve.

Another young man, clutching a bunch of flowers, interrupts: "Grandpa, where should I stand to do the ritual?"

The elderly man instructs him to choose any spot and talk to both his departed brothers. "My child, we have no idea. We don't know where they fell," he says.

At that moment, the family's pain hangs in the silence.

They will never have their loved ones back, or be able to take comfort in knowing that their spirits are resting peacefully at home.

Soon, they will turn back. Perhaps breaking the silence of the journey home to speak to their lost brothers and grandchildren, hoping against hope that their spirits might still hear them.

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### **Ramaphosa defends himself against claims he sold out Lonmin workers**

by Setumo Stone, 20 September 2012

IN RESPONSE to allegations that he had sold out workers at Lonmin platinum mine in Marikana near Rustenburg, Cyril Ramaphosa has hinted that he fought for some of the benefits mine workers enjoy today.

Speaking in a radio interview with SAfm on Thursday, the once popular trade unionist said he was merely "the highest tree that catches the fiercest wind" in the Marikana tragedy.

"I spent nine years with mine workers fighting for their rights," Mr Ramaphosa said.

Mr Ramaphosa, a 9% shareholder in Lonmin, had been lumped with union bosses and mine owners, criticised for their poor response to last month's labour unrest at the mine.

His involvement as a shareholder in Lonmin had raised questions about the capacity of black economic empowerment deal makers to drive change in the mining industry in favour of black workers.

Lonmin financed Mr Ramaphosa to the tune of R2.5bn to buy a stake in the business, and Mr Ramaphosa's company, Shanduka, contributed a further R300m.

Mr Ramaphosa said on Thursday there were only three black representatives on the company's board, and they were "working on the side of our people".

He said bringing about change was "not like you could wave a magic wand".

However, expelled African National Congress Youth League leader Julius Malema has placed blame on the Lonmin massacre squarely at Mr Ramaphosa's door.

"Lonmin had a high political connection. That is why our people were killed. They were killed to protect the shares of Cyril Ramaphosa," Mr Malema said following the shooting of 34 protesters by police.

Mr Malema then raised as an "irony" that Mr Ramaphosa could afford a R20m buffalo but could not pay the R12,500 wages demanded by the striking workers.

Cyril Ramaphosa in April bid R19.5m for a prized buffalo cow and her calf in April but was beaten by Jaco Troskie, who paid about R20m.

On Thursday Mr Ramaphosa said he regretted bidding for the buffalo and that it "was a mistake". "It is one of those moments when I was blind-sighted," he said.

Mr Ramaphosa said the conditions in the mining industry were not yesterday's creation and could not be fixed overnight. "Marikana must be a turning point," he said.

However, he said Tuesday's wage settlement that brought an end to the unprotected strike was "a bad and dangerous precedent".

He said it was bad that workers could complain and opt out of the regular bargaining platforms and still get what they wanted.

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### **NUM's Baleni says illegal strikes have cost jobs**

by Carol Paton, 20 September 2012

NUM general secretary Frans Baleni. Picture: RUSSELL ROBERTS

NATIONAL Union of Mineworkers (NUM) general secretary Frans Baleni has warned that while illegal strike action in the platinum belt has won wage increases for workers, it is leading to the loss of thousands of jobs.

Mr Baleni said that since February, close to 10,000 actual and potential jobs had been lost in the sector. This includes: 1,200 at Lonmin, which will next month close its K3 shaft; 2,500 people at Impala Platinum, who were not rehired following the strike earlier this year; and 2,300 at Aquarius. In addition, Anglo American Platinum has indicated that it intends to retrench 2,000 workers and Lonmin has put a new development on hold, which would have led to the creation of 3,000 new jobs.

Mr Baleni also repeated the warning expressed by Cosatu general secretary Zwelinzima Vavi yesterday that awarding wage increases as a result of illegal and unprocedural strike action would encourage "copycat" action. He said the NUM had already received indications that workers at Harmony, AngloGold Ashanti and coal contractors in the Highveld region were contemplating strike action.

This is in addition to workers at Anglo Platinum and Gold Fields KDC mine Carletonville, which are presently engaged in illegal strikes, demanding large increases.

"It is a bad precedent that an unprotected action which was accompanied by violence and intimidation receives concessions.... It will encourage members to (engage) in copycat action and not to follow the normal bargaining process."

The NUM, which held a press briefing this morning, was also at pains to point out that the gains for most workers in the Lonmin strike were not as impressive as has been made out. Wage increases ranged between 11% and 22%. Since this also included the increase of between 8% and 9% that would have come into effect on October 1, additional gains were not that large, it said.

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### **Lonmin returns to bargaining system after 22% hike**

by Carol Paton, 20 September 2012

LONMIN acting CEO Simon Scott says now that the punishing 42-day strike has ended, the company hopes to communicate with workers only through their unions, using established bargaining procedures.

The refusal by some Lonmin workers to co-operate with their unions led to an unprecedented situation where they represented themselves in wage talks, casting doubt on the value of collective bargaining processes.

Congress of South African Trade Unions general secretary Zwelinzima Vavi said yesterday that settlements outside the collective bargaining framework, such as Lonmin's, threatened to reduce the Labour Relations Act "to ashes".

Although normality will return to Lonmin today as workers resume their duties, the Marikana community remains tense.

There were reports yesterday that the death toll had reached 46, after an African National Congress councillor died after allegedly being injured by police when they acted against protesters on Saturday.

Mr Scott said in an interview yesterday that careful attention would be paid to rebuilding labour relations, containing costs and ensuring that Lonmin's corporate social investment was effective.

Issues relating to the working and living conditions of mineworkers would be addressed on an industry-wide basis, he said.

"We've got to work at rebuilding trust and getting processes into place so workers deem they can work through their unions. We are going to act within structures and rules and it isn't our intention to continue talking directly to workers," Mr Scott said.

Talks to establish centralised bargaining structures for the industry were already afoot, he said.

Mr Scott was hesitant to reveal the full effect of Lonmin's increased wage bill following Wednesday's settlement, and said: "The overall wage increase varied between 11% and 22%, so the cost is somewhere in between ... the long-term fundamentals of platinum are excellent, but in the short term the business is going to require very careful management due to increased labour costs."

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### **Moody's warns wage deals could affect miners' credit ratings**

by Mariam Isa, 20 September 2012, 13:53 | 0 Comments

MOODY'S ratings agency has warned that more aggressive wage negotiations in South Africa in the wake of the Lonmin agreement could have "negative impacts" on rated mining companies in the sector.

Lonmin's deal with workers at its platinum mine in Marikana following a violent strike that resulted in wage hikes of up to 22%, effective on October 1, and a signing bonus of R2,000.

"If the agreement were to spur calls for similar wage hikes at other mines, it would be credit-negative for rated miners with exposure to South Africa, that are facing other event risks, including potential increased taxes as an alternative political response to calls for nationalisation and ongoing exposure to lawsuits arising from medical claims," Moody's said.

It was the first time a rating agency has warned of the potential impact on the credit ratings of South Africa's mining sector of the Lonmin wage agreement and spreading unrest in the sector. A credit rating downgrade would increase the cost of borrowing for those companies.

Mining companies in South Africa were "particularly vulnerable" to wage increases because wage costs represented more than 50% of their total costs in domestic operations, Moody's noted.

"Furthermore, prolonged strikes due to labour disputes, if they were to occur, could lead to reduced production and lower cash generation, which, without equivalent reductions in costs, would exert pressure on the operating margins and other credit metrics of rated mining companies with the greatest exposure to South Africa," Moody's said.

The miners with the biggest exposure to South Africa in terms of revenue and operating profits included Anglo American, Gold Fields and AngloGold Ashanti, it said.

"Moody's will continue to closely monitor the situation in the mining industry in South Africa, especially with reference to labour unrest and any potential contagion to other sectors to assess any possible material impact on rated issuers," the agency said.

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### **Mugabe's mines 'perform better than SA's'**

by Paul Vecchiatto, 20 September 2012, 08:30 | 0 Comments

ZIMBABWE'S platinum mines were an example of well-run and socially aware operations where their black management operated by the book " because they are afraid of the president ", The Bench Marks Foundation's senior researcher, David van Wyk, said yesterday.

Answering questions before Parliament's portfolio committee on mineral resources yesterday, he said South African platinum and other miners had been less than honest about their recruitment of labour and corporate social responsibility programmes.

The presentation from the non-governmental organisation was part of a process of trying to understand what led to the Marikana massacre. A month ago police shot and killed 34 workers and injured another 78 as tensions at the Lonmin mine escalated.

In all, 45 people were killed while the labour unrest also spread to other mines.

The Bench Marks Foundation said research on conditions at and around the North West's platinum mines was conducted last year. The report was released two days before the massacre on August 16.

Mr van Wyk said Zimbabwean platinum mines were safe with few accidents, good living conditions and a 100% worker literacy rate. " All the mine management are black and they are afraid of the president so they do everything by the book ."

This showed that Zimbabwe regulatory compliance was high, unlike SA where the mining companies often bought government officials.

Mr van Wyk said women were employed wisely on those mines and even operated machinery. "Women are known to operate machinery more carefully than men and so the machinery lasts longer."

Zimbabwe has the world's second-largest platinum deposits.

Mr van Wyk said because the Zimbabwe platinum mines used women as truck drivers, this lessened the spread of HIV/AIDS. "The roads to the mines are rivers of HIV/AIDS as truck drivers pick up prostitutes who stand alongside the roads.

"Women drivers were less likely to stop and spread the disease."

Implats spokesman Rob Gilmour said the company's Zimbabwe and SA operations could not be compared. "The Zimbabwe mine is shallow and highly mechanised, while our Rustenburg mine is a deep operation and manpower intensive.

"The Rustenburg mine employs 47,000 workers compared to a couple of thousand in Zimbabwe."

Mr Gilmour said the Zimbabwe mineworkers were highly literate compared with their South African counterparts and this was a function of that country's education system. The Rustenburg mine had an influx of people from around SA and neighbouring countries looking for work, and not the Zimbabwe operation.

Mr van Wyk said President Robert Mugabe was right to take a 51% shareholding in the mines as Zimbabwe and SA produced 86% of the world's platinum. "They (the companies) have not run as they have nowhere to run to."

The last known accident on a Zimbabwean platinum mine occurred in June.

Mr van Wyk said South African mineworkers were unfairly criticised for being less productive than their foreign counterparts. He gave examples of other countries where better pay and working conditions helped to boost productivity.

"(SA mineworkers) conditions are poor," Mr van Wyk said. "It is no wonder that a person who is receiving low wages, living in a shack and whose only entertainment is a prostitute and drinking, struggles to be productive at work."

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IMC sends condolences to Councillor Masutlhe's family

Thu, 20 Sep 2012 16:06

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Collins Chabane

The Inter-Ministerial Committee (IMC) on the Marikana tragedy led by Minister in The Presidency, Collins Chabane, has sent condolences to the family of Councillor Pauline Masutlhe from Marikana.

Councillor Masutlhe passed away at Job Shimankane Tabane Hospital in Rustenburg.



She was shot in her leg by police during a police operation on 15 September in Nkaneng Informal Settlement in Marikana and was subsequently admitted in hospital, where she underwent an operation to remove the rubber bullet.

The Committee expressed its heartfelt condolences and sympathies to the Masutlhe family and the community she tirelessly served.

"We are deeply saddened to lose a dedicated person of Councillor Masutlhe's caliber. She was very instrumental in providing support to the IMC, while it was discharging its responsibilities in Marikana.

Our hearts are with the Masutlhe family at this time," said Chabane. Masutlhe was a Proportional Representation Councillor in Madibeng Local Municipality and also served at Bonjanala District Municipality representing the African National Congress.

She formed part of the team that worked tirelessly together with the IMC to resolve the Marikana matter and assisted in providing support to the families of the deceased, the injured and the striking Lonmin mineworkers.

North West Premier Thandi Modise has also expressed shock after receiving a report about Masutlhe's death.

"We wish to convey our condolences to the family on the loss of their loved ones and to the community on the loss of their loyal servant who was very helpful throughout the conflict and stood by the ANC branch and did not desert the miners," said Premier Modise.

While relevant authorities investigate the councillors' shooting and subsequent death, Premier Modise appealed for calm and for members of the public not to speculate on the cause of her death as a post-mortem will confirm the actual cause of her death.

The Premier said that government had activated support for the family as it had done with all other victims of the Marikana tragedy. – SAnews.gov.za

*("If those workers forced the hand of the company in that fashion through an unprotected strike, what stops Driefontein in doing the same" ... Vavi had to leave the congress to deal with a strike at Gold Fields...)*

### **Marikana's theatre of the absurd claims another life**

- Mandy de Waal
- 
- 20 September 2012 02:05 (South Africa)
- 

The death toll at Marikana rose to 46 after the death of an ANC councillor: Paulina Masuhlo was shot by police working at the beck and call of the ruling party she represented. Cruel irony indeed. By MANDY DE WAAL.

On 19 August, Paulina Masuhlo's face gestured defiantly from a photograph in a news report headlined "Police face community's wrath". Exactly a month later to the day, the ANC PR councillor is lying dead in the Phokeng mortuary.

Masuhlo was hit by rubber bullets fired by police on 15 September, not long after they conducted a night raid on miners' hostel in Wonderkop village and shacks in Nkaneng, not far from the scene of the 16 August massacre.

"She was shot in the knee and bleeding badly, and was also shot in her abdomen. The knee was bad but the wound in her waist didn't look so bad," a Xhosa-speaking woman from Marikana told Thapelo Lekgowa, who helped Daily Maverick conduct the interview. This woman was standing next to Masuhlo when the ANC councillor and the group of women were fired on by police.

Masuhlo had been wounded earlier in the day when police entering the community looking for weapons fired tear gas. Later, on her way to the local spaza, Masuhlo stopped to talk with a group of women. "There was a Nyala that came towards us from the south east, and as it came it kicked up a lot of dust. And as the dust rose we couldn't see anything, and the police fired."

All in all, six women were injured by the hail of rubber bullets. The woman said that Masuhlo had lost a lot of blood from the wound in her knee after the shooting. "She was an ANC PR councillor who helped us and would hold meetings with us and report back to the ANC," the woman, who asked not to be identified for fear of police reprisal, said.

The unidentified Marikana resident added that Masuhlo, who hailed from the Eastern Cape, was not married and lived with her siblings at Wonderkop village, and was the bread winner in her household. "Paulina was peaceful and very good at her job. She was a good-hearted person," the woman said.

Responding to Masuhlo's death, the Marikana Solidarity Campaign called for an immediate investigation into the death. In a statement, it called her "yet another victim of police brutality in Marikana".

"We call on the Minister of Police to immediately initiate an urgent investigation into Paulina Masuhlo's death and for the immediate identification and suspension of the police officers involved in her murder. Given what is known of the time and place of this attack this should not be difficult. Witnesses are available and willing to provide evidence if their safety can be guaranteed," the statement read.

ANC spokesman Kenny Morolong said the ruling party was shocked to hear about the Masuhlo's death, but warned people not to speculate about the cause. "We call on members of the public to desist from speculating on the cause of her death, as this can only be conclusively determined through a professional autopsy," he said.

Samantha Hargreaves of the Marikana Solidarity Campaign said there was deep irony in Masuhlo's death. "Here we have a local government that has failed to address the living circumstances of the population living there, and Paulina herself was a councillor who was rising up and working with the women. But she was shot by the government she represents. It is deeply ironic."

The women of Marikana will take to the streets to protest Masuhlo's death, demonstrate against police brutality and again call for justice on 22 September in a march that will depart Wonderkop, the main village adjacent to Lonmin mine, at 11AM.

A march organiser, who asked not to be named for fear of police victimisation, said the women had been hurt enough and were now "sick and tired" of the police brutality in Wonderkop.

"The events at Marikana are far from over; it is still the police again who are shooting the people. Even now people are being shot at, and there is a woman who has died after having been shot at by police without any reason," she said.

The organiser said police continually enter the community to harass people, fire tear gas or randomly arrest people. "It is enough. This cannot go on," she said. "Only women will march on Saturday. We will march from the Wonderkop community to the Marikana police station. We want to show the government our power because we know if this thing happened at Marikana it can happen anywhere else. We don't want this ever to happen in South Africa again."

The woman said the government was destroying the ANC. "The people in Wonderkop are members of the ANC, but now when things happen like this and we are afraid to join the ANC again, to be members of that organisation. NUM, the ANC and the police are related. All (President Jacob) Zuma wants from (Cosatu General Secretary Zwelinzima) Vavi are the next votes. We see him hugging Vavi on the TV, but he doesn't care about this massacre here."

The woman said the ANC was spreading rumours about women in the community being raped, so as to legitimise the police presence in Marikana. “The stories about women being raped here... it is a lie. It is a lie. The government is just defending NUM and defending Lonmin using the police. They don’t care about us.”

In an organising committee meeting held with then-striking Lonmin miners and the women of Wonderkop a few days earlier, Marikana Solidarity Campaign organiser Rehad Desai told the women of Wonderkop that ANC leadership had made allegations that their men were rapists. He said he had been speaking to ANC leaders who expressed the opinion that the men of Marikana were raping women and were completely out of control.

As Desai, an activist and filmmaker relayed his conversation to the Marikana crisis organising committee there were audible gasps and exclamations as women in the audience expressed shock and disgust. Desai also relayed how the ANC had referred to the people in the meeting as “uneducated, lumpenproletariat”.

“Those were in conversations that I had with some of the leadership with the ANC at the Cosatu’s National Congress in Midrand,” Desai said. “If you look at the speech made by the SACP’s Blade Nzimande it refers to this sentiment. That these people are the lumpenproletariat, the backward primitive people who are forced to live by the mines, in a ‘wild west’ type situation. It is perceived that they have no discipline and no integrity. That’s the view of Blade Nzimande and this was repeated to me at the Cosatu conference, along with the question of women being raped and all the rest of that nonsense.”

Desai said this provided ANC leadership with the motivation to send in police and troops and establish a de facto state of emergency in Marikana. “There is a condescending attitude on the part of some of the ANC leadership to rural people and people who don’t have formal education levels. It is quite convenient for those sentiments to be expressed about these types of people to justify the crackdown and the shootings.

“This creates legitimacy for the state which is manned by the ruling party. What we have to ask ourselves is how transformed is this state? Is the government merely doing this work for the multinationals and the big corporations, as was done yesteryear in the bad old days of white supremacy?” Desai said.

ANC and government leaders find comparisons with the Apartheid regime vulgar. Still, in the microcosm that is Marikana the world is seeing the ANC through a new lens, as a former liberation movement reborn as a brutal oligarchy driven by self-serving elites that will stop at nothing to retain its grasp on power.

Not even if it means indiscriminately firing on its own people. Paula Masuhlo was a woman living her life peacefully, serving her country, her party and her community and ended being a random target. Her senseless death brings another dead character to the Marikana’s theatre of absurd. One can only hope the counter stops at 46. **DM**

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## **Marikana Solidarity Campaign calls for immediate investigation into the death of Paulina Masuhlo, yet another victim of police brutality in Marikana**

**18 September 2012**

We have learnt today with shock and sadness of yet another death as a result of police brutality in the Marikana-Lonmin wage dispute.

On Saturday, 15 September 2012, Paulina Masuhlo, an ANC councillor and activist in Marikana, was out shopping in the informal settlement of Wonderkop during the time of the police raid, allegedly to disarm striking workers, on the settlement of Nkaneng. At approximately 9am she was with a group of women in the vicinity of the Never Die Tavern, when she and others were shot at with rubber bullets from a speeding Nyala.

As far as we can ascertain from other people present at the time Paulina sustained rubber bullet wounds to her right knee and abdomen. Several other women were also injured. She was taken by ambulance to Rustenburg and hospitalised in Job Tabane hospital and died today.

The Marikana Solidarity Campaign sends it heartfelt condolences to Paulina Masuhlo's family and friends, and to the besieged community of Marikana/Nkaneng/Wonderkop as a whole.

We call on the Minister of Police to immediately initiate an urgent investigation into Paulina's Masuhlo's death and for the immediate identification and suspension of the police officers involved in her murder. Given what is known of the time and place of this attack this should not be difficult. Witnesses are available and willing to provide evidence if their safety can be guaranteed.

We are also extremely unhappy that, to date, none of the police officers involved in the massacre on 16 August 2012 has been identified or suspended – this is totally unacceptable and unlawful. Even though much further investigation will need to take place through the Farlam Commission of Inquiry and the Independent Police Investigative Directorate (IPID) processes, there is no doubt about the FACT that policemen and women pulled the triggers that killed 34 people that day.

We call on all peace-loving **women** to join a **peaceful** demonstration with the women of Marikana on **Saturday, 23 September at 11h00 in Marikana**. The demonstration had already been planned to protest against police brutality. Tragically, Paulina's death makes it more urgent and relevant.

People of South Africa: we need to act together to end police brutality and to ensure that we have a police service that protects people from criminals rather than brutalizes them for campaigning and striking for decent lives.

***For more comment, please contact Mark Heywood on 083 634-8806; Rehad Desai on 083 997-9204; Samantha Hargreaves on 083 384-0088***

**End#**

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**From:** Samantha Hargreaves [mailto:samyhargreaves@gmail.com]

**Sent:** 19 September 2012 01:03 PM

**To:** Andrew Bennie

**Subject:** re: Marikana - Women March for Justice on Saturday 22 September - could you please put out on the gmail list

Dear sister comrades (please share far and wide!)

### **MARIKANA WOMEN'S MARCH FOR JUSTICE!**

The Saturday 22 September Marikana Women's March for Justice is on! Join the Marikana women, express your outrage and join the call for justice! See flyers attached. We leave from different taxi and bus departure points around Jozi at 7am on Saturday. Taxis will also be coming from other parts of the North-West and Limpopo provinces. Many private vehicles are also going. For those travelling independently see google maps link below for directions. The march leaves from Wonderkop, the main informal settlement adjacent to the mine, at 11am. If you would like more information on transport, or if you know of grassroots groups/movements that would like to join and you would like to know how they get on board, please see contact details on flyer.

[https://maps.google.co.za/maps?saddr=Johannesburg+CBD&daddr=Pretoria+CBD+to:Wonderkop&hl=en&ll=-25.925937,27.870941&spn=0.972006,1.917114&sll=-25.896291,28.214264&sspn=0.972251,1.917114&geocode=FTkocP4dyferASIRakDwaAyVHjFBQNOx2cmKIw%3BFfRed\\_4dApSuASkzUMa-nGGVHjFMe4R6sGji9g%3BFXtUeP4dX\\_ijASkpgz3\\_uBe-HjHgah2EmdztYQ&mra=ls&t=m&z=10](https://maps.google.co.za/maps?saddr=Johannesburg+CBD&daddr=Pretoria+CBD+to:Wonderkop&hl=en&ll=-25.925937,27.870941&spn=0.972006,1.917114&sll=-25.896291,28.214264&sspn=0.972251,1.917114&geocode=FTkocP4dyferASIRakDwaAyVHjFBQNOx2cmKIw%3BFfRed_4dApSuASkzUMa-nGGVHjFMe4R6sGji9g%3BFXtUeP4dX_ijASkpgz3_uBe-HjHgah2EmdztYQ&mra=ls&t=m&z=10)

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### **22 arrested outside Amplats**

2012-09-19

Johannesburg - Police spokesperson Dennis Adriaio said on Wednesday that police had arrested 22 people near Anglo American Platinum (Amplats) in Rustenburg after using

rubber bullets and teargas to disperse a gathering. Four of them were arrested for being in possession of dangerous weapons.

The others have been charged for an illegal gathering and public violence.

"One person was taken to hospital who complained about shortness of breath."

Adriao said medics attended to the man and he was taken to hospital for a check-up.

"We still have a high visibility and presence on the ground.

"At the moment, reports from the ground state that everything is calm."

Amplats spokesperson Mphumi Sithole said she had been unaware of further police action beyond this morning (Wednesday).

"Operations have resumed as we have announced, but many mining employees are still to return to work.

"We are unable to confirm the turnout numbers at this point."

Sithole said the company could not confirm whether those arrested on Wednesday morning were Amplats employees.

Small groups of people stood under umbrellas in the area after the police action.

They said police left with a "truckload" of men.

They said they had been attending a meeting when the police "just came" and they were shot at with rubber bullets.

They ran into the informal settlement and rubber bullets were fired at them from a helicopter.

About 10 police vans, vehicles and water cannon were parked at the company's Jabula shaft.

### **Salary increase**

Government ministers in Cabinet's security cluster said last week that the government would no longer tolerate violence, threats, and intimidation in the mining sector, as massive strikes sprang up along Rustenburg's platinum belt, with another one near Carletonville.

The measures included a crackdown on illegal gatherings, carrying dangerous weapons, incitement, and threats of violence against anyone in the affected areas.

After suspending operations last week, citing employee safety due to the situation in the region, Amplats resumed operations on Tuesday.

Workers were paid over the suspension period and praised the company for this.

On Friday, during the operational suspension, they marched to the company's Bleskop stadium and decided they also wanted a salary increase.

Unlike their mining colleagues at other operations, who were seeking R12 500, they said they wanted R16 070 and other modifications to their fringe benefits.

Sithole said earlier that Amplats was making every effort to reassure employees that it was safe to return to work.

It wanted everyone back by Wednesday, and beyond that would have to "initiate appropriate employee relations procedures" for those who had not returned.

The company's operations were already under pressure and further delays would increase the risk to the long-term viability of the mines.

Explaining the reason for the police action, Adriaio said that for large groups of people to gather, in terms of the Regulation of Gatherings Act, they had to give notice to the local municipality for the gathering to take place.

Section four set out certain conditions for the gathering.

"Police need to be present, emergency services need to be on standby, marshals present the whole day. Water points need to be established," he said.

The relevant municipality in this case was Rustenburg.

A lengthy strike at nearby Lonmin ended with a wage agreement on Tuesday.

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### **Marikana sets dangerous precedent: Vavi**

The Marikana wage deal set a dangerous precedent, the Congress of SA Trade Unions (Cosatu) general secretary Zwelinzima Vavi said on Wednesday.

19 September 2012 | GENEVIEVE QUINTAL and GILLIAN JONES

JOHANNESBURG - "If those workers forced the hand of the company in that fashion through an unprotected strike, what stops Driefontein in doing the same," Vavi asked delegates at Cosatu's national congress in Midrand, Johannesburg.



Earlier on Wednesday Vavi had to leave the congress to deal with a strike at Gold Fields Driefontein mine in Carletonville where 15,000 workers have been on an illegal strike for the past 10 days.

Leaders of the National Union of Mineworkers (NUM) accompanied him.

On his return from the mine Vavi said the mineworkers were demanding a salary of R12,500. This was the same demand made by workers at Lonmin's Platinum mine in Marikana, North West.

On Tuesday Lonmin workers accepted a final offer of a 22 percent increase giving some workers R11,000 a month.

**Vavi warned that other workers would think that they too could get substantial increases by going on illegal strikes.**

**"We are not saying that workers do not deserve their money, but if we are not careful this may mean an end of the central bargaining system in the country.**

**"Workers will just embark on wildcat strikes and steam ahead and force us to follow them."**

He called for the congress to come up with a radical commitment to putting workers interests first.

He said the Driefontein workers were having problems with their NUM branch leaders. "[However] they all remain loyal members of NUM."

The workers said they would not abandon the union just because of their problems with the branch leaders.

Vavi said the workers were demanding that the leaders be dismissed and would not listen to argument that according to Cosatu's constitution there were processes to follow.

The NUM would hold a special national executive committee meeting on Wednesday night to discuss the issue.

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### **Lonmin deal stirs more mine strife**

September 19 2012 at 11:12pm

By Sherilee Lakmidas

Comment on this story

IOL pic sep19 lonmin strike reaction

Associated Press

Marikana - Police fired teargas and rubber bullets on Wednesday to disperse protesters near a mine run by the world's biggest platinum producer Anglo American Platinum, as unrest spread after strikers at rival Lonmin won big pay rises.

Within hours of Lonmin agreeing wage increases of up to 22 percent, workers at nearby mines called for similar raises, spelling more trouble after six weeks of industrial action that has claimed more than 40 lives and rocked the local economy.

"We want management to meet us as well now," an organiser for the Association of Mineworkers and Construction Union (AMCU) at Impala Platinum, the second biggest platinum producer, told Reuters.

"We want 9 000 rand a month as a basic wage instead of the roughly 5 000 rand we are getting," said the organiser, who declined to be named fearing recriminations from the firm.

The death toll from the unrest rose to 46 when a woman died several days after being struck by a rubber bullet, a clergyman who has been counselling striking miners told Reuters.

Jubilant workers at Lonmin's Marikana mine, 100km north-west of Johannesburg, painted the wage deal as a victory for AMCU over the dominant National Union of Mineworkers (NUM), an ally of the ruling African National Congress.

President Jacob Zuma expressed relief at the pay deal after intense criticism from the opposition and media of the government's handling of the crisis - not least in the aftermath of the police killing of 34 Marikana miners on August 16.

The shootings, the bloodiest security incident in democratic South Africa's 18-year history, boosted an "Anyone but Zuma" campaign dividing the ANC, although he remains favourite to win an internal leadership election in December.

The violence rekindled memories of apartheid-era clashes when police representing white-minority rulers fired on masses of blacks seeking freedom. This time it was the ANC government's police, black and white, who shot the workers, all black.

Lonmin shares rose more than nine percent on news of the pay deal, but gave up most of those gains during the day as the reality of the extra costs to a company struggling with a shaky balance sheet and unprofitable mine shafts sank in.

The wage deal could add 13 percent to the group's recurrent costs, plus an additional \$10-million for a one-off back-to-work bonus, Nomura said in a note.

The end of the strike will give Lonmin a stronger hand in its refinancing talks with lenders, say analysts, who believe it can withstand higher wages despite its stretched balance sheet.

Acting Chief Executive Simon Scott said Lonmin would be able to manage the hit to its finances: "I am not sure we've bought peace and I'm not sure we've put a band-aid on here," he told Talk Radio 702 in South Africa. "I would like to think that what we've done is something more sustainable."

While Lonmin had relative peace, police fired teargas and stun grenades to disperse a crowd of men carrying traditional weapons, including spears, in a township at a nearby Anglo American Platinum (Amplats) mine outside the city of Rustenburg.

A labour activist said workers who had stayed off the job at Amplats, which accounts for 40 percent of global supplies of the metal used for catalytic converters in cars and jewellery, were inspired by Lonmin and would press on with their demands.

Platinum prices rose a little on Wednesday after falling 2.6 percent a day earlier on news of the Lonmin deal.

At Marikana, strikers celebrated the deal as a triumph for AMCU, which exploded onto the labour scene in January when its turf war with the NUM led to a six-week closure of the world's largest platinum mine, run by Implats.

Thousands of workers and their families gathered at a soccer pitch near the mine to sing victory songs and denounce the NUM.

"I am happy now," said 42-year-old rock-driller Simphiwe Booi. "Now we can eat."

The 100-year-old ANC was born out of South Africa's fight against white rule, and rejected the exploitation of poor black miners toiling in the country's fabled gold reefs and other mineral deposits.

Led by Nelson Mandela, the ANC promised a better life for all when it took power on the end of apartheid in 1994.

But despite billions of dollars spent on infrastructure, housing, healthcare and education, income disparity and unemployment have increased while chronic joblessness has helped entrench a massive underclass.

While mineworkers have seen their wages steadily increase over the years and mining firms have built schools, hospitals and roads to help communities around their shafts, many of the 500 000 people in the industry still struggle to make ends meet.

Economists said Lonmin may have set a precedent for wage settlements that could spread through an economy already saddled with globally uncompetitive costs.

"The outcome of the negotiation at Marikana will likely set a new benchmark for mining more generally and wage costs are set to rise substantially," JP Morgan said in a research note.

Should wage hikes take root, they would also be likely to stoke wider inflation and curb the central bank's ability to cut interest rates to boost anaemic economic growth.

The gold sector has also not been spared, with 15 000 miners at the KDC West operation of Gold Fields, the world's fourth largest bullion producer, on an illegal strike.

Amplats shares were unchanged while Implats closed 1.1 percent lower. - Reuters

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### **Lonmin strike deal welcomed**

The Rustenburg Joint Strike Co-ordinating Committee (RJSCC) on Wednesday welcomed the end of the protracted strike at Lonmin.

19 September 2012 | Sapa

JOHANNESBURG - "The [RJSCC] sees the settlement between the Lonmin management and strike committee as an important victory not just for the Lonmin workers, but for the general strike, without which the employer would not have come to the table," the committee said in a statement.

The RJSCC comprises worker representatives from different mines operated by the different companies in and around the Rustenburg area.

The strike ended on Tuesday evening, when workers and the company reached a pay agreement.

"We are inspired to continue the fight in the mines, which continue to resist our united action," the committee said.

"The framework of negotiations above the heads and behind the backs of us as workers has been torn down."

The RJSCC said the agreement came at a high price, with 44 people killed and many more injured during the strike.

"The only way we can begin to give them justice is by moving the struggle they spearheaded onto a higher level: we cannot continue dying fighting for crumbs."

The committee was determined to spread the strike across Rustenburg for the demanded R12,500 wage.

In terms of the agreement, the lowest underground worker would now earn R9611 (up from R8164), a winch operator would earn R9883 (up from R8931), a rock drill operator would earn R11,078 (up from R9063) and a production team leader would earn R13,022 (up from R11,818).

All workers would also receive a once-off R2000 bonus and were expected to return to work on Thursday morning.

Lonmin spokeswoman Sue Vey said the company was confident workers would return to work on Thursday.

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Business Day

### **Lonmin settlement carries the threat of contagion**

by Ron Derby, 19 September 2012

SA's costliest strike in recent history has finally come to an end as news broke last night that at least some Lonmin employees may be returning to work tomorrow.

The breakthrough brings to an end 37 days of illegal strike action at the company's main operation that cost the lives 45 people. For each day of lost output, analysts estimate that the miner, which was in dangerous territory even before the strike because of low metal prices, was making a loss of between R10m and R12m a day.

In agreeing to increase workers' pay, albeit not to the R12,500 they demanded, Lonmin has had to tear up previous agreements with their employees and in a sense has had to cave in to worker demands.

As platinum miners don't have a central bargaining council like gold miners, the question has to be asked what other miners of the white metal will do to appease their workers. Across the Rustenburg platinum belt, we've seen labour ructions during the course of the Lonmin dispute.

"Lonmin caving in and offering both to tear up the existing wage settlement for this year and then agreeing such a substantial increase for workers surely risks creating moral

hazard and contagion," says Peter Attard Montalto, a Nomura International analyst based in London.

SA's mining industry faces many problems and not only in platinum (although its seem harder to deal with than most).

Gold Fields CEO Nick Holland said last week that despite the almost 12-year rally in gold, growth in the industry had been constrained by rising operating costs and declining grades.

The head of Africa's second-biggest gold miner said while the metal has gained 21% a year over five years, total all-in costs have risen 21% in the same period. Platinum has a higher cost base.

Workers at other mines may be encouraged to adopt the same tactics as the Lonmin workers, especially as they managed to wrinkle out extra pay from a struggling company.

Of the three major platinum miners, the London-based company has been the perennial underperformer, missing targets and enduring periodic labour disputes.

Anglo American Platinum workers are expected to return to work today, which may prove a litmus test. If all of Lonmin's Marikana workers accept the offer, will Anglo's employees return? And if they do, will they have higher wage demands?

The end of the Lonmin strike is something we should all cheer, but how the dispute has been settled may provide a template for workers to use elsewhere. That's the contagion threat.

What started as a wage dispute — championed by the smaller and vociferous Association of Mineworkers and Construction Union — has morphed into something much bigger, posing a number of questions about the future of the mining industry and SA as an investment case.

These questions can't and won't be answered at the ruling party's December electoral conference.

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### **Lonmin to press ahead with debt talks after pay deal**

by Sarah Young, September 19 2012

THE end of a bloody strike by South African workers at Lonmin will give the miner a stronger hand in its refinancing talks with lenders, say analysts, who believe the firm can withstand higher wages, despite its stretched balance sheet.

Lonmin expects to see production at its Marikana mine resume on Thursday when striking workers return after it agreed an 11% to 22% pay increase, a deal which it hopes will put an end to six weeks of disruption.

With mining operations due to restart, Lonmin will have a stronger platform from which to try to sort out its pressured balance sheet ahead of what most analysts say is likely to be a breach of debt agreements.

"Having a mine that's back up and running provides the base for Lonmin to start having those discussions with lenders," Panmure analyst Alison Turner said.

Analysts said the higher wage for next year would add to pressure on the company's margins, but they called the estimated sums involved "manageable" and thought it would not have a material impact on the scale of a possible equity raising.

Lonmin has agreements with lenders that require it to keep the ratio of net debt to core profit at no more than four times.

That ratio will be tested at the end of this month and is already seen as strained.

Without active mining operations taking place, the company would have found raising additional financing difficult, whether that be through a debt deal or an equity raise, both of which it has said it is considering in order to shore up its balance sheet.

### **Wage Bill**

Lonmin said it would issue an update on the financial impact of the pay deal in due course.

The company, which could take months to get production up to levels seen before the strikes, could look to raise between \$500m and \$1bn should it proceed with an equity raising, analysts at Investec have forecast.

Lonmin, whose shares pared earlier gains to close up 0.25% at 651.5 pence, has been battered by rising costs and weak platinum prices and the recent prolonged stoppage, which prompted it to cut its 2012 sales forecasts.

Panmure said Lonmin's annual costs could rise by around 3%, or \$50m, as a result of the wage rises, while Nomura, which estimates that 60% of Lonmin's annual costs come from its wage bill, forecast that the company could see its costs rise by between 5 and 10%.

South Africa has over the last six weeks been rocked by industrial action in the mining sector, which has cost dozens of lives and turned the spotlight on the alliance between big unions and the African National Congress.

Xstrata, which has a 25% stake and is Lonmin's biggest shareholder, could play a key role in any equity raising, although it is difficult to tell what support it would give as it is in the throes of a takeover by Glencore.

One analyst who declined to be named said he expected Lonmin's lenders, which include Royal Bank of Scotland and Lloyds Banking Group, to be flexible in the short term. Lonmin has total debt facilities of \$945m.

*Reuters*

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### **Vavi, Zokwana rush from congress to Gold Fields mine as strike comes to a head**

by Natasha Marrian, 19 September 2012, 17:04

ABOUT 15,000 workers may be sacked at Gold Fields' Driefontein mine in Carletonville, Congress of South African Trade Unions general secretary Zwelinzima Vavi said on Wednesday.

Mr Vavi rushed off from the federation's national congress in Midrand, accompanied by National Union of Mineworkers president Senzeni Zokwana.

Mr Vavi said the workers had been on strike for the past 10 days.

The company had been granted an interdict to end the strike and it was now threatening to dismiss the roughly 15,000 workers, he said. "We are duty bound to talk to them and take our risks and see how far we can go with that intervention."

During the labour unrest at Lonmin's Marikana operations, Mr Zokwana reportedly could not get out of a police Nyala to address workers, as he feared for his life.

Gold Fields said on Wednesday that it would not and could not negotiate the salary demands of striking workers at its KDC West operations, near Carletonville, on the West Rand.

"We are not going to negotiate salary, and we cannot," said spokesman Sven Lunsche. "The gold mining industry, unlike the platinum industry, negotiates in a collective bargaining forum. All gold mining companies negotiate jointly with the trade unions."

He said the companies and the unions were in the midst of drawing up the latest agreement, a two-year wage and salary accord by the industry and the unions, led by the National Union of Mineworkers (NUM).

"For one member to unilaterally raise new issues is not done. We cannot suddenly, unilaterally negotiate separate salaries with our KDC workers."



The accords had worked well for the industry and the unions for almost the past two decades, he said.

At KDC west, a strike by 15,000 employees continued.

"The strike is still continuing and our engagement efforts also continue at this time," said Lunsche.

Gold Fields CE Nick Holland has said Gold Fields is losing 1,400oz a day because of the strike, representing 15% of the group's production.

The company's other operations could sustain it, Business Day reported.

"We could go on for quite some time. We are a very strong company financially," Mr Holland said.

He said KDC consisted of mature operations, and with the company having made \$161m (R1.3bn) in cash flow over the last quarter, for assets that had been in production for 40 to 50 years, this represented an adequate return.

The company obtained a Labour Court interdict declaring the strike unprotected last week. This means legal protective processes related to an industrial dispute were not followed.

*With Sapa*

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### **Whose state is it; and what is its role?**

*by Shawn Hattingh*

The South African state's oppression of the ongoing wildcat strikes, including at Marikana, is clearly deepening. Over the weekend, troops were deployed in the platinum belt in what has been a barefaced bid by the state to stop the protests by striking workers, and essentially force them back to work. As part of this, residents at the informal settlement at Marikana have been subjected to a renewed assault by the police. Many residents in the process were shot with rubber bullets; their homes were raided; and tear gas, at times, lay over the settlement like a chemical fog. In practice, a curfew has also been put in place and anyone gathering in a group has been pounced upon by the men in blue. Threats have also emerged from the Cabinet that a crackdown on any 'trouble-makers', that are supposedly inciting workers to continue to strike, is going to happen.

Many left groups, amongst them the Democratic Left Front (DLF), have rightfully condemned this violence and the accompanying threats. They have highlighted how the state is protecting investors in the platinum belt, and they have lamented how the ANC

government is acting in a similar way to the apartheid government. While we should be disgusted by the actions of the state, it would, however, be a mistake to be surprised by them.

The reality is that no state is truly democratic, including the one headed by the ANC. Even in a Parliamentary system, most high ranking state officials, including Generals, Director-Generals, Police Commissioners and Judges, are never elected by the people. Most of their decisions, policies and actions will never be known by the vast majority of people – the top down structure of the state ensures this. Added to this, Parliamentarians make and pass laws; not the mass of people. In fact, Parliamentarians are in no way truly accountable to voters (except for 5 minutes every 5 years). They are not mandated nor are they recallable. They – along with permanent state bureaucrats – have power; not the people. As such, no state, including the ANC headed one, is participatory; but rather designed to ensure and carry out minority rule. Likewise, the state's main function is not to protect workers, but to ensure rule over them. While the anarchist Mikhail Bakunin rightfully pointed out that it is better to live under a Parliamentary system than a pure dictatorship, he also pointed out that all states are inherently oppressive towards the working class (workers and the unemployed).

The outright and ongoing violence of the state in the platinum sector and at Marikana, therefore, lays bare the true nature of the state; and the role it plays in protecting the ruling class (made up of capitalists and high ranking state officials). It is not an regrettable accident that the state has been protecting the mines of huge corporations, like Lonmin, and that it has been willing to use such violence to do so. The state's, including the ANC headed one, main function is to further the interests of the elite and their continued class rule. For capitalism to function, and for class rule to be maintained, a state is vital. It is central to protecting and maintaining the very material basis on which the power of the elite is derived. Without a state, which claims a monopoly on violence within a given territory, an elite could not rule nor could it claim or hold onto the ownership of wealth and the means of production. In fact, the state as an entity is the defender of the class system and a centralised body that necessarily concentrates power in the hands of the ruling classes; in both respects, it is the means through which a minority rules a majority. Through its executive, legislative, judiciary, military and policing arms the state always protects the minority ownership of property (whether private or state-owned property), and tries to squash any threat posed to the continuing exploitation and oppression of the working class. As Marikana and other protests and strikes show that includes shooting rubber bullets, tear gassing people, raiding houses, arresting people, threatening people, humiliating people, torturing people, and even killing those that pose a threat.

The post-apartheid state in South Africa too has played an instrumental role in maintaining the situation whereby poorly paid black workers remain the basis of the massive profits of the mining companies, including Lonmin. In South Africa, black workers have historically been subjected to national oppression; and this has meant that they were systematically turned into a source of extremely cheap labour and subjected to institutionalised racism. The history of very cheap black labour enabled white capitalists – traditionally centred around the mining houses – to make huge profits, and it is on this basis that they became

very wealthy. The post-apartheid state has continued to protect and entrench this situation; it has maintained an entire legal and policing system that is aimed at protecting the wealth and property of companies, like Lonmin, from the black working class in South Africa.

State managers, who comprise a section of the ruling class, based on their control of the means of coercion, administration and sometimes production, also have their own reasons for wanting to protect the minority ownership of property: because their own privileged positions rest on exploitation. This is why the post-apartheid state in South Africa has been so willing to protect companies like Lonmin: the pay checks of high ranking state officials, mostly tied to the ANC, depend on it. The lifestyles of people like Jacob Zuma, Tokyo Sexwale, Pravin Gordhan, Trevor Manuel and rest of their cohorts in the Cabinet, therefore, is based on the continued exploitation of the working class, and the black section in particular. These state officials are consequently parasites that live off the back of workers – workers who have created all wealth in society!

Since 1994 the entire working class has fallen deeper into poverty, including sections of the white working class, as inequality has grown between the ruling class and working class as a whole. It has, however, been the black working class that has been worst affected. This is because the state has implemented extreme policies, in the form of neo-liberalism, to help capitalists increase their profits even further. While it is clear that the black working class remains nationally oppressed, the situation for the small black elite, nevertheless, is very different. Some, through their high positions in the state, and hence having control over the means of coercion and administration, have joined the old white capitalists in the ruling class. Others, have also joined the ruling class, but through the route of Black Economic Empowerment. This can be seen in the fact that all of the top ANC linked black families – the Mandelas, Thambos, Ramaposas, Zumas, Moosas etc. – have shares in or sit on the boards of the largest companies in South Africa, including the platinum mining companies. In fact, Ramaphosa not only owns shares in, and is on the board of, Lonmin; but a number of functions at Marikana and other platinum are outsourced to various companies he has interests in, like Minorex. He too has shares in the largest platinum mine in the world, Modikwa, through African Rainbow Minerals. The wealth and power of this black section of the ruling class in South Africa too rests on the exploitation of the working class as a whole, but mostly and specifically on the exploitation and national oppression of the black working class. Hence, this is the reason why the black section of the ruling class and the state its members are part of has been so willing to take action – whether during platinum strikes, Marikana, other strikes in general – against the black working class.

Bakunin foresaw the possibility of such a situation arising in cases where supposed national liberation was based on capturing state power. Bakunin said that the “statist path” was “entirely ruinous for the great masses of the people” because it did not abolish class power but simply changed the make-up of the ruling class. Due to the centralised nature of states, only a few can rule: a majority of people can never be involved in decision making under a state system. As a result, he stated that if the national liberation struggle was carried out with “ambitious intent to set up a powerful state”, or if “it is carried out without the people and must therefore depend for success on a privileged class” it would become a

“retrogressive, disastrous, counter-revolutionary movement”. He also noted that when former liberation heroes enter into the state, because of its top down structure, they become rulers and get used to the privileges their new positions carry, and they come to “no longer represent the people but themselves and their own pretensions to govern the people”. History has proven his insights to be accurate; former liberation heroes in South Africa rule in their own interests, they wallow in the privileges of their positions, they have joined white capitalists in the ruling class, and they exploit and oppress the vast majority of the people in the country, including in the platinum sector.

The state we must also, nevertheless, realise can't simply rule by force alone – force is ultimately the last pillar upon which its power rests – but for its own stability and that of capital, it also tries to rule through consent. To do so, it pretends to be a benefactor of all; while in reality facilitating, entrenching and perpetrating exploitation and oppression. Certainly, most states today do have laws protecting basic rights, and some provide welfare – including the South African state. Such laws and welfare, however, have been won through massive struggles by the oppressed, and that should not be forgotten; states simply did not hand out these rights. But even where such laws exist, and sometimes they exist only paper, the state tries to make propaganda mileage out of them. It is this duplicity that led the anarchist revolutionary Errico Malatesta to argue that the state: “cannot maintain itself for long without hiding its true nature behind a pretence of general usefulness; it cannot impose respect for the lives of the privileged people if it does not appear to demand respect for human life, it cannot impose acceptance of the privileges of the few if it does not pretend to be the guardian of the rights of all”. As struggles go forward, including in the platinum belt, it is important that the working class is not duped by the duplicity.

Certainly we must raise demands from the parasitic state and bosses. The state and bosses have stolen from the working class, and it high time the working class got some of this back. A fight must be taken to the state and corporations, and the working class must mobilise to have its demands met. As part of this, we must, however, have no illusions about what the state is; who it is controlled by; who it protects; and what its function is. As such, the working class must mobilise outside of and against the state and force it to give back what has been stolen, but it should not have illusions in doing so that the state protects workers or the unemployed.

It is vital for the future of working class struggles that mineworkers in the platinum sector and at Marikana win their demands. If they do, it could rejuvenate workers struggles across the country, which have been on the decline since the late 1980s. In fact, workers need to win better wages and safer working conditions. In the long run though, and if inequality and injustice are to be ended, the working class needs to take power and run society through its own structures. This means confronting the state, which is not theirs. This too means abandoning faith in the state to nationalise companies, which would essentially mean ownership by a state bureaucracy; not the working class. Indeed, calling for nationalisation builds illusions in a higher power: the state; and it does not show faith in, or build the power of, the working class itself. The state is not a lesser evil to capitalists; rather they are part and parcel of the same system. Workers need, and Marikana highlights

this, to use struggles for reforms, such as winning higher wages, to build towards seizing the land, mines, factories and other workplaces themselves so that they can run them through worker self-management for the benefit of everyone in society. Only when the working class has done this, and runs society through its own structures and not a state, will the power of the ruling class, the power of its violent state, and inequality be broken, smashed and ended.

Central to this too has to be the ending of the national oppression, and accompanying racism, that the black working class is subjected to. Until this is ended, true freedom and equality for both the black and white working class will not be achieved in South Africa. As has long been pointed out by anarchist-communists, however, if a just society is to be achieved the means and the ends in struggle have to be as similar as possible. Hence, if we want a future genuinely equal and non-racist society, our struggle to end the national oppression of the black working class, and the accompanying capitalism and racism in South Africa, must be based firmly on the ideals of non-racialism. Only once racism and inequality have ended will the Marikana massacres and other killings in the name of profit and national oppression be part of history.

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### **Amandla! Editorial Comment**

**VICTORY for Marikana - Lonmin workers 22% = R11 000!**

#### **Now for the struggle for Justice**

A heroic struggle has tasted its first victory. The reported wage settlement with Lonmin of R11 000 is a massive victory, nothing less than the murder and sacrifice of so many workers dictated.

With an unholy alliance of Lonmin bosses, the bosses of the entire platinum sector, the army police, government and even the leadership of the SACP and NUM reigned against them Lonmin workers can turn from their wage struggle to the struggle for justice with enormous pride and their dignity restored. This struggle has already rewritten the history of the international labour movement. In the eyes of the world Marikana is not a place but an expression that workers struggle - class struggle is not yesterday's language and ideology but lives in the struggles of the exploited and oppressed from below who continue to fight the good fight.

Lonmin workers faced an unholy alliance because their struggle simultaneously struck, like a pick through ice at the elite social contract constructed around monopoly capital, parasitic BEE deals and bureaucratised labour elites - a social contract that has seen SA become the most unequal country in the world.

This massive victory for a living wage must not be paid by more use of sub contracting or reduction of the labour force. It should be paid by reduction in the grotesque remuneration of top management and by lowering the dividends to shareholders.

Let this victory mark the first step to stop the ruthless super exploitation of South African workers.

One blow will not unfreeze the stunted politics of elite-pacting. Others now have to pick up the batons of the Marikana – Lonmin workers even as their struggle for justice and accountability continues. Solidarity must be mobilised so that all those complicit in Post – Apartheid’ brutal massacre are brought to justice.

A new path for South Africa will only result from the combined efforts of many grassroots militant struggles. The Marikana – Lonmin workers have shown what is possible. Many community struggles are equally heroic if not as dramatic as the Marikana struggle. They need to flow together in an unstoppable torrent that can wash away the muck of inequality and injustice that still prevails almost two decades after the end of Apartheid!

Long live the Marikana Lonmin workers – Long live!

An injury to one is an injury to all!

VICTORY for Marikana – Lonmin workers 22% = R11 000!

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DEFEND THE RIGHT TO STRIKE!

ADVANCE THE FIGHT FOR A LIVING WAGE

Democratic Left Front

[www.democraticleft.za.net](http://www.democraticleft.za.net)

Message of support to COSATU Congress

We send solidarity greetings from the Democratic Left Front – an anti-capitalist front of community organizations, social movements, socialist organizations and unionists - to your 11th Annual Congress. Your Congress happens at a time when South Africa's globalized economy is in a deep crisis and when there is a militant awakening amongst workers to end apartheid wage inequalities and to ensure service delivery. Workers are doing this by claiming their democratic right to protest, to strike and to have voice for what they want. This is what Marikana has been about.

The wage settlement of 22% is a victory for the Marikana workers, which has been achieved through enormous sacrifice. It proves the workers' demands were legitimate. Despite what some have claimed, Marikana workers are not lumpens, criminals, or divisive tools of the bosses. They have demonstrated the power of workers.

It has shown how working-class-driven struggle can confront capital and the state to transform the labour market and address the deep inequalities in our society. It also demonstrates once again that the right to strike AND THE STRUGGLE FOR A LIVING WAGE is a crucial weapon of class struggle.

It is tragic that the legitimate protest of the Marikana workers, supported by many in our country AND AROUND THE WORLD, resulted in harsh and brutal state action. The Marikana Massacre was a turning point in our history. The slaughter of workers was not a consequence of panic and self-defence. It was premeditated murder. We now know that most of those killed were fleeing from gunfire. Many of them were shot in the back.

This was an attack on the right to strike!! If the police are allowed to get away with this slaughter, all trade unionists are threatened. What happens next time there is a strike elsewhere? We won the right to strike through long years of bitter struggles, and it is a pillar of our hard won democracy. We must defend it!

Over the past days, the security clampdown on workers and the surrounding communities was intensified. The army was deployed, house to house raids took place and meetings were prohibited. Last Saturday six women landed in hospital after being shot at by the police. This was done with no provocation by the women. A state of emergency was imposed on Marikana!

But despite this attack, the Marikana workers were not willing to betray the sacrifices of their comrades who died in the massacre of August 16th. They defended the right to strike to the bitter end, prepared to make the ultimate sacrifice to struggle against inequality and low wages! This is why they won.

The struggle has revealed the harsh realities of the mining industry. Mine bosses, such as those of Lonmin, have reaped enormous profits from the commodities boom over the past period. This has been achieved through the brutal exploitation of mine workers and their families. Nearly 20 years into our democracy, the cheap labour system continues through migrant labour and brokers. Rural communities remain deeply impoverished. In the areas around the mines, many still live in shacks without running water and safe sanitation. Capitalist control of production cannot solve our problems. Profits for the few are the result of low wages, rotten services and high unemployment for the rest of us. Companies like Lonmin are the cause of our misery. Super-exploitation by the mining bosses must come to an end: this message from the miners has echoed across the country and world. We welcome Cosatu's call for a commission of enquiry on the mining industry.

South Africa needs leadership. We believe this leadership must come from the organised working class. More than ever before the unity of the working class is crucial. The DLF welcomes the call for a living wage campaign by Cosatu and will support it with all that WE can offer.

Let us learn the lessons of Marikana: determined class struggle, asserting and defending the right to strike, is necessary to achieve a living wage. Without working class power exerted from below elite bargaining will not build working class unity and will not transform South Africa. We also need working class unity in protest and struggle, including the strike weapon, to ensure that the judicial commission of enquiry does not hide who was politically responsible for the Marikana Massacre.

We call on your Congress to continue to support the struggle of the Marikana workers by:

- Supporting the right to strike
- Demanding that the charges against workers be dropped.
- Demanding action be taken against police involved in the massacre.
- Demanding the immediate lifting of the security siege on all mining areas.
- Donating to the Marikana workers' solidarity fund. We appeal to our Cosatu comrades to consider donating R5 per worker.

We wish you a productive Congress and look forward to your positive response in building working class unity, fighting for a living wage, and standing with us to defend our democratic freedoms.



In Solidarity

AN INJURY TO ONE IS AN INJURY TO ALL!

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**Marikana: The next goal for the workers - split from NUM**

**Khadija Patel**

**South Africa**

**20 September 2012 02:02 (South Africa)**

**There was a festive atmosphere in Marikana on Wednesday as workers cheered on the wage agreement that ended the six-week long strike at Lonmin's operations in the town. But as workers prepared to return to work on Thursday, they have had set their sights on challenging the National Union of Mineworkers' dominance at the mine. By KHADIJA PATEL.**

**In the parking lot of the Marikana Shopping Centre, a man gets out of a white Mercedes-Benz van bearing the Lonmin brand. Dressed in a black t-shirt and jeans, he strolls into the Pep store and emerges a few minutes later. He heads back to his car, chatting animatedly with a passer-by. He walks with a confident stride, standing out in the small crowd of shoppers.**

**But it isn't just his confidence that makes him stand out from the crowd. Emblazoned across the front of his t-shirt is the legend, "Hands off NUM" and across the back, "Hands off COSATU".**

**To show such allegiance to the National Union of Mineworkers here in Marikana, where the union is so unpopular, he must be a very brave man – or a very stupid one.**

**We are determined to find out which.**

**We approach him, as he stands beside the open passenger door of the car, introducing ourselves with pointed references to the Dictaphone and camera. We are journalists, we explain. We come in peace.**

**He shakes his head wearily. "I have nothing to say to you," he says.**

**He is certainly not menacing. Rather, he seems to express a profound disinterest in us, as well as our questions about his thoughts on the end of the strike.**

**We press on, smiles pasted securely on our faces, hoping to persuade him to speak to us anyway.**

**“I have nothing to say to you,” he repeats, this time with a hint of impatience.**

**We try again.**

**Daily Maverick: Are you an NUM member at Lonmin?**

**Comrade NUM: I am a shaft steward.**

**Daily Maverick: Do you feel safer now that the strike has ended?**

**Comrade NUM: I am not afraid.**

**Daily Maverick: But surely you must have feared for your own life when the steward was killed last week?**

**Comrade NUM: Listen, I have never been afraid.**

**We watch as he walks around the van. A brave man indeed.**

**It is, however, another conversation, outside of the town itself, in the crowd of people assembled at Wonderkop Stadium near Lonmin’s smelting operation, that tells the story of NUM more directly.**

**Ruben Senjane was the chairperson of a workers’ committee at NUM, but was expelled. The rest of the committee was suspended. According to him, he was expelled for being too forthright about NUM’s inadequacies in their representation of workers.**

**Despite the bravado of the NUM cadre in town, Senjane says NUM office bearers have been in hiding in Marikana. “Most NUM office bearers were granted leave by management because some of them said they feared for their lives,” he says.**

**He tells Daily Maverick that workers held meetings overnight to transfer their union membership to the Association of Mineworkers and Construction Union (Amcu) as soon as they returned to work on Thursday.**

**“Yesterday about 200 employees had taken their membership from NUM to Amcu, because now Amcu is the messiah for the employees. Never in the history of Lonmin and NUM have the employees actually got what they want, especially such a huge percentage of increase,” he says.**

**The meetings continued on Wednesday with one particular meeting concluding that NUM had to be shut down at Lonmin’s operations.**

**“There was a meeting at [Eastern Platinum] today [Wednesday],” he explains.**

**“So the decision that has been taken today at Eastern Platinum [one of four of Lonmin’s operations in its Marikana complex] is that tomorrow all workers are going back to work, but tomorrow the offices of NUM are going to be closed and they want to join Amcu,” Senjane says.**

**Researchers from the University of Johannesburg who are working in Marikana, as well as a number of mineworkers, further corroborate Senjane’s story. Workers will return to work on Thursday, but they are set to lobby NUM to have their membership to the Cosatu-affiliated union cancelled, in order for them to join Amcu immediately. They are set as well to demand the closure of NUM’s offices in Marikana and demand that NUM no longer benefit as a recognised trade union at Lonmin.**

**“Then, there will be a date agreed by all employees to go and close the branch offices [of NUM] forever,” Senjane tells Daily Maverick.**

**NUM was holding a special national executive committee on Wednesday night to discuss the outcome of the Marikana strike. Spokesperson Lesiba Seshoka told Daily Maverick he was unaware of the intention by the Lonmin workers to resign from NUM. He said they had not learned of any such intention and were confident that their members would remain with the NUM.**

**But even if workers do not succeed in outmuscling NUM from Lonmin, NUM has already been granted “a cooling-down period” to beef up its membership base at the mine. According to mining insiders, the cooling-down period is included between businesses and unions “because trade union membership in a workplace can fall for many reasons – boredom, natural staff turnover and even administrative problems with the deduction of stop orders for membership fees”.**

**Lonmin’s head of human resources, Bernard Makwena, claimed last month that NUM was informed in March that the union’s membership at Lonmin had fallen below the minimum 51% set out in a negotiation agreement. The agreement stipulated that NUM would get six months – in this case until September 2012 – to restore membership figures, or new negotiations would have to begin.**

**Makwena claimed that 21% of Lonmin employees were Amcu members, which means an upsurge of Amcu membership in the coming days and weeks could see NUM losing its privilege as a bargaining partner – not that they were very effective in the most recent negotiations, anyway.**

**But in the meantime, there may yet be more trouble brewing in Marikana – and NUM doesn’t look well poised to forestall it. DM**

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**Cosatu Congress: Battling the rupture of Mangaung, and the curse of Marikana**

- Ranjeni Munusamy
- 
- South Africa
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- 20 September 2012 02:13 (South Africa)
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Cosatu's 11th National Congress will not go down in history as the federation's finest moment. Divided by factions and under the whip of its allies, the trade union federation has been unable to take major decisions this week, particularly on contentious, and yet urgent, political issues. The extraordinary wage settlement at the Lonmin mine at Marikana has further disorientated it. What, then, does Cosatu take to Mangaung? Probably as much as it will get out of it. By RANJENI MUNUSAMY.

On Wednesday morning, it was announced at the Cosatu Congress that all political resolutions had been deferred to the trade union federation's Central Executive Committee (CEC). This means that instead of the close to 3,000 delegates gathered in Midrand this week deciding on political hot potatoes such as Cosatu's role in the alliance, the state of the ANC, the relationship with the SACP, political transformation and the fight against corruption, these matters will now be up to the CEC to debate and decide on – behind closed doors.

With an acrimonious debate on Tuesday over Cosatu general secretary Zwelinzima Vavi's political report, particularly over his assessment of the crisis of leadership in the ANC and government, it was probably decided not to open the political resolutions for discussion, as it would undoubtedly have bogged down the congress further.

The congress has also yet to decide whether it will formally pronounce on the ANC leadership issue and its preferences for senior positions in the ruling party. Despite there being just over a week to go before the nomination process opens in the ANC, Cosatu is hesitant to commit to a list of names for the ANC's top six posts and is hiding behind an earlier decision to pronounce on the matter "at the appropriate time". Considering that the congress is meeting just a few days before ANC structures begin nominations, what Cosatu considers to be the "appropriate time" remains to be seen.

But while there is obvious support for President Jacob Zuma's term as ANC leader among the delegates, and the informal position of Cosatu appears to be that the status quo should also remain for the other top ANC positions, the congress has not declared its position formally.

In the three years since its last congress, the character of Cosatu has changed significantly. **While it was previously proud to mould itself as the independent, critical voice of the workers, it has now fallen under the shadow of the ANC. Clearly the ANC and the**

**SACP have had enough of Vavi's candour and tendency to jab at their weaknesses, and decided that the best way to mute him is through his own members.**

From the discussions at the congress, it became evident that there has been fierce behind-the-scenes lobbying, particularly among the big affiliates such as the National Union of Mineworkers (NUM) and teachers' union Sadtu, to rein Vavi in and get Cosatu to be a more compatible alliance partner. **The reason the ANC, SACP and its friendly forces within Cosatu want to limit the criticism coming from Cosatu is so that it can pave the way for preserving the status quo at Manguang. They know that if Cosatu continues to proclaim that the country is in crisis, this obviously makes the case for leadership change.**

This has set them on a collision course with the more militant affiliates such as the metalworkers' union, Numsa, which resents the campaign by the SACP to silence Cosatu, and is determined to push the ANC towards radical policy changes.

As a result of the clash of wills between the titans in Cosatu, the federation is now stuck. It is unable to thrash out its position on contentious issues, as it is difficult to bridge agreement. It cannot decide whether it now wants to play nicely with its alliance partners or remain as a strong voice in civil society, constantly challenging government on corruption, delivery failures and policy disagreements.

All this now hangs on the programme of action Cosatu adopts on Thursday, and whether it is able to flesh out how to put into effect the much-vaunted "Lula moment". The Lula moment, proposed by Vavi in the political report, is based on Brazil's dramatic turnaround and improvement of living standards of the working class during its former president Luiz Inacio Lula da Silva's second term of office. Cosatu is now considering radical changes in terms of its internal functioning, as well as to ANC policy, in order to bring about such changes in South Africa.

But Cosatu remains hamstrung in its ability to make decisions. On Wednesday it also put on hold a decision on a proposed national minimum wage. Delegates debated whether there should be a national minimum wage or a sectoral minimum wage, and then deferred the matter to a collective bargaining conference it wants to hold next year.

National Education and Health Allied Workers' Union (Nehawu) general secretary Fikile Majola said during the debate that a national minimum wage would help to reduce inequalities. "This will move lower paid workers up... Without that, there is no Lula moment," he said.

But the biggest crisis facing Cosatu now – even though some delegates don't like using the word and prefer the more subtle term "challenge" – is the impact of the wage deal at the Lonmin mine at Marikana. Besides the fact that its biggest affiliate, NUM, was embarrassed by the whole saga and had no role in settling the protracted and violent strike, the agreement could upset the labour relations doctrine in the country.

Addressing the congress on Wednesday night, Vavi said the Marikana wage deal set a dangerous precedent. Other workers would think that they, too, could get substantial increases by going on illegal strikes, he said.

“We are not saying that workers do not deserve their money, but if we are not careful, this may mean an end [to] the central bargaining system in the country. Workers will just embark on wildcat strikes and steam ahead and force us to follow them,” Vavi said.

He was speaking after returning from the Gold Fields Driefontein mine in Carletonville, where 15,000 workers have been on an illegal strike for the past 10 days. He and NUM president Senzeni Zokwana made an emergency visit to the mine, where workers are now also demanding a R12,500 wage hike, as was the case at the Lonmin platinum mine.

Vavi told reporters before leaving the congress earlier that they were going to the mine to prevent “another Marikana”. He reported back to the congress that he and Zokwana managed to convince the workers at the Gold Fields mine not to leave the NUM.

The NUM held a special national executive committee meeting on the sidelines of the Cosatu congress on Wednesday night to discuss the outcome of the Marikana strike and the implications for the union. They will report on the outcome of their meeting to the media and to the congress on Thursday.

But there is not much the NUM or Cosatu can do about the Lonmin agreement now that the die is cast. However, the only way to prevent other members from casting aside their union representation is to convince workers that only the NUM and Cosatu can represent their best interests. The best place to decide how to win back confidence was at this week’s congress, but after three days of discussions, there are as yet no special interventions agreed to which could communicate such a message.

The Cosatu congress ends on Thursday, after adopting resolutions on socio-economic issues. It remains to be seen what stance the federation will take on nationalisation with NUM and Numsa on opposite sides of the debate. The congress will have to adopt a declaration of all its decisions this week, which will also inform the positions it takes to the ANC’s national conference in December.

Based on the decisions three days in, Cosatu does not look particularly empowered to make a strong impact at Mangaung – a distinctly different position to where it was five years ago, when it forced major policy changes at Polokwane.

Whether it is in Marikana or Mangaung, Cosatu is looking rather impotent. It now has only one day to turn that impression around. **DM**

*Photo by Jordi Matas.*

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## **Today it's Julius Malema, tomorrow it could be you**

September 19 2012 at 02:03pm

By Zingisa Mkhuma

Comment on this story

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STOPPED: Julius Malema, left, argues with police officers at the Lonmin platinum mine near Rustenburg. They stopped him from approaching the striking miners and escorted him from the area. Picture: AP

Spanish philosopher George Santayana knew: "Those who cannot remember the past are condemned to repeat it." He must have done some crystal-ball gazing and seen us coming.

Surely he must have seen post-apartheid SA in 2012. It's only 18 years into a democratic dispensation, yet have we already forgotten what brought us here – our struggle against oppression and all its destructive manifestations?

We have forgotten that it was the police – that apartheid state machinery that made it impossible for people to organise freely, gather, discuss pressing issues. Anything and everything that was deemed to have been a threat to the state was violently suppressed by the police. This is fact.

All the draconian laws were passed to make it easy for the police to suppress any form of "dissent". They arrested, tortured and killed with impunity because they were protected by one law after the other. The Internal Security Act, the State of Emergency Act, the Riotous Assemblies Act – all these acts have no place in the new SA. They should have been scrapped with apartheid.

What has happened to the politics of persuasion? What has happened to crime intelligence – that should see things coming – and where is the maturity that would enable our leaders to deal with challenges facing the new dispensation without resorting to censorship and arrest?

Those who still remember our past are horrified that it is the police, again, including the notorious amaBeret, who are behind the Marikana massacre in which 34 striking mine workers were shot and killed. The police were behind the Sharpeville massacre, the Boipatong massacre, June 16, and subsequent killings of innocent citizens of this country.

That is a brutal past that should never repeat itself.

Ironically, this is also the month that black consciousness leader Steve Biko was tortured and killed by the security police; in the same way that many people were said to have committed suicide – jumped, slipped on soap, hung themselves in police cells...

To think people are still tortured and still die in police custody – and there are no protests?

In the apartheid days we had, on the one side, poor black masses and on the other, well-off whites and their “surrogates”, to use black consciousness speak. Those who were comfortable didn’t care about those on the other side of the fence. All they wanted to do was to protect their assets and privileges.

How this was achieved, was immaterial to them. When activists were tortured and killed, most turned a blind eye and by the time they bothered to look, it was too late. June 16 had happened.

There is a sense of déjà vu when there are calls to “charge Julius Malema with incitement, charge him with something, anything but please get him away from us”; “he is fuelling unrest and making the country ungovernable”.

there is a strong black lobby group screaming for Malema to be arrested and charged.

What happened to the rights that people died for so that we can have a democratic country, an open society that allows workers the right to strike, the freedom of association; basically the right to stand on mountain tops and shout out to the world that they will never go back to work until they are paid a decent wage?

Do we waive these rights now that we are privileged and Malema is in the mix? In fact, we go further and set the police upon him to harass, threaten him with death and even forcefully remove him from a place where he has every right to be.

My, how we have forgotten where we come from. AmaBeret are wreaking havoc in townships. These guys are called the Tactical Response Team and yet they are unleashed upon people who are not posing any threat by having stokvel parties and weddings.

When people complain about harassment, we are reminded that these are the police who are doing a great job by arresting heists suspects, ATM bombers and all kinds of dangerous criminals. But do they beat up, torture and shoot and kill ordinary citizens, while chasing bank robbers?

Or is it a case of old habits dying hard, a show of force, for whatever end?

SA cannot afford to go back to its dark past where the police were perceived as the enemy of the people. But the Marikana incident, and the day-to-day stories of amaBeret harassing and shooting innocent people, could take us back there.



Unless of course we wake up and be sensitive to our past and stop making decisions that threaten to reverse the gains we have made in the last 18 years.

Police should steer clear of politics. They should never have wrestled Malema out of Marikana.

Those who celebrate when their neighbour's constitutional rights are being violated, shouldn't cry when it is their turn.

We should be appalled by any threats to our democracy, including the use of force to suppress dissent.

There was a good reason why Nelson Mandela sought to reverse the bad image and negative perceptions of the police force to that of men and women who are there to serve their communities.

Mandela realised that without the love, respect and support of society, especially townships and informal settlements, the police would never be able to function effectively.

The last point is that we should not be induced into a false lull by thinking that trade unions have everything in control in the mining sector or any other sector that employs thousands of people. Marikana is an example.

Trade unions, including Cosatu, the ANC, and all other political parties combined, only represent the minorities in this country. The numbers speak for themselves.

The majority are still unemployed, restless and without any leadership or representation that we know of and that they can identify with. What we need to be worried about is who – among all these elected leaders, from political parties, churches, to unions – would be able to stand up in front of the people and be seen as legitimate and be listened to?

Therein lies the danger.

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### **Juju's new economic views**

Expelled ANC Youth League president Julius Malema seems to be revising his economic views.

19 September 2012 | STEVEN TAU and NGWAKO MODJADJI

JOHANNESBURG - He said yesterday morning that the government should not necessarily expropriate the country's mines, but rather use Botswana as a model.

There the state owns 51% of the mines.

“We would want to own 60% ...,” Malema said.

Commenting further on the issue of nationalisation of mines during an interview on Talk Radio 702 yesterday, Malema asked John Robbie: “Why are you not having problems with Botswana where mine companies are more than willing to work with government, but when they come here they are refusing?”

“I’m not calling for wholesale, blanket nationalisation, and we still encourage the involvement of private (companies),” he added.

Malema spoke about an array of issues, which included his expulsion from the ANC. He said his expulsion was motivated by a faction, which was led by President Jacob Zuma.

Malema said he made a “regrettable” mistake by committing himself to an individual (referring to Zuma).

Commenting on the death threats, Malema said he received information from credible sources in the National Investigation Agency (NIA).

“They told us that there is an instruction that if an arrest is not possible due to a lack of sufficient evidence, they may consider taking our lives,” said Malema.

There were also media reports suggesting an arrest against Malema was imminent, and when asked for comment on this, he replied: “I heard this from the papers.

“I’ve been getting arrested since 2009, and therefore if the police want to arrest me, they must not create an unnecessary scene.”

He said they should just call him and say he should report to Polokwane police station at 9am, and he’ll be there but he had never been contacted by anyone in this regard.

ANC national spokesman Keith Khoza rejected Malema’s claims and said the ANC and its leadership have no plan to kill anybody.

“The ANC values life and the right to life.

South Africa is a country governed by laws and those laws make the killing of anybody a criminal offence.

We reject any notion that any of the leaders of the ANC has a plan to kill anybody.”

Research manager at the South African Institute of Race Relations Lucy Holborn said Malema is an obvious target.

“This comes in the back drop of political assassinations in KwaZulu- Natal and Mpumalanga.

“But I think for Malema to say there is a threat on his life it is exaggerated ... maybe he knows something we don’t know,” said Holborn.

Senior researcher with the Institute for Security Studies, Johan Burger said Malema was trying to reposition himself in the mainstream politics.

– ngwakom@citizen.co.za

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Business Day

### **Patrice Motsepe’s ARM is Cosatu’s biggest private donor**

by Carol Paton, 19 September

Patrice Motsepe

AFRICAN Rainbow Minerals (ARM), owned by businessman Patrice Motsepe, is the largest private donor to the Congress of South African Trade Unions (Cosatu), having contributed R1.75m to the federation over the past three years.

This does not include ARM’s donation to this year’s congress, where Mr Motsepe was again the biggest donor. The size of this year’s donation has not yet been disclosed.

Mr Motsepe funded Cosatu’s previous conference in 2009 to the tune of R1m. In the same year he also donated R1.75m to Cosatu’s Violet Seboni trust, which supports the dependents of deceased national officer bearers.

The details of the donations made by ARM, as well as several other companies, are contained in Cosatu’s treasurer’s report, adopted by the congress on Wednesday. They come in the context of the emergence of accusations by some workers that **Cosatu unions are too close to business.**

Other large corporate donors were **Investec, which funded last year’s central committee meeting with a R1m donation; Standard Bank, which contributed R850,000 to the 2009 congress; and Sanlam,** which donated R50,000 and R100,000 for the 2009 congress and to the Violet Seboni Trust respectively.

Cosatu’s financial statements show that in December 2011, the federation had a surplus of just over R1m. Its main source of income is from affiliate fees with each of Cosatu’s 2.2-million members paying a monthly fee of R2.67 in 2011. Income from affiliates was R65m in 2011.

Cosatu affiliates also contribute to a political fund reserve, which is used to fund campaign activities and political allies. Over the past three years, Cosatu has donated R3.7m to the South African Communist Party. This is despite the fact, revealed in Cosatu's organisational report, that only 6% of Cosatu members are members of the SACP.

Cosatu also provided just over **R900,000 to the African National Congress's election** campaign in 2009.

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*The Star*

### **Microcredit and Marikana: how they are linked**

September 18 2012 at 09:00am

By Milford Bateman

Microcredit is the provision of small loans to help establish income-generating micro-businesses or to allow for urgent consumption, whether health care, education bills, home construction or the like. The idea is famously associated with Dr Muhammad Yunus, the US-educated Bangladeshi economist who won the Nobel Peace Prize.

To escape poverty the poor simply needed a microcredit, and then self-help and individual entrepreneurship would do the rest, Yunus claimed. He convinced many international and domestic organisations to fund his efforts to resolve poverty in Bangladesh, starting with the iconic Grameen Bank in 1983.

Later on, the World Bank and the US government became key supporters, and with Ford Foundation and other organisations began to fund Grameen Bank-style microcredit institutions right across the developing world. Pretty soon the poor in almost all developing countries were able to access as much microcredit as they wanted. Massive poverty reduction success seemed just around the corner.

But it didn't work. In a growing number of countries where microcredit made significant inroads, it is now a development model best known for plunging very large numbers of the poorest into even deeper debt and poverty than ever before. The poorest are all too easily seduced by predatory lenders into taking out way too much debt. High interest rates proved a real burden, and aggressive loan collection techniques spread fear into many poor communities. Microcredit institutions and their supporters always argue in favour of limited regulation, hence little is done to legally prohibit or punish over-lending to the poor.

Thanks to a number of "boom-to-bust" episodes precipitated by over-lending, microcredit has come to be rightly known as the developing world's own "sub-prime" financial disaster, with "meltdowns" in Bolivia, Bosnia, Pakistan, Nicaragua, Morocco and most

catastrophically, in Andhra Pradesh state in India, site of 250 000 suicides by indebted farmers.

Even in Bangladesh, where it first became a ubiquitous feature in the life of the poor, it is now accepted that there is no genuine evidence of any positive impact on poverty thanks to microcredit. In the site it started in the late 1970s when Yunus made a personal loan to an informal trader – the village of Jobra near Chittagong – today the local population is just as poor as ever, and the only change of any note is that a very significant section of the community is now in very serious debt to the local microfinance institutions.

Most recently, spectacular microcredit profiteering was also taking place in Mexico, Nigeria, Bosnia and India. All told, the accumulated evidence produced by independent researchers and evaluation experts now shows conclusively that microcredit simply does not reduce poverty and deprivation in the longer run. Not surprisingly, the microcredit model has come seriously undone all across the globe.

However, we have perhaps just witnessed one of the most appalling microcredit-related disasters of all in South Africa. Extreme over-indebtedness by workers apparently helped precipitate the Marikana massacre on August 16. Miners employed at Lonmin's mine were gradually seduced by local lending institutions into accessing far too much microcredit.

Planning Minister Trevor Manuel is just the highest-profile official to recognise, too late, that too many mineworkers depended upon micro-loans and that very high repayment levels left many destitute after their pay-cheques suffered deductions. This is not specific to the mineworkers, so according to Finance Minister Pravin Gordhan, "Predatory lending creates overly indebted consumers, threatens livelihoods, and can trap people in a cycle of poverty."

With far too many miners apparently forced into spending more on interest payments each week or month than on any other household outlay, no matter how hard they tried, they simply could not prise themselves away from taking out a microcredit in advance of payday. With such micro-debt problems mounting to intolerable levels in recent years in the mining community, Marikana miners felt that they had no other option but to demand a very large pay increase in order to try to clear their accumulated micro-debts. The miners' desperation and anger was palpable, Lonmin refused to back down, and a massacre ensued.

The Marikana miners are part of a long-standing migrant labour system that, often through a company shop, kept workers in debt as part of their exploitation. Their extreme anger at indebtedness is understandable, and the microcredit institutions – including UBank, an institution owned by the National Union of Mineworkers and the Chamber of Mines – should be held responsible.

And as is often the case after microcredit is granted, Marikana miners were not meaningfully helped to cut debts through special programmes of repayment and counselling. So long as a miner's salary could very easily be tapped in via a stop-order to repay any outstanding micro-debt at high rates of interest, and the Christmas bonus paid

outstanding arrears at year-end, the microcredit institutions had no desire to impose reasonable limits on individual indebtedness.

There is no evidence of government bodies specifically regulating microcredit institutions so as to restrict their lending activities to appropriate levels. The growing crisis of unsecured credit non-repayment is reflected in worsening ratings for the most risky of local financial institutions. Consumer debt is reaching record levels, encouraged until recently as a short-term economic stimulant.

Microcredit was sold to the world by Muhammad Yunus and his acolytes as a simple, and simply fantastic, intervention that would help the poor escape their poverty. Perhaps nowhere more than in the horrific experience of the Marikana miners has such faith been shown to be misplaced, and the potentially catastrophic results of desperation-level micro-debt revealed with such awful clarity.

Dr Milford Bateman is Visiting Professor of Economics at the University of Juraj Dobrila Pula, Croatia. He authored *Why Doesn't Microfinance Work?* and tomorrow lectures at 5.30pm at Wits's John Moffat Building auditorium. To attend, RSVP to ChristianK@idc.co.za

### **South Africa's Lonmin miners accept pay rise to end strike**

By Mish Molakeng

MARIKANA, South Africa | Tue Sep 18, 2012 4:32pm EDT

(Reuters) - Striking platinum miners at Lonmin's Marikana mine in South Africa accepted a hefty pay rise offer on Tuesday, ending six weeks of violent labor unrest that killed 45 people and rattled Africa's largest economy.

The strikers, grouped on a bare soccer pitch near the mine, 100 km (60 miles) northwest of Johannesburg, cheered when they were told that management were offering a 22 percent pay increase, and said they would return to work on Thursday.

"I am happy - and forward with the struggle," said one of the striking miners, Sithembile Sohati.

"It's a huge achievement. No union has achieved a 22 percent increase before," Zolisa Bodlani, a worker representative at Marikana, told Reuters.

At least one analyst expressed concern that the Marikana wage increase could trigger a rash of pay demands across a mining sector already being squeezed by low metals prices and rising labor and electricity costs.

In another sign that weeks of trouble in South Africa's platinum belt were ending, the world's biggest platinum producer, Anglo American Platinum, said it had resumed operations in the strike-hit Rustenburg area.

The spot platinum price fell 2 percent on the Marikana news to \$1,627.49/oz and the rand firmed over 1 percent to 8.166 to the dollar.

The wildcat mining strikes hitting a major sector of the economy had depressed the rand, increased the cost of insuring against default on South African debt and spooked some foreign investors into selling mining shares.

The conflict, most notably the police killing of 34 Marikana strikers on August 16, had also ignited criticism that President Jacob Zuma and his ruling African National Congress were neglecting poor workers and siding with wealthy business owners.

Zuma acknowledged that the wildcat industrial action had caught the government and powerful allies such as the National Union of Mineworkers (NUM) on the hop.

"This incident has been a surprise given the established procedures we have in place," he told reporters in Brussels minutes after news of the settlement.

#### OTHER MINES TO FOLLOW SUIT?

The deal will see wages raised by up to 22 percent depending on the category of worker but that percentage hike is not across the board, according to the Solidarity trade union of skilled workers which was not on strike but took part in the talks.

The rock drill operators who began the strike will receive an effective 22 percent rise on their total package including allowances which will bring it to just over 11,000 rand per month, Solidarity said.

"The key worry now is that 22 percent wage rises will be seen spreading across the mine industry. That is hardly affordable in an industry with such hefty cost pressures already," said Peter Attard-Montalto, emerging market economist at Nomura International.

Marikana strikers' representative Bodlani said the workers had asked Lonmin management to promise that they would work with unions to reach within two years the 12,500 rand (\$1,500) basic monthly salary that the miners had originally demanded.

The company has not yet responded to this. It had previously argued that paying 12,500 rand a month would put thousands of jobs at risk and challenge the viability of the business.

In its statement, Amplats said it considered it was now safe for employees to return to their jobs but acknowledged that "many mining employees are still to return to work".

It said smelting and other processing operations at Rustenburg were already at normal levels.

Amplats suspended operations in the heart of the platinum belt last week when machete-wielding strikers marched on shafts.

The Marikana police shootings were the deadliest security incident since the end of white minority rule in 1994 and, for many South Africans, painfully recalled security force massacres of black demonstrators under apartheid.

In all, 45 people died in the Marikana unrest, which spread beyond Lonmin to other platinum firms around Rustenburg and some gold mines.

#### MALEMA DEFIANT

ANC renegade Julius Malema, who was expelled from the party for indiscipline this year, has used the Marikana unrest to relaunch his political career and stir up opposition against Zuma ahead of an ANC leadership election in December.

Malema was barred by police on Monday from addressing the striking miners at Marikana, but said his campaign to improve workers' pay and conditions would not be cowed by a government crackdown.

"Not even the president can stop me. Not even death can stop me. My ideas are out there. Even if I am no more, people will continue those ideas," he told a news conference.

South Africa is home to 80 percent of all known reserves of platinum and is a major gold producer. The unrest this year has cost the mining industry 4.5 billion rand (\$548 million) in lost output, Zuma said on Monday.

An illegal strike by 15,000 workers at the KDC West mine operated by Gold Fields, the world's fourth largest bullion producer, continued on Tuesday as its chief executive said the firm would not agree to demands for a minimum wage of 12,500 rand a month.

In a separate development, parliament approved a 5.5 percent pay increase for Zuma on Tuesday, taking his annual remuneration to 2.6 million rand (\$315,600) a year.

(\$1 = 8.2075 South African rand)

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#### **Marikana: The strike might be over, but the struggle continues**

- Mandy de Waal
- 

Striking workers at Marikana's Lonmin mine have accepted a pay offer from management and say they'll be back at work this Thursday, but the campaign for justice and better living conditions in the North West town is far from over. By MANDY DE WAAL.



Cheers and whistles echoed across the Wonderkop Stadium amid a sea of jubilant, dancing miners at Lonmin's Marikana platinum mine. After more than five bloody weeks of work stoppages and violent clashes with police that left 45 people dead, miners accepted a pay offer, which many have taken as a signal that the strike is now over.

Lonmin's Sue Vey said mine management wouldn't comment because final agreements had yet to be signed, but headlines across the globe are reading: "S. Africa's Lonmin miners accept pay rise to end strike."

Reuters reports that management offered a 22% pay rise, which workers accepted, saying that they'd be back at work on Thursday 20 September, 2012. "It's a huge achievement. No union has achieved a 22% increase before," Zolisa Bodlani, a worker representative at Marikana, told Reuters.

The big concern amongst the mining sector now is that this unprecedented pay increase would set a benchmark for the industry. "The key worry now is that 22% wage rises will be seen spreading across the mine industry. That is hardly affordable in an industry with such hefty cost pressures already," Peter Attard-Montalto, an emerging market economist at Nomura International, told Reuters.

But as news organisations waited for Lonmin management to confirm that the strike was indeed over, word came from the Marikana Solidarity Campaign that the struggle was far from finished. "The campaign will go on," said Chris Molebatsi, a Lonmin worker and member of the organising committee for the campaign.

"This campaign is aimed at helping workers. People died here at Marikana. Something needs to be done. This is a campaign to ensure justice for the people of Marikana. We want the culprits to be brought to book, and it is crucial that justice is seen to be done here. It is our duty and the duty of this country to ensure justice is served, so that we can make sure this country is a democracy and to stop South Africa from going down the drain," Molebatsi told Daily Maverick.

The Marikana Solidarity Campaign has a lot of work to do, according to Molebatsi, who says that the immediate tasks include supporting families, getting counselling for traumatised people, and overseeing the government-appointed judicial commission to ensure justice is an outcome of that process.

Molebatsi said that people in Marikana were still being subjected to police brutality, and that there was a need for the campaign to intercede. "During the past week people were taken from their homes and arrested by police, and people have been shot at. We need to ensure the safety of these people, and need to help stop police action against the people of Marikana," he said.

"The work is enormous. Some people still need medical attention, and we also need to look at the living conditions of workers and the community at large. Then there is the problem

of the unemployment of women and the high rate of illiteracy here. We need to help realise programmes to ensure people can get an income, that they can enjoy a reasonable standard of living," he added.

Molebatsi said that Marikana could well be the beginning of a revision of mining labour practice in South Africa, and that what happens at the Lonmin platinum mine could ripple out to all other mines. "Marikana could become a benchmark," he said.

As miners and the women from the community met with a civil society delegation, human rights lawyers and academics in a church in Wonderkop, there was a strong sense that Marikana was part of a much bigger struggle.

"We are trying to build strong support and solidarity not just for tomorrow, but for the weeks and years ahead, because we have to change living conditions," said Section 27's Mark Heywood, part of the civic delegation that had come to Marikana to meet with workers, women and the Marikana Solidarity Campaign, and to lend support. Organisations involved include Socio-Economic Rights Institute of South Africa; Sonke Gender Justice; Studies in Poverty and Inequality; Students for Law and Social Justice and the Treatment Action Campaign.

At the meeting, Heywood held up a copy of the Constitution and said: "The Constitution of South Africa is the most important weapon we have. It is more powerful than Jacob Zuma, but it will only give you power if you organise around the Constitution, if you organise around its rights. Marikana cannot be a place where the law doesn't operate."

Heywood said he knew that people in Marikana now feared the police, but said that Section 27 would help rally legal aid for workers and the community to ensure that their rights to freedom of expression, freedom of assembly and freedom of association were not compromised.

Women at the meeting stood up and spoke about police brutality and intimidation. "The police are quick and fast," said one woman, who did not want to be identified for fear of police victimisation. "When they shot at us on Saturday we couldn't even take down the car registration."

"We as women are not free, we are scared of the police," said another. "These are the same police that shot at the striking workers. They come into Marikana."

The sentiment most often expressed by the women is that of abandonment. "This government has abandoned us," said a woman at the meeting. "This government doesn't care about us. The government haven't even come here to apologise to us. The only person who came was Julius Malema, but they turned him away. Now we will be orphans. No one cares for us."

But as the meeting unfolded, it was evident that civil society organisations were stepping firmly into the gaping breach, and would collaborate with the people of Marikana. Together

with the Marikana Solidarity Campaign, workers and the women of Wonderkop are becoming organised, because there's a sense that what's happened in the North West mining town is bigger than Marikana.

Again and again, workers, activists and women voice the feeling that this could be the start of a broader movement for change that will catalyse the revision of mining labour practices, if not for more accountable leadership from the ANC and the people it has put in government. **DM**

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### **Marikana: The strike ends - now what?**

- Khadija Patel
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- 19 September 2012 04:47 (South Africa)
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The strike in Marikana is over. Workers are preparing to return to work on Thursday and start rebuilding their lives. But why did it take this long? And why did it cost 45 human lives? KHADIJA PATEL took a preliminary look.

"We are happy with the deal," Hlongwane, a striking mine worker in Marikana, told Daily Maverick over the phone on Tuesday evening. In the background, the sound of cheering and shouting drowned out his voice. The strike that captivated the world, claimed 45 lives and exposed the flimsy underpinnings of a happy South Africa had ended. The strike in Marikana was really over.

"Following an all-inclusive negotiation process involving trade unions and delegates of striking employees, Lonmin is pleased to announce that it has reached a settlement and a return to work has been agreed for Thursday (20th September)," Lonmin said in a statement late on Tuesday.

According to the agreement brokered by President of the SA Council of Churches, Bishop Jo Seoka, rock drill operators will now earn R11,078 a month before deductions, production team leaders R13,022 and operators R9,883. Workers will also receive a once-off bonus of R2,000.

But even as workers prepare to return to work, questions are now being asked about what exactly happened six weeks into the strike to facilitate the agreement.

According to Hlongwane, as an ordinary striking worker, the crackdown by police last Saturday had severely affected the morale of striking workers. "They couldn't push for more than R11,000 because of what happened on Saturday," he said.

Political analyst Ralph Mathekga, however, believes that the agreement also made financial sense to the strikers. "From the part of the miners as well, the strike was beginning to bite too much into their pockets, so they were backed into a corner, forced to accept this moderate offer," he said. He adds, however, that the successful negotiation with Lonmin without the custodianship of the ANC-affiliated National Union of Mineworkers (NUM) is also telling of inadequate leadership at the mine and an inability on the part of NUM to communicate with workers effectively. "They have toned down their demands and they have accepted R11,000, which you could say is a moderate offer," he said. "It is an indictment of the ANC and it is a demonstration of how much can be achieved without the ANC."

Mathekga believes the deal reached between Lonmin and striking workers was actually a lame offering when compared to the demands for R12,500 that raged stubbornly for weeks. "When I look at the initial demand of R12,500 and what they have actually accepted, it's not an extraordinary deal. It could have been reached in normal circumstances, but it was not," he says.

Crispen Chingulo, a researcher at the University of the Witwatersrand whose PhD explores rising dissent in the platinum industry, disagrees that the strike ended with a lacklustre deal.

"It is quite a lot," he says. "The workers were very close to what they wanted. The initial demand was for R12,500, and R11,000 is not far from that."

Chingulo, however, feels the results of the wage agreement reached at Lonmin's Marikana operation may soon have effects on other platinum mines in the region.

"To the other workers in the industry, it may mean if you want an increase, you have to be militant; you have to fight for it," he says. "What happens next depends on other employees in the platinum mining industry." The final say on how the Lonmin deal will affect other platinum mines will, however, be determined by mine owners and not workers. "I think mine owners have to come together to look at a generalised bargaining system in the platinum mining industry," he advises.

Chingulo stresses, however, that this strike was not only directed at Lonmin. It was also a strike against the perception that workers were being represented inadequately.

"This strike was not only against management, it was also a protest against the union," he says.

Mathekga also believes NUM emerges from the Marikana strike with a badly bruised reputation. "The legitimacy of NUM has been dented severely," he says.

"To me, it looks like in circumstances where NUM is not involved, workers have a better chance of succeeding with their demands. If you look at the nature of this agreement, you

have a watered-down agreement that was reached without the historical stakeholders,” Mathekga says.

He believes that the Marikana deal may actually spell doom for structures like NUM. “I’m foreseeing some circumventing of unions and doing without them,” he explains.

“[NUM] has to look at how it can represent their members better during wage negotiations and how they can win back the confidence of their members,” Chingulo says.

It is, of course, not only NUM that has taken a beating in the last six weeks in Marikana. President Zuma, government and the ANC were unable to take a decisive lead in steering negotiations, or appealing for calm without the aid of the police and the armed forces.

“Marikana shows that the executive is only able to react by showing its authority [with the army and the police] without gaining the trust of the people,” Mathekga says. “This strike has ended, but the trust of government is still at its lowest.”

“The government was unable to put aside its internal differences. Here I’m talking about all the factions within the ANC: pro-Zuma, anti-Zuma and whoever else; the wrongness that unites them in responding to Marikana. They showed they cannot put aside their differences for the interests of others,” he explains.

“They emerge from this looking very selfish.”

It is President Zuma, however, that may be worst off after the conclusion of the strike.

“Jacob Zuma’s enemies have gathered more arsenal against him,” Mathekga says. “Things like the decision to deploy the army – it points to a mishandling of the situation. His enemies now have more evidence of a lack of leadership under his presidency.

“As a leader, he’s going to enter [Mangaung] in the same way Mbeki entered Polokwane, on the back foot,” he predicts.

Chingulo’s predictions are reserved for the future of industrial relations in the country.

“What we saw was that the existing institutions did not have the capacity to deal with problems [in the mining industry],” he explains.

“The end of the strike means a lot, not only to the mining industry but to the whole country. We need to reflect on where we have come from. This strike highlights the fact that nothing much has changed in the mining industry.

“We must ask ourselves now: have the conditions of workers really improved, 18 years after attaining democracy?” he adds.

“It is a turning point in industrial relations in South Africa,” Chilungo concludes, the din of the Cosatu conference raging unperturbed in the background. **DM**

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## **COSATU 11<sup>th</sup> Congress**

### **Declaration on the Lonmin Marikana platinum mine tragedy, the mining industry, and general poverty wages**

*As adopted with amendments 17<sup>th</sup> September 2012*

We the 3,000 delegates to the 11<sup>th</sup> COSATU Congress, in the presence of over 500 invited guests, and in the true spirit of “An Injury to One is an Injury to All” wish to express our sincere and heartfelt condolences to the families of at least 60 people killed in the course of the Lonmin and Impala disputes. These include 5 killed at Impala Platinum, 6 at Aquarius Platinum, and 47 at Lonmin Marikana (10 before 16<sup>th</sup> August, 34 on 16<sup>th</sup> August, and 3 after the 16<sup>th</sup> August). We wish a quick recovery to all those who have been injured.

We declare our solidarity with all the working class communities in the affected areas whose lives have been shattered by the ongoing violent disputes in the mines. COSATU stands ready to join all South Africans and the progressive peoples of the world who genuinely want to see real peace and stability return to the affected mines through finding a just solution to the violent crisis.

We welcome the Independent Judicial Commission of Inquiry appointed by the government that will investigate all the events leading to the fateful day of 16<sup>th</sup> August 2012. As COSATU we pledge to do our part to ensure that all the relevant factors and evidence that led to the violence and tragedy of 16<sup>th</sup> August are revealed by ensuring that by ensuring that our members who witnessed violence before, during and after the tragedy cooperate with the Commission of Inquiry.

We will do everything possible to help prevent any further deaths. We condemn violence, warlordism and intimidation from any quarter and strongly support the principle of Freedom of Association, especially for the working class. Membership of any union or any party should never cost a life. We reiterate the position expressed in a resolution taken at a previous COSATU Congress that we abhor the use of unnecessary force by the police against workers in all labour disputes, and believe that police officers are unfairly placed in situations which they are untrained and ill equipped to deal with. We also renew our call for the demilitarisation of SAPS.

We promise to defend our affiliate the NUM against ongoing violent attacks on its members and leaders. And we pledge to fight for the reinstatement of all the 2500 workers who were dismissed by Implats earlier this year, and the 800 who were dismissed by Lonmin last year.

We are extremely concerned that the events of 16<sup>th</sup> August and the ongoing violence, whose main victims remain the exploited masses, has shifted the focus and blame from the Platinum bosses who have systematically undermined collective bargaining and promoted division amongst workers, and who have been sitting in the shadows enjoying profits from the very workers whose families have now been robbed of their only breadwinners.

We call for a second Independent Commission of Inquiry that will work parallel to the Judicial Commission already appointed by the President. The terms of reference of this second Commission must be to investigate the employment and social conditions of workers in the mining industry, historically and at present. The Commission will have also to look at the global context of the industry. It should be of a scale similar to the 1979 Wiehahn Commission into Labour Legislation and the 1995 Leon Commissions into Health and Safety on the Mines. The Commission will be linked to a COSATU campaign for the complete transformation of the mining industry.

We commit ourselves to constantly working to improve the service that we as unions provide our members, including to protect and advance collective bargaining and to fight against attempts by employers and other expedient groups to promote employer unilateralism and the fragmentation of worker power.

We pledge that we will continue to strive to unite all workers in the struggle against poverty and exploitation, and for safe working conditions, decent and quality jobs, comprehensive social security and comprehensive social services.

### **South Africa: the national and global crisis of capitalism and the centrality of the mining industry to the South African economy and society**

South African capitalism has its origins in, and has flourished on the back of the exploitation of black and African labour; it serves, and is owned and controlled by, a tiny white population and its foreign backers.

In 1994, the African National Congress government inherited a collapsing colonial economy and society of South Africa, from the departing Nationalist Party. In this economy and society, Black people in general, and Africans in particular, suffered mass poverty, widespread unemployment and were victims of extreme forms of inequalities.

Mass poverty, widespread unemployment and extremely unequal social, economic and cultural conditions have been the burdens of Black and African people in South Africa before and from its inception, in 1910, to date.

The struggle for liberation was in fact waged in order to overthrow this situation: a situation in which the majority of the people of South Africa lived subhuman lives while the white population lived affluent lives.

The Freedom Charter accurately captured the aspirations of all peace, democracy and justice loving South Africans, thus it became the revolutionary programme of the Liberation Movement in South Africa.

Today, the whole world is reeling under the weight of the worst ever global crisis of capitalism. From 1996 onwards, South Africa moved rapidly to integrate fully into the global capitalist economy. Today, South African workers, like all workers of the world, are suffering the effects of the global crisis of the world capitalist system.

The global capitalist crisis has seen the capitalist class scrambling to claw back its rate of profitability. And as with every crisis of capitalism before it, capital is rallying by attacking the working class. In the workplace the attack is being effected through the relocation of production, casualisation, sub-contracting and labour broking, through reducing the size of the workforce, factory closures, and through changes in production processes. Attempts are being made to undermine trade union rights including collective bargaining, and a growing emphasis by the bosses on performance pay (usually meaning not negotiated), and the reduction or elimination of employer contributions to the social wage and to social security payments.

Outside of the workplace the squeeze in many countries is being effected through cuts in social services and increasing privatisation of basic services such as health, education, water and electricity. At the same time, food prices and the price of basic services such as water and electricity are increasing dramatically.

In all capitalist countries, of which our own is no exception, the state plays a central role in bolstering capital's efforts to resolve the crisis by increasing levels of exploitation and accumulation. Calls for fiscal austerity are part of this. The working class, through its organised formations, has to contest this, and mobilise for responses to the crisis which shifts the burden of responsibility to those generating the crisis; and protects workers and poor communities from bearing the cost.

A feature of the current global capitalist crisis is that while attacking the working class, the ruling class increasingly rewards itself with grotesque pay and bonuses, engages in corrupt practices, and isolates itself from the rest of society by creating a privatised cocoon for itself. Never before has the gap between the rich and poor grown so rapidly.

The impact of the global economic crisis is being felt by the working class in growing unemployment (globally 210 million in 2010, the highest ever level of unemployment), a growing precariousness of employment, declining household incomes, reduced pensions, and reduced social services. Social cohesion, trust and solidarity invariably take strain under these conditions.

However, these processes of attacking the working class have never happened without a fight-back from the working class. And the fight-back invariably leads to attempts by the state, acting in the interests of the capitalist class, to put down resistance through coercion or force. That is why we have seen bloody clashes between protestors and police in the past



year in Madrid, in Wisconsin, in London, in Seoul, in Cairo and in Athens. In this context, the actions of the police in labour disputes in South Africa, most recently in Marikana, reinforces the perception that rather than protecting ordinary people, police are advancing the narrow interests of employers.

### **The South African crisis of capitalist accumulation and the centrality of the mining industry**

There is one major difference between South Africa and the rest of the world: the global capitalist crisis is worsening the already existing triple crisis of mass poverty, widespread unemployment and extreme inequalities in South Africa.

In this 11<sup>th</sup> Cosatu Congress we will once again, through our Socio-Economic Report, show just how desperate the conditions of life of the majority of the South African working class have become.

It is this which explains the desperation, anger and frustration of the majority of the South African working class who are largely Black and African: the inherited triple crisis is being compounded by the impact of the global crisis of the capitalist system!

Cosatu has consistently warned that the poverty, unemployment and inequalities affecting millions of South African workers are a ticking time bomb!

But there are features that make our situation different in other respects as well. One of those features is that our government has a commitment to increased social and infrastructure spending, as opposed to deep cuts in these areas. That is to be welcomed, even if as we know, there are challenges in implementation. But the other feature which makes our situation unique is the absolute centrality of the mining industry to our economy. This uniqueness has an ugly side to it, which is both historic and current.

The proposed Commission must trace the history of the mining industry in South Africa, including its past and present discriminatory practices, its historical reliance on cheap labour, and the history of treating mine workers as subhuman.

The mining industry directly employs around half a million workers, with another 400,000 employed indirectly by suppliers of goods and services. The combined direct and indirect contribution of the industry to our gross domestic product is around 18%[1]. Mining also accounts for over half South Africa's foreign exchange earnings. These are seemingly "neutral" statistics. But the industry has what the NUM has described as a "killing face", reflected in ongoing fatalities, rapidly growing occupational diseases, unchecked environmental degradation, and squalid living conditions for many mine workers. Between 1900 and 1994, 69,000 mine workers died as result accidents and over a million were seriously injured. While the rate of fatalities and injuries has declined, it is still totally unacceptable, and has given reason for the NUM to call regular strikes on safety. 2301 workers lost their lives in the ten years between 2001 and 2011, and nearly 43,000 were seriously injured.

The mining industry has been found to be linked to 760,000 new TB infections per year given the effects of silica dust, poor living conditions and the prevalence of HIV and AIDS. This is a catastrophic figure, given that TB is an infectious and often deadly disease. The social consequences on the Southern African Region could be disastrous. In addition, silicosis (caused by the inhalation of silica dust underground) on its own is a killer disease, claiming the lives of thousands every year.

As the NUM has put it *“Many mining workers employed underground will not live to see retirement without bodily harm. They will either be killed, injured or fall sickly.”*

Not only is the mining industry characterised by death and disease, it is also characterised by remnants of apartheid. We all know that the industry was intertwined with apartheid through its use and promotion of tribalism and racial segregation and discrimination, so it should be no surprise to us that these are still to be found in many of our mines. It is not unusual, for example, to find white workers using separate shaft lifts. Racism is also institutionally entrenched through continued occupational segregation. While 83.7% of the total workforce in the industry is black, 84% of top management remains white! 72% of middle management are white, and 68% of professional workers and artisans are white.

While progress has been made in recruiting and training women in the industry, the environment remains hostile. Discrimination, violence and rape are not uncommon. Binky Moisane, an NUM comrade in the platinum sector, was earlier this year murdered underground.

Inequality is at its most extreme in the mining industry. It is no coincidence that the highest paid executive directors in South Africa in 2009 were in BHP Billiton (average R41m), Anglo American (average R20.5m), Lonmin (average R20m) and Anglo Gold Ashanti (average R17.5m). Compare these grotesque salaries to the current median wage of R4000 per month (or R48,000 per annum)[2] and median minimum of R3600 a month (R43,200 per annum) of NUM members!

The mining industry is peculiar in that reduced demand for its output does not necessarily result in reduced profits. Profit depends on the price of the commodity, and that price can be manipulated by artificially manipulating supply and demand. So, for example, despite reduced demand for platinum in Western Europe and the US due to the recession, the three platinum companies Lonmin, Implats and Anglo Platinum registered an operating profit of more than R160 billion in the past five years!

The centrality of the mining industry to our economy is reflected in urban development which is driven by the sector. Just as Johannesburg was built on gold, Rustenburg is currently growing in a fashion which only meets the short term and rapacious interests of the platinum sector. Instead of a people-centred, sustainable modern city, the fastest growing city in Africa is characterised by no planning, mushrooming informal settlements (38 at the last count), and poor service delivery. Corruption is rife, and politics is murderous. Anarchy prevails.

This is the context that our affiliate, the National Union of Mineworkers organises in. The NUM has made huge strides over its 30 years of existence achieving massive improvements in the pay and conditions of mine workers. 30 years ago the industry was uniformly characterised by the very lowest pay, tribal factionalism, the physical abuse of workers, and dismissals without hearings. The industry was almost inaccessible to organising. Through struggles in the trenches led by the NUM, much has changed. But as indicated, there is much that remains unchanged in the structure and general characteristics of the industry. The fact that there is still so much that needs changing is not as a result of weaknesses of the NUM, but due to the entrenched position of the industry in our economy, and its resistance to radical transformation.

### **To change the mining industry we need maximum unity of workers**

Our affiliate the NUM has been at the forefront of calling for radical change in the industry. But its efforts have been frustrated by unilateralism on the part of the bosses, by the blind encouragement of splinter unions by the bosses by competition for positions of shop steward, by the resuscitation of tribalism in some areas, and the resistance of our government to ban the practice of labour broking. In the Platinum sector, employer resistance to centralised bargaining has added to frustrations. What has made matters worse is that where divisions have resulted in physical attacks against NUM members, SAPS has consistently failed to act. This has led the NUM to conclude that sections of SAPS are part of an anti-worker, ultra-nationalist “state within a state” which is acting to support a narrow grouping of business people and politicians. COSATU supports the NUM in its call for proper policing in the form of investigations, arrests, prosecutions and convictions in the case of reports of violence against NUM members or workers in general. This call for proper policing is not to be interpreted as a call for the violent repression of protesting workers. COSATU has unequivocally condemned the killings of 16<sup>th</sup> August.

Workers in the mining industry are clearly ready to tackle the need for deep change. The divisions amongst workers, and the other factors described above, combined with the appearance on the scene of uncountable numbers of opportunists seeking to pull workers this way and that way, are creating serious obstacles for the NUM to take the struggle forward.

In the face of all of this, COSATU recognises that the changes that are needed in the mining industry require the following of the Federation:

- A clear message to mine workers that “united we stand, divided we fall”. While breaking out of the NUM’s fold might appear to bring short term gains to some workers, in the long run it will weaken the power of mine workers to change the industry and improve conditions overall.
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- A strong appeal to any NUM member who has a genuine grievance against the union to channel this through the union, or via COSATU if necessary.
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- Ongoing discussion at all levels of the Federation of how best to practically support the NUM going forward.
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- A clear message to the SAPS and the Judiciary, that where there are continued violent attacks on mine workers and their families, these should be speedily investigated, and we must see arrests, prosecutions and convictions.
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- The urgent establishment of a Commission into the historical and current working, social and living conditions in the mining industry.
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- We demand that the Mining Industry takes urgent steps to comply with the Mining Charter.
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- The proposed Commission will be linked to a Federation-wide solidarity campaign for the complete transformation of the industry. Such a campaign will be for an industry that reflects what is right and fair in a democracy. Every COSATU local and every affiliate will be expected to engage on how the struggle for transformation in the mining industry links to transformation in other sectors. It will include the demand for people centred urban development which is not anarchic as we have seen in Rustenburg.
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### **Attacking poverty wages and inequality**

Over and above the special attention to the mining industry, COSATU promises a militant campaign to tackle poverty wages in general. It is totally unacceptable that half of all employed workers in this country earn R3000 a month or less. The proposed elements of this campaign are spelt out in the Organisational Report to Congress, but in sum include:

- A campaign to radically raise the lowest levels of pay in our country, with demands based on calculations of living requirements. As part of this, Congress will debate the principle of a National Minimum Wage.
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- A demand for compulsory centralised bargaining in all sectors. We are convinced that we would not have seen the unfolding of events in the platinum sector if the mining bosses had seen beyond their own self interests to agree centralised bargaining.
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- A pledge to move away from across the board percentage increases only, which we recognise have created inequalities between unskilled and skilled workers. While wages have on average beaten inflation, the real wages of many of our lowest paid members have actually declined.
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- A campaign to move away from grading systems which have been imposed over time by the bosses and which disadvantage workers such as the rock drill operators in the mining industry. Workers who are central to any operation, and those who do dangerous or heavy work, should be rewarded accordingly. The fact that they do not

“make decisions” as per the evaluation of the bosses should not be the sole factor in determining pay.

- COSATU condemns, in the strongest terms, the opportunistic political exploitation of the plight of workers and incitement to violence by any groups or individuals for their own selfish ends.

We remain committed to doing whatever it will take to rebuild the confidence of the working class in the mines in the NUM and the unity of the Federation. We will work with the NUM to ensure that the mine workers who have left the NUM are brought back into the COSATU fold and to the home where they belong, and that their legitimate concerns about working and living conditions in the industry are addressed with maximum solidarity from all workers in the Federation.

Defend the NUM

Transform the Mining Industry

Forward to Decent Work for All

A Luta Continua

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<http://www.sacsis.org.za/site/article/1428>

### **Labour Expert: This Could be Cosatu's Last Congress**

**By SACSIS · 18 Sep 2012**

The shadow of the Marikana massacre hangs over Cosatu as its 11th Elective Congress takes place a month after the police brutally killed more than 34 miners who worked at Lonmin mine. Ighsaan Schroeder, Director of the Casual Workers Advice Office talks about the meaning of Marikana for Cosatu and trade unions in general. This interview was recorded on September, 17, the opening day of Cosatu's 2012 congress.

Schroeder argues that Marikana signals the death rattle for Cosatu. He is not optimistic that the federation will be around in five years time, which is when another congress would take place.

He contends that the federation is beset with systemic problems, and points to the changing social base of Cosatu, its tether to the ANC and corruption, as the biggest challenges facing the federation.

Schroeder also provides some insights into why the strikes that have spread from Lonmin to other mines in the Rustenburg region are being smashed by heavy state repression.\*\*\*

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## **Solidarity: Lonmin agreement welcome, but may set a precedent**

### **Press release dated 18 September 2012**

Issued by Gideon du Plessis, General Secretary: Solidarity

Solidarity today welcomed the agreement reached between striking employees and Lonmin's management, but warned that it sets a dangerous precedent and illegal actions to enforce wage increases could occur at other mines in future. The situation at Lonmin's Marikana mine called for an abnormal agreement due to the high levels of violence, intimidation and criminal activity.

Gideon du Plessis, General Secretary of Solidarity, said the agreement entails that the cost-to-company package of entry-level employees will be increased from R8 164 to R9 611 and the cost-to-company package of rock-drill operators will be increased by 22%, from R9 063 to R11 078. Rock-drill operators will also receive a monthly allowance of R750. "All category 3 to 8 employees who would have received their normal annual increase of between 9% and 10% on 1 October 2012 will receive an additional increase of 2%. All employees who participated in the unprotected strike will receive a once-off payment of R2 000, on condition that they accept the offer and return to work on Thursday, 20 September 2012."

Solidarity said it hoped the agreement reached today will bring an end to the intimidation and violence at Lonmin and result in order and stability at all South African mines. "Solidarity called on Lonmin to keep retrenchments following the five-week unprotected strike to a minimum and to work with trade unions in looking for creative solutions in order to prevent or limit job cuts," said Du Plessis.

Du Plessis said although the commission of inquiry could still release several controversial findings, the lessons that have already been learned from the tragic events at the Marikana mine must be taken to heart. "Action plans must be implemented by the government, politicians, the local government, Lonmin's management, trade unions, community leaders, the police, spiritual leaders, the Chamber of Mines and Lonmin's employees to prevent similar incidents. Solidarity requested the police and the National Prosecuting Authority to continue their investigations into criminal offences that had been committed since the violence broke out at Marikana on 10 August 2012 and to prosecute the offenders."

Solidarity praised Lonmin for acting in good faith and applying patience during the talks to resolve the dispute. Solidarity also expressed its appreciation to Afzul Soobedaar, senior commissioner of the Commission for Conciliation, Mediation and Arbitration, who acted as facilitator during the negotiations.

**Gideon du Plessis, General Secretary: Solidarity, Cell: 082 776 6417**

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### **Marching on: Malema's glorious revolution**

- Siphon Hlongwane
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- South Africa=
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- 19 September 2012 04:49 (South Africa)
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Julius Malema took a day out of his busy revolutionary schedule to tell the country that he wouldn't be stopped. Not by the police, and certainly not by President Jacob Zuma. Conveniently, for this comeback to work, he needs as much push-back from as many people as possible. By SIPHO HLONGWANE.

Julius Malema has been a busy man. He's been all over the place, speaking to disaffected people and convincing them that not only is he the only person willing to listen to them, but that he is personally going through the same trauma that they are. He has clearly been studying the best strategy ever written on how to mount a huge political comeback in South Africa, written by a certain Gedleyihlekisa Zuma, and is now applying it diligently.

On Monday, he made another visit to Nkaneng, near Marikana, to speak to a meeting of the striking Lonmin miners. Unlike his 18 August visit, the place was crawling with police after the government issued an order saying that illegal gatherings and carrying of dangerous weapons would not be tolerated. A few constables at the scene decided that Malema's presence in the area was a security risk, and he was stopped from attending the meeting. No, scratch that: he was physically booted out of the area, and then escorted by helicopters till he was at least 10 kilometres away.

Then rumours of his imminent arrest began circulating furiously once again. Thursday is the day, apparently.

On Tuesday, Malema called a press conference in Sandton. What would he say? Would he declare this last week to be the beginning of his passion, before his inevitable end?

No, not really. He just wanted to make sure that the country got the message that he hadn't been scared off his campaign by the way that the police manhandled him, and was more than prepared to continue.

More than anything, the press conference was an opportunity for him to lay out a couple of choice conspiracy theories and personal vendetta claims.

He said that his black Mercedes Benz Vito Crewbus was targeted at Marikana on Monday. He approached in a four-car convoy, and the first two cars were allowed to pass. Then the cops said that they wanted to search his car. He agreed, and got out to let them search it, and began walking to the stadium where the meeting was being held. As soon as he did that, the police lost all interest in the vehicle and said that he couldn't be in the area as it was "incitement to violence". His entourage finally decided that they'd seen enough when members of the tactical response team showed up and apparently threatened to isolate and shoot Malema. They were barred from attending a public, sanctioned gathering for no reason, according to him.

"We know that there is an illegal, undeclared state of emergency in Marikana. That is a very dangerous one, because a legal state of emergency must end after 21 days. But this one can just go on," he said.

"Jacob Zuma must explain to the parliament why the army was sent to Marikana."

Malema slammed the ban on traditional weapons in the area, saying that Zuma himself would probably carry a knobkierie and spear when he gets married again in December. "So the police must raid him too," he said, to laughter.

The possible arrest by the Hawks, as well as the order by the defence minister to have him banned from speaking to defence force soldiers a few days ago were proof that someone in government had it in for him, he said.

"We have it on good authority that there is an order for us to be got rid of," he said. "There are a number of sources in the state security apparatus. We have lost confidence in the police so we won't share that information with them. Otherwise we will be inviting our killers into our own homes. The lawyers are dealing with that."

The people of the country should not be blind to the fact that Zuma was flaunting the Constitution by curbing his rights, the expelled former ANC Youth League president said.

"Hate for Julius Malema should not blind you to a violation of the Constitution," Malema said.

The whole point of holding a press conference just after the brush with the police, and dwelling on his persecution by the state – real or imagined – was to reinforce the message that he has been taking to all the areas where there has been unrest of late: namely that the unhappiness of those communities is his, too, since he is being persecuted and ill-treated like they are by the Zuma government.

He repeatedly tapped into union dissatisfaction at Marikana by railing against Cosatu-affiliate union leaders and party bosses who had called for his arrest. "No one is bringing a solution to Marikana except to say, 'arrest Malema'. How will arresting me give the workers R12,500? If it does, then I'm happy to be arrested. But what we are seeing is the state



cooperating with Lonmin. The state has taken the side of capital against the workers," he said.

It was a ploy used to great effect by Zuma himself after he was cast into the wilderness in 2005 by Thabo Mbeki. Using the tactic of "your pain is my pain", he knitted together a broad coalition of the wounded that eventually put him back in command of the ANC, and later the country.

Malema's end-game is simpler: he wants back into the ANC. When asked what he would do should Kgalema Motlanthe manage to defeat Zuma at the party's elective conference in December, he said that he would reapply for ANC membership in his branch in Seshego, Limpopo.

"My branch will accept me. They have been inviting me to attend meetings all along. If the ANC will not accept me, then we will go to court. Even rugby or cricket or golf clubs in these small dorpias that don't want blacks can be sued for discriminating. So it will be the same in the ANC," he said.

On Tuesday, the miners in Marikana accepted a 22% wage increase – some six weeks after the wildcat strike began. Perhaps it is just as well that the worst of the widespread strikes now is over, although resolutions at Bleskop and other areas weren't in the offing yet. Malema's plans make it clear what his particular goal is: he wants to get back into the ANC. What will happen to the people he's galvanised and stoked to near-frenzy once he has achieved his goal is not hard to guess. **DM**

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### **Mines should build acceptable bachelor accommodation — Motlanthe**

by Paul Vecchiatto, 18 September 2012, 15:57

#### **Stop comparing crackdown on mining strike violence to apartheid, says Zuma**

CAPE TOWN — Deputy President Kgalema Motlanthe says mining companies should try to provide acceptable bachelor accommodation at their mines rather than build new settlements.

Answering questions in the National Council of Provinces on Tuesday, Mr Motlanthe said the continued use of migrant labour on the mines was proving to be a major challenge for the social and economic development of the country.

Citing Australia as an example, Mr Motlanthe said that in that country workers were flown to their mines for a four-week period and then flown out to spend two weeks at home.

By contrast, in South Africa "migrant labour is compelled to spend up to a year away from home and send their remittances back. This leads to social tension," he said.

South Africa's mining sector has been riven with tension in recent weeks, with a violent strike at Lonmin's Marikana mine spreading throughout the platinum belt and beyond, to gold and chrome mines as well.

While wage increases have been at the centre of the strikers' demands, some commentators have pointed to migrant labour and miners' living conditions as contributing to their dissatisfaction.

Mr Motlanthe said the government's social plan was to spread the benefits of the mines as far as possible.

He said mines would eventually become depleted and that meant a more established community would have to move somewhere else to obtain work.

"The business of mining does not just stop with them extracting ore. One must remember that they are major procurers (of services and goods)," he said.

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*(Daily Maverick: "Hopefully the people of Marikana will never get to read the Cosatu declaration, as they might get the impression that the most powerful voice of organised workers in South Africa bowed to pressure and sold them out in order to protect its own. They also have a completely different understanding of the term "brute force" based on their experiences in the past two months.")*

### **Marikana miners lower salary demands**

Sep 17 2012 18:36 AFP

Rustenburg - The striking miners at Lonmin's Marikana platinum mine have accepted for the first time to lower their salary demands, the mediator in the dispute said on Monday.

"We have been mandated to negotiate on a specific figure. The workers are not married to the R12 500 monthly salary, Bishop Jo Seoka, president of the South African Council of Churches, said.

Seoka's comments came after a meeting in a stadium with 2 000 miners on Monday afternoon that was authorised by police and took place without incident.

He said he could not disclose the figure before they tabled it at negotiations with mining giant Lonmin [JSE:LON] set to resume on Monday.

"We hope the news will be better than this tomorrow [Tuesday]," he said, adding that should an agreement be reached, the miners would return to work on Tuesday.

The miners were reportedly prepared to accept a monthly salary of R11 000, according to news channel eNCA. The strikers claim they currently earn about R4 000 per month.

Earlier Seoka had pleaded with the striking miners to lower their monthly salary demand.

"You must give us a mandate to go a little bit down," he told them, while insisting it should not be to the level that would hurt them.

The bishop had been called in to help with the mining crisis after police last month shot dead 34 strikers taking part in the wildcat strike which began at Marikana on 10 August.

The unrest has claimed a total 45 lives and spread to strikes at other mines, leading to a police clampdown in a bid to restore order and salvage the country's lucrative mining sector.

On Friday the miners rejected Lonmin's first offer to break the deadlock at Marikana. They claimed Lonmin offered an entry level hike of R986.

President Jacob Zuma warned earlier on Monday that the gold and platinum mines have lost R4.5bn to forced stoppages this year, which could push the country into recession.

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### **Marikana miners issue new mandate**

MARIKANA - Striking miners in Marikana on Monday said they wanted to resolve the wage issue with Lonmin bosses so that they can return to work by Tuesday.

The mineworkers gave their leaders a new mandate, which will be discussed at negotiations on Monday evening.

The new wage demand had not been disclosed.

Representative Molefe Phele said it was back to the negotiating table.

The striking employees dispersed after police gave them an hour to meet, warning them that the gathering would be declared illegal.

Meanwhile, expelled ANC Youth league president Julius Malema was chased out of the area by police.

He arrived in the North West town, hoping to address the striking workers at the Wonderkop Stadium.

But he was cornered by police and told to leave or face arrest.

Malema was then escorted to the N4 highway.

(Edited by Zethu Zulu)

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### **South Africa mine unrest costs £335m in lost output**

Lonmin, whose Marikana mine has seen worst violence, halts work on new shaft and puts 1,200 miners out of work

Protests over pay have seen 45 people killed in weeks of unrest. Photograph: Reuters

Unrest at South Africa's platinum and gold mines has cost the industry 4.5bn rand (£335m) in lost output, President Jacob Zuma said, as the company at the centre of the strikes closed a shaft putting 1,200 miners out of work.

Although two mines reopened on Monday there was still no end in sight to the protests over pay which have seen 45 people killed in weeks of unrest. Zuma said that aside from the losses to mining companies, the stoppages had cost the South African treasury 3.1bn rand.

Lonmin, the London-listed company whose Marikana mine near Johannesburg has seen the worst violence, said it was losing production of 2,500 ounces (77kg) each day the strike continues. The world's third biggest platinum producer, Lonmin is in danger of breaking its banking covenants because of the dispute and it said on Monday that it was halting work on a new shaft and would not require 1,200 contract workers.

As tension continued to run high, South African police stopped ANC renegade Julius Malema from addressing striking miners at Marikana. Malema, a rebel expelled from the ANC, has become Zuma's most strident critic and has urged strikers to make mines "ungovernable".

Following the government's promise to get tough on strikers and those inciting violence, police, some armed, surrounded Malema as he arrived in Marikana, 60 miles north-west of Johannesburg, where police shot dead 34 strikers last month.

Strikers also said they would keep shut four mines run by the world's top producer, Anglo American Platinum (Amplats), which the company aims to reopen on Tuesday.

"There is no need to resort to violence. I believe we must not encourage that," Zuma told a conference of the Congress of South African Trade Unions, a partner with the African National Congress (ANC) in the governing alliance.

Some of the miners gathered at a football pitch in the town to hear Malema speak, threw stones at a police car as officers escorted him from the area.

Aquarius Platinum's Kroondal mine and Xstrata's chrome operation near the platinum belt city of Rustenburg reopened on Monday. But the situation on the ground remained tense, and Xstrata said that miners who had chosen to return to work had been subjected to intimidation by striking colleagues.

The unrest has its roots in a bloody turf war for members between an upstart union and the dominant National Union of Mineworkers (NUM) – a key political base for the ANC – but it is now unclear who the strikers are taking their directions from.

One workers' representative dismissed Amplats' plan to reopen its Rustenburg mines as a "joke".

"For us, the reality is that the general strike is on," Mametlwe Sebei, a self-styled Rustenburg community leader and Marxist politician, told Reuters. "We are going to be demonstrating in defiance. We will not be intimidated."

Amplats management was "whistling in the dark" if it believed the mines would reopen on Tuesday, he said.

"They can deploy the army, they can be shooting people, shooting old men in their shacks, teargassing young kids ... but let us be clear, there will be repercussions."

South Africa is home to 80% of known reserves of platinum, the price of which has gained around 20% since the Marikana shootings on 16 August.

Police raided a Lonmin hostel on Saturday and seized spears, machetes and other weapons from strikers. They later used rubber bullets and teargas to disperse groups of protesters. The army has also been brought in to help restore order.

On Monday, police arrested 42 people at a mine owned by RBPlat and Amplats who were on an illegal strike.

Lonmin said mining activity at Marikana remained minimal and lowered its full-year production guidance to between 685,000 and 700,000 saleable ounces from 750,000 ounces. Lonmin also said it would temporarily close a shaft at its Karee mine, which had been meant to boost output for the struggling company.

On Friday, Lonmin workers dismissed an initial pay offer as way below the 12,500 rand a month basic pay sought by members of the militant Association of Mineworkers and Construction Union (AMCU), which is challenging the dominance of the NUM. Lonmin, which is offering increases of between 9% and 21%, said 12,500 rand would put thousands of jobs at risk and challenge the viability of the business. Basic pay for most underground workers is currently around 5,400 rand.

The ANC has criticised companies for paying lip service to the mining charter, which seeks to give workers and communities a bigger share of mineral wealth and rectify disparities of white apartheid rule.

"Mining remains the bedrock of the South African economy, and yet the abject poverty and squalor surrounding mining areas remains a matter of deep concern," it said in a statement.

"The current instability at Marikana thus poses challenges to the growth of the sector and the international image of the country," the ANC said. Reuters

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Cosatu on Marikana, 1.0: It was 'brute force'. Cosatu on Marikana, 2.0: It was NOT 'brute force'.

RANJENI MUNUSAMY SOUTH AFRICA

18 SEPTEMBER 2012 02:28 (SOUTH AFRICA)

The Cosatu congress on Monday unanimously adopted a special declaration on the events at Marikana, with changes proposed by the ANC to soften criticism of the police brutality. The declaration is now being "cleaned up" to shelter and appease the people in the conference hall, rather than the community of Marikana, who remain in a hopeless position. By RANJENI MUNUSAMY.

According to the ANC, the SACP and now Cosatu, the victims of the Marikana tragedy are not the people who were shot and killed by the police. No, according to the ruling alliance, the victims who need to be protected and defended are in the National Union of Mineworkers (NUM), which is apparently under attack from "counter-revolutionaries". And never mind the wretched people of Marikana; the brutality they suffer needs to be understood "in context".

When Cosatu announced that it would be adopting a special declaration at its national congress on the Marikana mine tragedy, it appeared that the trade union federation had finally acknowledged that its response to the massacre was inadequate. It looked as if Cosatu would now be stepping up to play a meaningful role to resolve the impasse at the Lonmin mine following the protracted strike, and that a strategy would now be in place to deal with the growing crisis in the mining sector.

But that was not what the seven-page declaration turned out to be about. Instead, it is an elaborate face-saving exercise on behalf of the NUM, which has been rejected by striking mineworkers at Marikana, and is now scrambling to defend its dominance in the mining sector.

And while the declaration originally did condemn police brutality, the ANC pushed Cosatu to change the wording so that the state was not blamed for the massacre. The declaration is

now being “massaged” to take the heat off the police and place more focus on the role of mining companies and “counter-revolutionaries”.

Proposing the declaration to Cosatu’s 11th National Congress meeting in Midrand this week, the federation’s general secretary Zwelinzima Vavi explained that leaders from all Cosatu’s unions met last Thursday and decided that there should be a special statement on the Marikana tragedy. The general secretaries of NUM, metalworkers union Numsa, the National Education, Health and Allied Workers Union (Nehawu) and SA Democratic Teachers Union (Sadtu), together with Vavi, were tasked with developing the declaration.

Vavi read the lengthy declaration to the congress in order that it be discussed and adopted. The declaration stated that Cosatu declared its solidarity “with all the working class communities in the affected areas whose lives have been shattered by the ongoing violent disputes in the mines”. It said Cosatu wanted to see “real peace and stability return to the affected mines through finding a just solution to the violent crisis”.

It also welcomed the judicial commission of inquiry to investigate the massacre and the events leading up to it. The declaration further called for the establishment of a second independent commission of inquiry “to investigate the employment and social conditions of workers in the mining industry, historically and at present”.

After giving an extensive background of the historic factors which led to South Africa’s current economic problems, the global financial crisis, the inequalities in the mining industry and how much the NUM has done in the sector over the past 30 years, the declaration made six proposals. Among these was that a clear message should be sent to mineworkers that “while breaking out of the NUM’s fold might appear to bring short-term gains to some workers, in the long run it will weaken the power of mineworkers”.

The declaration made “a strong appeal to any NUM member who has a genuine grievance against the union to channel this through the union, or via Cosatu if necessary”. In addition to the second commission of inquiry, a “federation-wide solidarity campaign for the complete transformation of the industry” was also proposed.

While Vavi was reading the declaration, there were murmured discussions among the high-profile ANC delegates, including between the secretary general Gwede Mantashe and police minister Nathi Mthethwa. Sections of the declaration pertaining to the actions of the police at Marikana formed the major issue of concern to the ANC.

One of the sentences in the declaration read: “We repeat our statements of abhorrence of the use of brute force by the police against workers in all labour disputes, and we renew our call for the demilitarisation of the SAPS”.

Speaking during the discussion session on the declaration, Mantashe said the ANC was of the view that the document was “very weak in describing the situation, not only in Marikana, but other mines around Rustenburg”. He said the declaration seemed to be emphasising the events on 16 August when 34 mineworkers were killed, but not the 10

people who died in the run-up to the massacre and after it. Mantashe said these killings were specifically targeting NUM shop stewards.

He said Cosatu should “put into context the counter-revolutionary attack on NUM as the soft underbelly of the federation, and by extension [the] soft underbelly of the alliance”. It was also critical for Cosatu to spell out that “the threat of counter-revolution [was] creating no-go areas for progressive forces”. Instead there were now “liberated zones for counter-revolution”, Mantashe said.

He said the description of the actions of the police as “brute force” should be put in context. While the police should not use “undue” force, Mantashe said, the word “brutal” could not be used to describe what happened at Marikana. He said the actions of the Lonmin mine reflected the “extreme brutality of capital”, and that is what the declaration should emphasise.

“If we are soft on capital on this matter, we run [the] risk of shifting all blame onto the state,” Mantashe said, proposing that Cosatu “rework” the declaration. His proposal received applause from the congress delegates. It is not yet known if the reworded version will include support for the security services crackdown at Marikana announced by government last week. In his speech to the congress, SACP general secretary Blade Nzimande urged Cosatu to rally behind the security intervention aimed at disarming the workers and curbing the violence.

NUM general secretary Frans Baleni told the congress that the union appreciated the “support and solidarity” of the Cosatu leadership and the federation’s affiliates during its “trying times”. “We also appreciate the support in defence of NUM by the SACP and the ANC,” Baleni said.

He said his union had no objections to the proposals to “clean up” the declaration and to “massage the wording around the police”.

Asked by Daily Maverick why he had objected to the wording of the declaration, Mthethwa said he was concerned that incidents before and after the Marikana massacre were not being taken into account. He was referring to the murder of 10 people, including two policemen, before the massacre and the killing of a NUM shop steward recently. It appears that government and the ANC want to continue to use these incidents as justification for the police’s actions on 16 August and the pseudo state of emergency now in place at Marikana.

Mthethwa said the use of the words “brute force” created the wrong impression of what took place at Marikana and the “context” of the police actions was important. He said he was pleased that the Cosatu congress agreed to change the wording.

Vavi told Daily Maverick that the new version of the declaration would be presented to the congress on Tuesday. Asked why the declaration did not mention assisting the people of



Marikana or a strategy to deal with the mining crisis, Vavi said it did not spell out a “detailed programme of action” and this would still be worked out.

“Through the declaration, we want to tell the workers ‘We are your champions’,” Vavi said.

Hopefully the people of Marikana will never get to read the Cosatu declaration, as they might get the impression that the most powerful voice of organised workers in South Africa bowed to pressure and sold them out in order to protect its own. They also have a completely different understanding of the term “brute force” based on their experiences in the past two months. Their “context” is very different to that of the people gathered at Gallagher Estate this week. DM

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Malema's police-sponsored exit

GREG NICOLSON SOUTH AFRICA

18 SEPTEMBER 2012 02:15 (SOUTH AFRICA)

While President Zuma was chastising opposition parties for comparing the show of force in Marikana to Apartheid repression, police were denying Julius Malema the right to speak to the striking mine workers. It may just be the response Malema wanted; now he could convince us that if it can happen to him, it can happen to anyone. By GREG NICOLSON.

On Monday morning, like many other days in the Marikana conflict, Malema arrived at the scene of his political revival to address Lonmin’s striking workers. Up to 3,000 people were waiting in Wonderkop stadium to hear him speak. With his expelled comrades at his side, he was ready to walk past dozens of armed police and be ushered to the microphone as a VIP, a leader of the people.

But seasons have changed over the Lonmin mine: this time, dozens of armed police blocked the former ANCYL leader from entering the stadium. His entourage met a scrum of cops and was circled by a pack of journalists. The police commander gave him 20 minutes to leave or be arrested. “If you go [in], we’re going to arrest you,” he repeated.

Malema was reportedly denied access for being a risk of inciting violence. “Where is the violence? Wena, where is the violence?” a member of Malema’s group yelled at police as they were shepherded from the stadium.

“The committee says I am invited here,” Malema told reporters. If they wanted to arrest him, he said, “then they must arrest me... I don’t have anything. I don’t have a gun, nothing. I’m going to an approved meeting.”

Malema wasn’t allowed to visit the nearby informal settlements and was escorted towards the N4 by about 10 police vans while a police chopper flew overhead. Some of the striking

workers threw rocks at police as they made their eviction. Reportedly, Malema was barred from the stadium because he wasn't given police permission to speak to the workers.

It would have been interesting to see what Malema said. While only 0.63% of employees reported for work in Marikana, the striking miners say they're losing morale after police raided their homes in Nkaneng and a pay deal is said to be imminent. Malema might not have had the rousing reception he's previously received.

He is due to address a press conference today with the Economic Freedom Fighters. He'll tell us that his freedom of speech, movement and right to assemble has been violated for the benefit of one man – President Jacob Zuma. He'll tell us that Zuma is plying the trade of the Apartheid government and he's doing it to stay in power, damn the effect it has on South Africans.

There are enough parallels for his argument to hold water, or at least convince some doubters of the lengths Zuma will go to stay president. As police forced Malema from Marikana, assigning such a ridiculously-sized force it can only be seen as intimidation, it's hard not to recall the efforts the Apartheid state would put into preventing political gatherings.

Malema might be guilty of trying to incite a working-class revolution and is certainly guilty of using the Marikana massacre to further his own political aims. But there's no evidence to show he will incite violence, despite a Hawks inquiry into the matter. Malema first arrived at Marikana after 44 people were killed, after which only one person was killed. There doesn't seem to be anything tying him to that death.

Last week he stoked fears of a military revolt and a mining sector meltdown. But his address to the defence forces wasn't anywhere near the threat the government thought it would be, and his call for rolling strikes in the mining industry could jeopardise the economy, but never did he say those strikes should be accompanied by violence.

His eviction from Marikana follows Zuma's decision to restore order in the community. This weekend saw the police enter the miners' settlement in force to confiscate weapons, a move interpreted as Zuma's attempt to provide leadership on the matter and give the security institutions the power to do what they were probably too politically scared to do after they gunned down 112 of the striking workers.

While confiscating weapons may have a legal grounding, expelling Malema is much less clear. Police spokesman Brigadier Phuti Setati would only say, "With regard to the holding of meetings, the police, relevant authorities and organisers will all ensure that there is no deviation from agreements in terms of the Regulation of Gathering Act".

If sending Malema from the scene was legal, the police must answer a number of questions. Why was he evicted from Marikana today when has he been allowed to address the workers on multiple occasions? Have police been ignoring the law on the previous occasions? Who gave the order to act on Malema now?

The police in Marikana increasingly look like the pawns in the politicians' game, resigned to do what they're told regardless of whether it bends or breaks the law (the killing of 14 at the Small Koppie and torture of miners in custody doesn't look good either).

Until we get more answers, we should be asking whether our rights can be protected from the state. Do we have the right to address crowds, gather and demonstrate? If so, then why wasn't Malema afforded his right?

It was denied, and he was probably laughing all the way back to his Sandton home about it. Malema's been telling everyone for months that the president is a dictator. Now he has a shining example to prove his point.

Whether he succeeds will depend on how well he pushes one question – if Zuma strips one man of his rights, who's next? DM

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### **Mining industry another casualty of Mbeki regime**

BY TIM COHEN, 17 SEPTEMBER 2012, 06:46 | 7 COMMENTS

BOTH the government and Cosatu have enjoined South Africans to refrain from pointing fingers about the mining crisis, which accords with the decision to conduct a commission of inquiry into the Marikana massacre. Obviously one can sympathise with the desire to postpone judgment on the immediate responsibility for the events until all the facts are in. But there is one larger question that needs to be addressed: what went wrong in the mining sector from a broader perspective? And who was to blame ?

This question forms the background to the mining crisis and, in a way, to the massacre too. To the extent that this involves pointing fingers, frankly I believe they should be pointed, because there is no other way to the truth.

It is at least generally accepted that SA's mining sector has been a shocking underperformer. The mining sector constituted 21% of GDP in 1970 compared to only 6% today. The number of people employed directly has fallen from 660,000 in 1970 to about 440,000 in 2004.

Worse, the shorter-term trends are negative, too. During the commodity boom from 2001 to 2008, the mining industry shrank by 1% a year, compared to growth of 5% a year among the world's 20 mining exporting countries. This is despite the gold price, for example, going from about \$400 an ounce in 1994 to \$1,800 /oz. SA's mining output is lower today than it was in 1994.

There are two general explanations for this decline. The first is the declining ore quality, combined with deeper and therefore more expensive and less profitable mines.

For years, the government waved the warning signs of a declining industry away with the notion that job losses were mainly in the gold industry, which is an ageing industry with declining ore quality.

There is certainly something in this argument as far as the gold industry is concerned. The quality of South African gold ore has declined dramatically, but not to the extent claimed. Compare the margins earned by South African gold mining companies to foreign companies, and they are generally lower than their international competitors, but not by terribly significant amounts. Goldcorp's net income margin as of its most recent results was 28%, Newcrest's was 26%, according to Standard & Poor's CapitalIQ. Compare that to AngloGold Ashanti's 24% and Gold Fields' 18%.

Obviously the declining ore quality theory doesn't go far enough, particularly since it is balanced by significant improvements in ore quantity and quality in other areas.

The second theory is that electricity and other infrastructure shortages have hurt SA's ability to increase production. There is something in this argument, too. SA's coal and iron-ore mines are far from the coast, and consequently they are dependent on Transnet to transport the ore to the coast for export. They were already running at just about capacity before the commodities boom began. Combine that with the 2008 electricity crisis, and there was an effective cap on production.

But this explanation also falls short. Much of Brazil and Australia's iron ore is far from the coast, too, but they managed to ramp up quickly.

The problem, I suspect, goes deeper, and has its origins in the philosophical approach of the administration of Thabo Mbeki. He and his economic advisers held the mining industry in dim regard; generally as backward and an unfortunate remnant of the despised colonial era. Their economic dreams were rooted in large, industrial plants churning out manufactured goods, which is why they extended huge tax breaks to the car industry and specifically excluded it from black economic empowerment.

Not so the mining industry. The primary aim of the Mbeki administration was not to encourage the industry, but instead to try to turn it into a kind of patriotic industrial substrata which would feed the manufacturing sector with raw materials at low margins.

But first the removal of Randlords was required, and hence the listing of Billiton and Anglo American "back home" on the London exchange was approved. This was seen as a giant gesture of economic farsightedness and pragmatism. But actually, it was more like getting rid of the old guard.

This was followed by new legislation which stripped away miners' rights over ore bodies and a new raft of black economic empowerment (BEE) legislation, compelling them to sell 25% of their equity to the new patriotic political class. From this point onwards, the mining

industry was a plaything in the hands of the state, which could whip away its mining rights at a moment's notice. The industry became, and remains, subservient and docile.

Some of the strangest deals in the history of mining emanate from this period, including the requirement that Kumba supply a foreign iron-ore producer, ArcelorMittal, with ore at an absurdly low rate. This was on the understanding, subsequently ignored, that the company would produce local steel at knock-down prices. The notion was odd, but the plan was clear: mining was to be handmaiden to the industrial powerhouse. Gradually, the big foreign mining houses got the message and invested elsewhere. Anglo has used small mountains of dividends from its South African business to invest outside of SA, partly because SA's mining administration really didn't want it to invest locally. Even the foreign newcomers, hoping to pick up assets in the new regime, packed up and left. Finally, nothing could be more symbolic than the decision of the industry doyens, the dynastic Oppenheimers, to part with what remained of their mining investment in SA.

For the Mbeki administration, this bet could not have worked out worse. Not only did the commodities boom make mining in itself an attractive industry, but the advent of Chinese and Asian industrialisation undercut local manufacturing. And the poor administration of mining licences gave rise to absurd results, huge delays, and rampant corruption. The apogee was the decision to grant a licence to a fly-by-night company in an existing mine which had transparently photocopied an application by another bidder. SA's labour-friendly legislative regime has helped to make labour relations chaotic. And on top of that, a new tax was added which is worth about R6bn every year to the fiscus.

All of these measures have gradually weakened South African mining to the point where the industry is really on its knees. To its credit, the National Development Plan recognises the problem: "... over the past decade, domestic mining has failed to match the global growth trend in mineral exports due to poor infrastructure, alongside regulatory and policy frameworks that hinder investment". Fine, but it does not specify the details.

Lots of culprits for the mining crisis stand accused. Thuggish policing is obviously one. The mining industry's lack of attention to the social conditions in mining areas is another. Poor leadership by the Zuma administration is a third. Former ANC Youth League leader Julius Malema's economic ignorance and political opportunism also figure.

I would like to point one more finger: at president Thabo Mbeki and his administration.

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### **NUM to seek separate Marikana review**

BY SETUMO STONE, 17 SEPTEMBER 2012, 14:49 | 1 COMMENTS

THE National Union of Mineworkers (NUM), the biggest Congress of South African Trade Unions (Cosatu) affiliate, is to use the Cosatu congress to call for a separate judicial commission of inquiry on Marikana.

Frans Baleni, secretary of NUM — which has been weakened by the recent violent strike at the Lonmin mine and subsequent wildcat strikes elsewhere — said the union would propose on Monday that the Cosatu congress adopt a declaration on the inquiry.

Mr Baleni said the proposal may be tabled soon after President Jacob Zuma's speech. He said the proposed commission of inquiry, which would be separate from the judicial commission of inquiry appointed by President Jacob Zuma last month, should look into whether the working and living conditions of workers were improving, as well as the compliance of mining companies with South African laws.

The NUM had about 400 delegates at Gallagher Estate, making it the most strongly represented union at the congress.

Earlier, a NUM delegate said the four-day Cosatu congress should come up with a plan to defend the NUM against criticism since the Marikana tragedy.

At the start of the congress, most NUM delegates were uncomfortable talking about Marikana.

The NUM has since been weakened by the ongoing wildcat strikes around Rustenburg and Gauteng's West Rand, where workers have showed growing dissatisfaction with its local leaders. Smaller unions in the mining sector are stepping in to win over disgruntled NUM members.

While several delegates said they would not want to get involved in the issue, Reginald Segaloe from Lehurutshe said NUM had been under attack since Marikana.

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Miners damn 'absurd' ban on meetings

September 17 2012 at 09:00am

Comment on this story

REUTERS

CENTRE STAGE: A protester sings as police in riot gear stand guard to prevent protesting mineworkers from marching near Lonmin Mine in North West yesterday. Picture: Sipiwe Sibeko / Reuters

POLOKO TAU

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STRIKING Lonmin workers have

slated as absurd and unnecessary a clampdown on illegal gatherings in and near Marikana.

This followed a hostel raid by police and another confrontation during which teargas and rubber bullets were used at the weekend.

Miners said it was critical for them to get constant report-back from their delegation at the ongoing wage negotiations.

“Workers have asked us to represent them, but now we can’t report back to them and get a mandate on salary negotiations. Police are saying we can’t meet because our gatherings are illegal,” said workers’ spokesman Molefi Phele.

“They first raided the hostel, shot at our people with rubber bullets and arrested others. This is continued humiliation of people who are fighting for their rights and demanding what is rightfully theirs.”

Phele said they were “treated like animals by the police”, adding that preventing workers from meeting was jeopardising the pay negotiations.

“Are we now expected to go to workers’ houses and give feedback to thousands of them? This is pure abuse of power by those who are protecting the interests of the mine and care less about what workers demand and deserve.”

Phele said it was going to be a problem for workers’ representatives to return to the pay negotiations today because the strike committee could not get a mandate from the strikers.

Meanwhile, the Presidency yesterday defended the government’s use of troops at the weekend, saying the law enforcement measures were not aimed at undermining the civil liberties of strikers and residents.

“The state is only intervening in Marikana to end the violence and intimidation,” Presidency spokesman Mac Maharaj said.

Simultaneously, the Nkaneng informal settlement near Wonderkop, where police shot dead 34 striking miners a month ago, remained tense.

This followed a day of running battles with police and an early morning raid on the Karee hostel.

Pamphlets were later distributed, explaining the Gatherings Act and the law against carrying dangerous weapons in public.

Yesterday, police stopped a march to the Rustenburg police station by Impala, Anglo Platinum and Lonmin workers who wanted to hand over a memorandum complaining of alleged abuse of power and “terrorism” by the police.

The strike has spread to other mines in the Rustenburg platinum belt, with work having stopped at Anglo Platinum, and Impala set to join this week. – Additional reporting by Sue Segar

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### **Social scientists seek understanding and demand justice**

KHADIJA PATEL SOUTH AFRICA

18 SEPTEMBER 2012 02:21 (SOUTH AFRICA)

As optimism grew on Monday for a breakthrough in wage negotiations between striking workers and Lonmin management, it also became increasingly clear that the legacy of Marikana, the imprint of the violence and the brutal role of the police would outlive the strike itself. Furthermore, a group of social scientists is calling for the killings to be probed, so that justice – whatever course may need to take – can be meted out. By KHADIJA PATEL.

As the country continues to grapple with what happened in Marikana on August 16, and the miners' parlous living conditions that those killings forced into the open, many continue to question why the rest of the country was blind to the brewing discontent in the mines, why nobody predicted it and why government was aloof to it.

Few could have predicted the scale of the violence and the absolute show of force by the state. But even as the shock wears off, the sheer force of will of the miners, and their readiness to bite the bullet until their demands are met, continues to amaze people.

Elias Pholosi, a sales executive from Johannesburg who frequently visits relatives in Marikana, told Daily Maverick that as far back as a year ago, he could sense trouble brewing in the small mining town. “When you are driving around there, you see all these squatter camps. Coming up, you see corrugated iron, you see the world-class platinum mines... and when miners put the television on, they see the value of what they are mining – I felt that something would [certainly] happen one day,” he said. “Here is an area that there is a lot of money from the mines. Why doesn't the company contribute to the infrastructure of the place? It is basic logic that you would want your workers to sleep well so they can perform well at work. Why don't they improve their life?”

Pholosi's sense of Marikana is informed by his 12-year old granddaughter and her family, who live on the periphery of Lonmin's smelting plant. He speaks of the impact of the strike on their daily life, the disruption to the family's business and his granddaughter's battle to attend school in Rustenburg as tensions in the community peaked last month. But if



Pholosi, as an everyman, could see the unrest brewing in the aftermath of the first killings, one can surely expect a more complex analysis from social scientists.

“As social scientists, we also respond to what has happened in a particular way,” reads a statement released by a group of South Africa’s respected social scientists. The group, which is not formally affiliated but chose to release a collective statement, includes Professor Freek Cronje, president of the South African Sociological Association; Professor Michael Burawoy, president of the International Sociological Association; Professor Adam Habib, Deputy Vice-Chancellor of the University of Johannesburg; Professor Peter Alexander of the University of Johannesburg, who first alerted the country to the killing fields of Small Koppie; and Professor Ari Sitas of the University of Cape Town.

“Through our research and teaching, we aim to contribute to an examination of social structures, social processes and social context, making sense of these historically and with awareness that they have political significance,” the statement reads. “Our research aims to reveal phenomena that are hidden, rather than rely on reports of what is immediately visible.

“As social scientists, we have a normative concern with defending truth, justice and democracy,” it continues.

The statement is an invocation to understand what actually happened in Marikana that robbed people of their lives, but it also expresses a position: one that seeks redress for the victims and their families.

“We recognise that [Marikana] is a turning point in South African history,” Peter Alexander explains.

“It’s an event that has captured everything that has been slowly sizzling beneath the surface of the country,” Ari Sitas agrees.

For Alexander, it is crucial that discussions of Marikana are steered towards understanding the underlying conditions of workers and recognising as well that those conditions are not unique to Marikana, or the platinum belt. “We think it’s important to develop discussion of the continued legacy of the Apartheid past as revealed in Marikana,” he says. “It has revealed that a lot has been done, but a lot has not been done; and we need that to inform people’s understanding of what happened.”

Sitas explains Marikana, the massacre and the shadow it has cast over South Africa as the ultimate demonstration of South Africa’s contradictions. “It captured the tensions of the country, tensions without solutions, tensions that were not supposed to have occurred considering our constitution and our labour relations framework.

“We were not supposed to shoot striking people,” Sitas says.

The statement, Alexander explains, is an acceptance of responsibility from social scientists to overlook the investigations and the ensuing debates – with the potential to learn something valuable from the analysis for future reference. But, he warns, social scientists are not a solution in themselves. “It doesn’t mean we have all the answers,” he says.

“As civil society we need to push for the truth,” Sitas adds. “It is shocking, and these kind of shocks need to be addressed. What we need is to put the brakes on what is going on.” DM

"The general feeling within NUM is that the union is under attack and we need to do something to defend the it," Mr Segaloe said. He expected to the congress to come up with a plan to defend the NUM.

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### **Cosatu top brass re-elected unopposed**

17 Sep 2012 13:12 - Charles Molele, Matuma Letsoalo

After all the speculation of who would unseat general secretary Zwelinzima Vavi and president Sdumo Dlamini, the top six positions were uncontested.

Vavi's popularity with delegates was evident when a highlights video package of the Congress of South African Trade Unions's previous conference in 2009 was shown during the official opening of the congress at Gallagher Estate in Midrand on Monday morning.

Delegates burst into pro-Vavi song every time he appeared on the screen. In contrast, Cosatu president Sdumo Dlamini, a close ally of President Jacob Zuma, only managed a lukewarm response.

A Cosatu delegate, who is in the anti-Vavi camp admitted that Vavi was popular and confirmed that most delegates rejected proposals by some leaders to have him removed.

"Workers just find it very difficult to have Cosatu without him [Vavi]. But I don't think this is the right thing. He has been there for long. They see him as [the] moral voice and conscience of the poor. For now it looks right. But the danger with this is the cult of personality and he might want to even anoint his successor when he leaves," said the Cosatu delegate.

Cosatu has adopted strict house rules for the national congress, including that cellphones be switched off during congress proceedings after receiving information that there were elements who wanted to disrupt the congress.

Other house rules included the prohibition of any signs that seeks to prematurely open the debate on leadership of the ANC.

The federation also stopped delegates from any songs against any alliance leader and the display of any posters, wearing of T-shirts, or circulation of material in support of any candidate in the Cosatu election.

### **Lukewarm reception**

A National Union of Mineworkers (NUM) leader stood up to complain that delegates should refrain from taking sides when cheering their favourite or preferred leaders.

"Dealing with leadership on a personal basis is wrong and divisive. Certain leaders, when they rise, there is noise and when others stand there no noise," said the NUM leader, in an apparent reference to Vavi supporters.

Earlier, President Jacob Zuma received a lukewarm reception from delegates, in sharp contrast to the last conference where he was feted as a hero. Cosatu unequivocally supported Zuma for the position of president of the ruling party in the run up to Polokwane, but the federation is now divided, between those who support his re-election and those who want change.

Some leaders in Cosatu have criticised Zuma for failing to implement Polokwane resolutions, which were aimed at creating decent employment, reducing inequality and eradicating poverty.

South African Communist Party general secretary Blade Nzimande and the party's chairperson Senzeni Zokwana also received a mild response from congress delegates.

Relations between Cosatu and SACP are at their lowest point after Cosatu leaders made a call for Nzimande to resign his Cabinet position as minister of higher education and return to the party's head office on a full-time basis.

This is the first time in more than 10 years, Cosatu goes to its national congress at Gallagher Estate in Midrand – with the prospect of having the positions of two of its most senior officials – Dlamini and Vavi – contested.

The unions pushing for Vavi's ousting include The South African Democratic Teachers Union (Sadtu), the NUM, the National Education Health and Allied Workers Union (Nehawu), the South African Transport and Allied Workers Union (Satawu) and the Police and Prisons Civil Rights Union (Popcru).

The National Union of Metalworkers of South Africa (Numsa), meanwhile, are gunning for Dlamini, whom its leaders have accused of failing to articulate Cosatu's standing resolutions to avoid embarrassing Zuma, the government and the ANC.

Sadtu president Thobile Ntola has been touted as the preferred candidate to replace Dlamini.

Vavi's opponents have taken issue with his public criticism of leaders of the ANC, government and the alliance. They want him to be replaced by KwaZulu-Natal provincial secretary Zet Luzipho.

### **Caucus meetings**

By midnight on Sunday, union leaders from various Cosatu unions were still locked in caucus meetings, which began on Friday, to persuade each other on crucial leadership positions within Cosatu, as well as key policy issues.

The *Mail & Guardian* was told late on Sunday that one of the key reasons the caucus meetings were prolonged was because ordinary members who are delegates at the Cosatu congress are resisting attempts by leaders to change the leadership collective in Cosatu.

Speaking on condition of anonymity, an official from Satawu said the union's delegates have rejected a proposal by its leaders to remove Vavi as general-secretary. The delegates also discouraged the plan by some Cosatu leaders to take a resolution to support Zuma's bid to be re-elected as ANC president.

"We have instructed our leaders to go convince other unions to push for the retention of the current leadership and avoid discussing ANC succession, said a Satawu delegate.

However, it appeared unlikely that Satawu's proposal would be accepted, as leaders from other affiliates stood firm in their push for their preferred leaders to take top positions in Cosatu.

### **Challenge accepted**

At the weekend, Numsa rejected attempts by the NUM to convince delegates not to challenge Dlamini. Numsa leaders, according to internal sources, have also been angered by the NUM's decision not to nominate Vavi.

While Ntola and Luzipho had by Sunday evening not yet signed the nomination forms, it was expected that they would be nominated from the floor at the conference.

Asked whether he was prepared to taken on Vavi, Luzipho said: "I will answer to the IEC [Independent Electoral Commission]. No nomination form has been signed by me yet. If I make the decision, I will do it recognising the centrality of the organisation. I will never declare my availability outside the structures I serve. When I leave to take a full-time position outside Cosatu, I will do that through the structures of Cosatu. I am always guided by the organisation," said Luzipho.

He said while he believed the issue of leadership should not overshadow key policy discussions, the leadership contest in Cosatu should not be fought in terms of factionalism.

"We can't reduce leadership to division. We are aware as to what needs to be done. Part of that is to mandate the new leadership to take the organisation forward ... We should not be preoccupied by what is accrued to us, rather than what is accrued to members," said Luzipho. It is critical to always bear in mind that one of the main reasons we are meeting is that we need to address issues that are of interest to our members."

"Leadership contest is not new to Cosatu," he added. "We have been through this, but Cosatu has always emerged strong at the end."

### **No sleepless nights**

Vavi told the SABC on Sunday that he accepted that other nominations would be made, and that he was not worried about the prospect of losing his powerful position.

"Members have the right to evaluate their own leadership. If we have not delivered on the mandate [they have given us], it is their right to remove us. People have the right [to choose their preferred leaders]," he said. "I had 12 hours of sleep [on Saturday night]. I have done what I should do as part of the collective. Members will elect me if I have done well."

"I pronounced collective decisions," said Vavi, addressing accusations that he had spoken out of turn in public. But he warned Cosatu members not to be preoccupied by the issue of leadership while forgetting the pressing issues facing the country.

"The biggest mistake will be to shift our focus from [pressing issues of policy] to concentrate on leadership squabbles.

"This is the only opportunity we have to address these issues. We can't afford to make the congress about leadership, but a platform to change the mindset [to focus on the triple challenge of inequality, unemployment and poverty].

"If you turn the conference as a palace to fight politics, I can guarantee you [the federation of trades union] will have no future. But I doubt that's what members want," said Vavi.

"They want to see improvement in their life, improvement on their wages, improvement on the condition of their employment and protecting their own jobs."

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### **Mine strike spreads to chrome sector**

17 Sep 2012 11:36 - Molaole Montsho

A strike for a R12 500 monthly wage by Rustenburg platinum mine workers has spilled over into the chrome sector.

Workers at Samancor said they had been on strike since Friday

"We demand R12 500 pay after deductions. This excludes bonuses," said Lawrance Kok, one of the workers' leaders.

He said they also demanded a R1 500 sleep-out allowance and a R1 500 underground allowance.

Comment from Samancor was not immediately available.

Last week, Anglo American Platinum (Amplats) and Aquarius Platinum, in Rustenburg, suspended operations for the safety of their workers.

Groups of workers gathered at Amplats' Blesbok stadium said it was not a suspension but a strike.

### **Shut down**

On Friday, workers marched to Aquarius Platinum demanding that it shut down. They said they aimed to have all mines in the area closed this week.

On Monday, Aquarius Platinum said it had resumed operations and that none of the seven people arrested by police during an illegal gathering outside the mine on Friday were employees.

Workers at Lonmin's Marikana mine went on an unprotected strike five weeks ago. They were the first to demand an increase to R12 500.

Ten people, including two policemen and two security guards, died in the first week of the strike. On August 16, police fired on a group of striking workers killing 34 of them.

On Tuesday, a union shop steward was found hacked to death near the mine.

Soldiers were deployed to the area around the mine at the weekend to help police restore order.

### **High visibility**

Soldiers could be seen in armoured vehicles at the entrance to Lonmin's Karee shaft.

At the smelter plant in Wonderkop, police maintained a high visibility.

Men carrying umbrellas stood along the road near the Amplats complex waiting to be told where a planned meeting would be held.

Expelled ANC Youth League leader Julius Malema was also expected to address workers.

Last week, while addressing striking workers at Gold Fields' KDC west mine, near Carletonville, Malema called for a national mining strike.

The Hawks said on Sunday that a charge of inciting violence was being investigated against Malema.

Meanwhile, talks under the auspices of the Commission for Conciliation, Mediation, and Arbitration were expected to continue on Monday in the hope of resolving the labour dispute at Lonmin. – Sapa

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### **Investors 'shunning' troubled SA mine sector**

by Sam Mkokeli, Monde Maoto and Roy Downing, September 17 2012, 06:25 | 0  
Comment(s)

Business Day

LEADING global fund managers are reducing their holdings in SA's troubled mining sector as labour unrest continues to plague North West platinum mines and the government adopts a tougher line against strikers whose actions have led to widespread disruption and production stoppages.

One global institution told the Financial Times it had sold virtually all its holdings in SA's mining sector and in miners with significant businesses in SA — a shift it said was "indefinite".

Other brokers and advisers pointed to a trend whereby international investment dollars were being pulled from the country's mining sector, largely to be replaced by funds from local institutions, the newspaper said.

Yesterday, in an interview in Sweden ahead of a conference today, Finance Minister Pravin Gordhan warned that the strike needed to end soon, and that it would have an effect on jobs and growth in the third quarter.

"The period in which we have this instability needs to be confined, to the extent that it is possible, and at the same time we require this collective commitment to resolve the issues," Mr Gordhan said.

He played down the idea the government would help the mine firms finance more generous terms for their workers.

"We will cross that bridge when we get to it, but it certainly hasn't appeared on our agenda at the moment. The mining industry is not on its knees," he said.

Lonmin said talks with striking workers would resume today, after its first offer was rejected. Mine workers at Lonmin are demanding R12,500, which the company says it cannot afford.

"We remain committed to the wage negotiations and we remain optimistic," said Lonmin spokesman Abey Kgotle.

Aquarius and Xstrata Alloys confirmed yesterday they would resume production today if they felt it was safe to do so. This was after the two companies, together with Anglo American Platinum (Amplats), halted production last week over fears that its workers could be intimidated to join the illegal strike in the sector.

At the weekend, the government took the unprecedented move of deploying 150 soldiers in Marikana, which President Jacob Zuma said was to protect people from intimidation and violence. This was after last week vowing a crackdown on illegal strikes.

The Hawks said they were investigating a case of incitement of violence and intimidation against firebrand Julius Malema.

Adding to the pressure facing Lonmin, African National Congress secretary-general Gwede Mantashe yesterday accused the sector of paying "lip service" to the Mining Charter.

Mr Mantashe said poor living conditions had forced workers to strike and resort to violence.

His criticism was rejected by Chamber of Mines president Xolani Mkhwanazi, who said Mr Mantashe should offer solutions rather than look for scapegoats.

Amplats is expected to lift the suspension of its operations in Rustenburg tomorrow. Last week, the world's largest platinum producer placed five mines, two smelters and a refinery in Rustenburg on hold until it deemed it safe to resume production.

There are concerns that the Lonmin strike, which started five weeks ago, could spread across the mining industry and possibly lead to the closure of the Marikana operation near Rustenburg.

Kobus Nell, a portfolio manager from Stanlib, said Lonmin was potentially losing R10m-R12m a day due to the strike, "assuming 30% to 50% of their concentrating and firing costs are fixed and that Lonmin is employing a no-work, no-pay policy".

The FT, meanwhile, said the unrest had highlighted the fraught nature of labour relations in SA.



With Financial Times, Reuters

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### **ANC slams British for Marikana crisis**

2012-09-16

Carien du Plessis and Mmanaledi Mataboge, City Press

Johannesburg - ANC leaders have blamed British media, "populism and mavericks" – such as expelled ANC Youth League leader Julius Malema – for the ongoing violence in Marikana and surrounding mines.

But members of the party's national executive committee (NEC), the party's highest decision-making body between conferences, at its meeting in Pretoria this weekend differed over whether party infighting was also partly to blame.

The ANC's national working committee (NWC) warned in a report tabled at the meeting by party secretary general Gwede Mantashe that "Marikana" has become interchangeable with the governing party's leadership battles ahead of its elective conference in Mangaung.

The report said Marikana is held up as evidence of why the party should replace its leaders.

A source who attended the meeting and who wants to see Deputy President Kgalema Motlanthe replace President Jacob Zuma, said former defence minister Siphile Nyanda and Western Cape secretary Songezo Mjongile questioned how Mantashe "could equate everything that happened with Mangaung".

They argued the ongoing violence at Marikana, where police shot dead 34 protesters after 10 people were murdered in the days before "confirmed there is a vacuum of leadership".

### **Charging Malema**

They also criticised the indirect call to charge Malema for encouraging workers from other mines to strike.

"If the police go and arrest Julius Malema for illegal gatherings, that instruction would have come from Luthuli House [the ANC's headquarters] and that is a problem because the police must decide on the basis of facts," the source said.

He also said Defence Minister Nosiviwe Mapisa-Nqakula, who last week slammed Malema as a counter-revolutionary for meeting with soldiers, "broke ranks" by saying the ANC and government should apologise for the deaths at Marikana.

Mapisa-Nqakula, who is seen to be a Zuma supporter, said "you can't kill so many people and think it is normal. We ourselves were shocked".

In the report the ANC complained the party and state institutions, were "deliberately being delegitimised".

To repair the likely damage to a relationship between the ANC and mine workers, the party proposed "more political work" be done in mining communities.

In the report, the NWC had the following to say about the individuals and organisations it believes are behind the crisis at Marikana:

### **Lonmin and British media**

"The emphasis on Lonmin being a British mining company derives from the British media's offensive on the South African government without even mentioning the role of, or [role] supposed to be played by, the employer.

"This narrow approach has created space for resentment against black South Africans, wherein minority shareholders who happen to be black get blamed as having the sole responsibility in the company."

### **Renamo-type movements**

"The prominence of the destructive role played by populism and mavericks points to the possibility of the creation of liberated zones for counter-revolution and connection of the zone into a Renamo-type movement."

Renamo, the Mozambican National Resistance, is a political party in Mozambique that started as a rebel movement fighting Robert Mugabe's Zanu-PF and Frelimo (the Liberation Front of Mozambique) during the Mozambican civil war.

### **Expelled ANCYL leader**

"The Marikana tragedy has been exploited by many forces, among them Malema and the Friends of the Youth League, opposition parties, a section of the clergy and some within structures of the ANC."

### **Leadership battles**

"The name of Marikana is being used interchangeably with that of Mangaung.

"It is now being explained as evidence of a weak leadership that must be changed in Mangaung. The problem is not lobbying for preferred candidates in the 53rd national conference, but the readiness with which we are prepared to bleed the ANC to death for narrow, short-term interests."

### **Internal opportunists**

"Those opposed to the ANC will stop at nothing to destroy it.

"It is, however, more dangerous when the factions in our movement would also stop at nothing to destroy the ANC if in the short term 'our faction' wins.

"There is also another aspect that we need to be attentive to – that of likening South Africa with apartheid.

"This goes a long way to suggest that our leadership, both as a democratic government and as a liberation movement, is questionable."

### **Mineworkers' union Amcu**

"All these violent strikes were organised by a union called Amcu, a rival union to the [National Union of Mineworkers].

"It is also interesting to make an observation that in all these instances [previous strikes], employers pretend not to be involved, creating an impression that this is a fight among unions.

"The union that succeeds in coercing workers receives a short cut to recognition if that would save further corrosion of profits."

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### **Cops deny Malema entry to Wonderkop**

2012-09-17 14:29

Julius Malema (Werner Beukes, Sapa)

Rustenburg - Expelled ANC Youth League president Julius Malema was denied entry on Monday to an event where North West miners were to be briefed on developments about their wage demands.

Police stopped Malema at the gates of Wonderkop stadium, where the workers had gathered to be briefed.

After a lengthy discussion, Malema drove off, escorted by about 10 police vans.

It was not immediately clear whether Malema would be able to visit the family of people who were injured by rubber bullets on Saturday, or if he would leave the area.

A police helicopter circled above, while police on foot patrol ran to points of entry to stop Malema if he made any turns.

- SAPA

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**To all social scientists in South Africa:**

This link takes you to a statement on the Marikana Massacre:  
<http://marikanastatement.blogspot.com/>

We invite all social scientists in South Africa, including doctoral students and associated scholars, to add their name to the list of statement supporters.

This a matter of urgent concern and we will close the list on Friday 21 September, after which we will publish the statement and list of signatories.

Please forward this email to other South African social scientists.

A list of initial signatories appears below, and further down you will find the text of the statement.

Best regards,

Prof. Edward Webster (Wits)

Prof. Peter Alexander (UJ).

**Initial signatories**

Prof. Freek Cronje, Northwest University, President: South African Sociological Association

Prof. Eddie Webster, University of the Witwatersrand

Prof. Jacklyn Cock, University of the Witwatersrand

Prof. Peter Alexander, University of Johannesburg

Prof. Shireen Hassim, University of the Witwatersrand

Prof. Norman Duncan, University of Pretoria, Dean: Faculty of Humanities

Dr. Kelly Gillespie, University of the Witwatersrand

Prof. Ari Sitas, University of Cape Town

Prof. Noor Nieftergodien, University of the Witwatersrand

Prof. Maxi Schoeman, University of Pretoria

Prof. Jimi Adesina, University of the Western Cape

Prof. Francis Nyamjoh, University of Cape Town

Prof. Michael Burawoy, University of the Witwatersrand, President: International Sociological Association

Prof. Tina Uys, University of Johannesburg, Vice President: International Sociological Association

Prof. Henning Melber, University of Pretoria

Dr Nolwazi Mkhwanazi, University of the Witwatersrand

Prof. Peter Vale, University of Johannesburg

Prof. Roger Southall, University of the Witwatersrand

Prof. Jane Duncan, Rhodes University

Prof. Dirk Kotze, UNISA

Prof. Andries Bezuidenhout, University of Pretoria

Salim Vally, University of Johannesburg

Prof. Lawrence Hamilton, University of Johannesburg

Prof. John Daniel, School of International Training, Durban

Dr Hylton White, University of the Witwatersrand.

### **Marikana: Statement by South African Social Scientists**

As social scientists we share with the public of South Africa the sense of shock and outrage that followed the recent massacre at Marikana. We offer our heartfelt condolences to the families and friends of those who died.

As social scientists we also respond to what has happened in a particular way. Our disciplines avoid episodic description and uncritical acceptance of official statements. Through our research and teaching, we aim to contribute to an examination of social

structures, social processes and social context, making sense of these historically and with awareness that they have political significance. Our research aims to reveal phenomena that are hidden, rather than rely on reports of what is immediately visible.

Our analyses are leading us to a recognition of continuities from our apartheid past, with these exposed through events at Marikana. These include:

- massive inequalities that impact adversely on all aspects of the social life of people who are poorer;
- widespread prevalence of low wages (with the persistence of migrant labour and the expansion of outsourcing, subcontracting and informal employment, all of which exacerbate pre-existing problems);
- increased levels of unemployment, especially among young people;
- a system of production based on private profit at the expense of people's needs;
- domination of the economy by the mining industry, and, with this, repatriation of profits by foreign investors;
- racism that is structural as well as interpersonal;
- growing violence, including hidden violence associated with poverty;
- the prevalence of shacks and other low-cost housing, generally accompanied by the poor provision of basic services; and
- highly repressive forms of public order policing and administration (including the use of the doctrine of common purpose).

Popular perceptions of the Lonmin Marikana mine massacre were initially shaped by TV footage of a single part of the massacre, viewed from the standpoint of the police. This account was reinforced by media briefings, prejudiced reporting, and opinions that blamed the violence on inter-union rivalries. Social scientific research giving weight to accounts by workers has emphasised the culpability of the police, flawed and biased official versions of events, sympathetic treatment of popular culture, and the unity of workers around a demand for a living wage.

Moreover, as social scientists we have a normative concern with defending truth, justice and democracy. And from this stance, we join others in civil society, in calling for:

- condemnation of the killing of strikers by the police, and the threat to the right to strike that this implies;

- recognition of the complicity of Lonmin, which has responded to workers with intransigence and insensitivity;
- appreciation that the gross inequality of rewards that exists at Lonmin, as elsewhere in mining and beyond, is indefensible;
- support for the legitimate demands of workers for substantially improved pay;
- a welcoming of the Judicial Commission of Enquiry and the investigation by the Independent Police Investigative Directorate (IPID);
- consideration of demands by civil society organisations for expansion of its terms of reference of the Commission of Enquiry;
- full and sympathetic consideration of evidence by Lonmin strikers and community members in the areas around Marikana;
- determination of who authorised the use of live ammunition at Marikana;
- an IPID-led inquest or investigation into each individual death;
- careful monitoring of the Commission of Enquiry by independent civil society researchers;
- criminal charges to be brought against any police officer who terminated or endangered the lives of civilians by ordering or implementing orders to use live ammunition, or who tortured protesters while they were held in custody;
- disbanding the task forces that carried out the massacre;
- suspending those responsible for mismanagement of the processing of the crime scene;
- dismissal of the Acting Director of the National Prosecuting Authority, who accepted the use of 'common purpose' in charging all those arrested with murder;
- dismissal of those who authorised a violent assault on the mine workers;
- the unfettered right of workers to belong to a union of their choice, combined with the promotion of strong, democratic unions; and
- immediate lump-sum payments and ongoing support to the families of miners and others killed at Marikana, and full compensation for those who were injured.

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<http://www.moneyweb.co.za//mw/content/en/moneyweb-financial?oid=612645&sn=2009+Detail>

Debt collection

Author: Malcolm Rees|

16 September 2012 23:12

Platinum miner repays R11 690 on R1 000 loan

### **Debt collection lawyers feast on delinquent debtors in Rustenberg platinum belt.**

JOHANNESBURG - Debt-collection attorneys are grossly over-charging miners on the Rustenburg platinum belt.

The miners' spiralling debt problems could be one of the catalysts for the strikes at Lonmin's Marikana mine.

Attorney statements related to the issuing of garnishee orders against miners have revealed instances where lawyers have charged more than double the initial loan amount in legal fees.

In the extreme workers have been charged fees in excess of ten times the original amount lent.

Combined with interest and other charges this has led to instances where workers have been invoiced for amounts three to 15 times the initial loan amount to clear their debt.

While not always strictly illegal, the situation raises serious moral concerns relating to the debt collections practice in South Africa, according to Kem Westdyk from Summit Garnishee Solutions, which audits garnishee orders on behalf of companies such as Lonmin.

Moneyweb is in possession of statements issued by five separate legal firms operating in the Rustenburg area in which apparently excessive charges were imposed.

In one of the most striking examples of excess, law firm Steyn Attorneys charged a miner R9 934 in legal fees, excluding VAT, in addition to a collection commission of R1 140 for the recovery of a R1 000 loan.

The unfortunate defaulter has paid R11 690 on his R1 000 loan but still sits with an outstanding balance of R3 084.

Moneyweb is also in possession of statements issued by Steyn where legal fees of R34 16 and a commission of R660 have been charged against the collection of a loan with a capital amount of R2 000.



This defaulter has thus far paid R6 601 against his debt but still sits with an amount outstanding of R2 398.

Steyn does not dispute Moneyweb's facts reported above. But it has justified its charges in a letter.

The letter refers to cost provisions as allowed by the Magistrates Court Act and the Supreme Court Act which limits the amount attorneys may charge for specific aspects of work such as the drafting of letters.

Steyn has also provided subsequent letters (click here for R11690 letter and here for the R6601 letter) in which the processes involved in pursuing the collection of debt in the above mentioned cases have been described by way of a further justification for the charges. Steyn further argues that no currently enforceable legislation caps the net amount an attorney may charge in connection with work done in effecting debt collection procedures and that the charges passed on to defaulters vary according to the amount of actual work done by the practice.

In another example attorneys F&F van der Walt Attorneys charged R148 for items in addition to a R32,25 collection commission on repayment amounts of R300 against debt incurred for outstanding school fees.

After a 5% charge imposed by the employer for their efforts of giving effect to the garnishee order this defaulter is clearing a mere R102 from his debt for each R300 taken from his salary, tantamount to a monthly interest charge of 200%.

Says F&F van der Walt Attorneys the "debtor has a recourse if he is not happy with at attorney's fees by requesting that it be taxed by the Courts Taxing Master".

In an accounts statement issued by Grobler Vorster a miner who had incurred debt for outstanding school fees had an opening capital balance of R35 00 in August 2011.

Within a year he had paid R4 000 but was left with an outstanding balance of R3 247.

According to rule 8.1.1.1.2 of the Law Society of the Northern Provinces, whose members include attorneys operating at the Rustenburg platinum belt, collection attorneys may only charge collection commission "at the rate of 10% on the amount collected ... (and) collection commission covers all attendances and work done in connection with the receipt of a payment and accounting to a client in respect of a payment".

Grobler Vorster argue that the 10% commission rule does not include costs incurred in connection with securing and imposing of the garnishee order but only relates to the actual collection of the debt repayments.

In its view the R15 charges the defaulter has incurred for receiving a Grobler Vorster SMS; the R51,30 letters and the R136,80 charges for the calculation of the defaulter's balance are all costs not covered under Rule 8.1.1.1.2. and are thus justified.

In all Grobler Vorster have whacked this particular defaulter with charges roughly equivalent to the capital amount of his debt.

Westdyk disagrees, "when a member is charging a collection commission what the Law Society says is that it must cover all your work related to that collection but now what these guys do is every month they send their client a one-page paragraph letter and they charge for that and then they charge for calculating a balance.

"What the guys generally do, and that is what they hide behind, is a document with a clause that will always say that the credit provider can use an attorney to collect for him and the client will be liable for the costs on an attorney client scale.

"It basically gives them a very broad and very open check to charge what they want".

Jan Van Rensburg, president of the Law Society of the Northern Provinces says that the 10% provision is "maximum that the attorney can collect from the debtor if the debtor has agreed to incur the attorney/client fees".

However the 10% only covers costs incurred on collecting the repayment instalment - it covers "the debtor walking into the attorney's office, paying the money and the attorney accounting to the client".

This does not include other extraneous charges incurred by the attorney in the process of enforcing the garnishee order.

The garnishee abuse at SA's platinum mines could be a microcosm of a situation that is endemic across SA's entire workforce.

According to Westdyk, whose company audits garnishee orders on a range of major blue chip companies as well as state departments, anywhere between 10-15% of SA's workforce has a garnishee order issued against him.

Westdyk estimates that, on average, each of these orders, issued against at least a million workers, would see attorney and other debt collectors overcharge in the region of R200-R500.

This would suggest that to the tune of between R200m and R500m a year may be exploited from SA's workforce by collection attorneys and other debt collectors.

Other reports have the figure at R3bn.

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## **The Presidency, Media Statement, 16 September 2012**

### **Government Respects the Constitutional Rights of Marikana Residents but has to Promote Peace and Order**

The Presidency wishes to point out that the law enforcement measures undertaken in Marikana are not in any way aimed at undermining the civil liberties of strikers and residents of the area.

The people of Marikana, including the strikers, are entitled to the rights of freedom of association, expression, assembly and association like all South Africans, as enshrined in the Constitution of the land.

Clause 17 of the Constitution states that everyone has the right, “peacefully and unarmed”, to assemble, to demonstrate, to picket and to present petitions.

All South Africans, including those in Marikana, also have the right to fair labour practices as enshrined in Clause 23 (1) of the Constitution;

Every worker has the right –

- to form and join a trade union;
- 
- to participate in the activities and programmes of a trade union; and
- 
- to strike.
- 

Every employer has the right -

- to form and join an employers’ organisation; and
- 
- to participate in the activities and programmes of an employers’ organisation.
- 

Every trade union and every employers’ organisation has the right -

- to determine its own administration, programmes and activities;
- 
- to organise; and
- 
- to form and join a federation.
- 

In addition there are laws that give meaning to these rights which include the Labour Relations Act, the Basic Conditions of Employment Act, Employment Equity Act and others.

There are also laws governing the rights to freedom of association, assembly and related aspects.

Said President Zuma:

“Government has not and will never take away the constitutional rights of our people that they worked so hard for during the struggle for liberation. Government action in Marikana is directed at ensuring that citizens exercise their rights peacefully and within the ambit of the law, as would be required in any democratic country in the world. Government cannot allow a situation where people march in the streets carrying dangerous weapons. We cannot allow them to intimidate others or incite violence as we also have to protect the rights of those who do not want to be part of the protests or the strikes.”

The President added that the living conditions of workers on the platinum belt remain unacceptable.

He said:

“Government understands fully the plight of the poor and the working class in our country. They remain our priority as we work to build a better life. We urge the mining sector to play their own part by immediately ensuring compliance with the Mining Charter, which includes the provision of single occupant hostels and family units. There are still hostels where 166 people share four toilets in some mines and that is not acceptable. Mining companies and the trade unions must urgently discuss and resolve the issues.”

The President emphasised that workers have a right to engage their employers on wages or working conditions, and that the State is not taking sides in the dispute. The State is only intervening in Marikana to end the violence and intimidation.

### **Condolences**

President Zuma extended his condolences to the family of National Union of Mineworkers shopsteward, Mr Dumisani Mthinti who was found hacked to death in Marikana last week, becoming the 45th person to be killed in Marikana.

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**The Presidency**

**Pretoria**

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***Pretoria, 14-15 September, 2012***

**Statement of the ANC National Executive Committee Meeting**

**The National Executive Committee of the African National Congress held its normal and scheduled meeting on 14-15 September 2012 at Saint George Hotel in Pretoria.**

**A lot of time was dedicated to discussing the Marikana tragedy that happened on the 16th August near the Lonmin mines where 44 lives were lost. The NEC also received reports on the Provincial conferences held recently, preparations for the National Conference and engagements with various sectors of society.**

**On the Marikana tragedy, the NEC expressed deep regret for the loss of more than forty lives and once again extended its condolences to the families and relatives of all those who lost their lives. The NEC declared its support for the work done by government to date.**

**Judicial Commission of Enquiry**

**There was agreement in the NEC on giving space and support to the Judicial Commission of Enquiry appointed by President Zuma. All sectors of society are encouraged to submit whatever evidence that they might have to the Judicial Commission of Enquiry so that the truth can be established on the circumstances that led to the tragedy and its aftermath.**

**The work of the Inter-Ministerial committee was also commended by the ANC leadership and as well as the support that the Committee has given and continue to give to the affected families. The NEC also expressed its gratitude to all those who spent time in the area providing help to the Marikana community, the clergy, the local municipality of Rustenburg and Madibeng and as well as the Bojanala District municipality, District councils and councillors, Traditional Leaders, Business community and many other stakeholders.**

**It is the NEC's view that the socio-economic conditions of the mine workers at Marikana and other areas are part of what led to the human tragedy that continues to haunt our nation. Mining remains the bedrock of the South African economy, and yet the abject poverty and squalor surrounding mining areas remains a matter of deep concern.**

**Mining Charter; Centralised Bargaining; One Industry, One Union**

**Over the last decade we have sought to address this situation through the Mining Charter, which places responsibility on government, the private sector and unions to turn this situation around which unfortunately has existed for over a hundred years. Tragically, in the platinum sector in particular and mining in general, employers and companies have paid lip service to the undertakings in the Charter to ensure that living and working conditions of workers in the mining sector are improved.**

**The ANC therefore calls on the platinum sector to join the centralised bargaining system, because this will go a long way towards finding lasting solutions in the sector and contribute towards more peaceful resolution of wage and other disputes.**

**As a liberation movement, we continue to support the principle of one industry one union, as this helps to unite workers in particular sectors, and add to their collective strength in negotiations with employers. In this regard unity of workers is paramount for them in the fight for the improvement of their living and working conditions.**

**The mining sector is of strategic importance to the development and growth of the South African economy. The current instability at Marikana thus poses challenges to the growth of the sector and the international image of the country. The national debate on the transformation of the mining sector therefore remains critical. It is in the interest of the workers and the economy to ensure that the industry continues to be productive and efficient for its long term survival and growth.**

**The Constitution guarantees freedom of association, the right to strike and the right to demonstrate unarmed. We reiterate the ANC's deep concern about the continued killings, threats, intimidation and incitement to commit violence that undermines these fundamental constitutional rights and infringe on the rights of others including the right to life. We remain concerned about the carrying of dangerous weapons during these demonstrations, which breeds a climate of lawlessness and fear.**

**The ANC supports government's efforts to bring about calm and stability in the affected communities and call on law enforcement agencies to uphold the Constitution and to deal decisively with anyone who breaks the law without any fear or favour.**

**We call on the affected workers, unions and companies to sit down and find a speedy and lasting solution to the challenges affecting the sector.**

**On the engagement with the various sectors of society the NEC agreed that: -**

- **The ETC should continue engaging the Chamber of Mines on the policy proposals on the future of mining as agreed in the policy conference.**

- There was appreciation of the value derived from the engagement with the academics and intellectuals as this will enrich the thinking in the movement as well as in society broadly.
- A follow-up meeting with Black Business Council has been arranged.

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### **Preview: Cosatu Congress haunted by the pall of Marikana**

- Ranjeni Munusamy
- 17 September 2012 01:55 (South Africa)
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Cosatu's 11th National Congress would have been an entirely different affair from the one taking place over the next four days had Marikana's blood, sweat and tears not been dripping from the walls of the conference hall. But now the trade union federation's very existence is under threat, and, according to its general secretary Zwelinzima Vavi, if it doesn't confront its weaknesses, it may have "no future beyond five years". By RANJENI MUNUSAMY.

If the mining crisis now enveloping the platinum and gold sectors were not such a serious issue that could bring South Africa's economy to its knees, Cosatu general secretary Zwelinzima Vavi could be forgiven for feeling just a little smug. For years he has been issuing warnings about a "ring of fire" that could swallow urban centres due to mass uprisings by the country's desperate and disillusioned.

As fate would have it, the uprisings which have now provoked a quasi state of emergency came not through service delivery protests, but a wage rebellion in what has up to now been a relatively stable sector. But Vavi would not be feeling smug only because he was proved right. It would also be the fact that, as a result of the Marikana massacre and the ensuing mining crisis, those who thought they would use this week's Cosatu Congress to teach him a lesson are now chastened and disorientated.

Had the events in the platinum sector, starting with January's upheavals at Impala Platinum and climaxing with the protracted strike at Lonmin, not exposed that mineworkers are rejecting the National Union of Mineworkers (NUM), Cosatu's biggest affiliate would have been flexing its muscle, particularly against Vavi.

The NUM, traditionally the conveyor belt to high office in the ANC, is used to swaying the federation on political issues, and had every intention of doing so this time around too. But after its leaders were repeatedly humiliated and branded as sell-outs, it would not be that easy to play Big Brother at the congress. The NUM will have to provide an explanation to the congress as to why it has been repeatedly rejected by its own members, and why the

renegade Association of Mineworkers and Construction Union (Amcu) has been able to move into its space.

Considering the spreading strike action and growing unrest in the mining sector, these will not be easy questions for the NUM to answer or to play down. Luckily for NUM's leaders, there is the sideshow of the ANC succession battle and contestation for leadership positions within Cosatu to distract delegates.

The NUM is firmly ensconced in the camp campaigning for Jacob Zuma to be re-elected as ANC president in Mangaung in December. Vavi is not. He has a serious case of buyer's remorse in the Zuma presidency, after being one of Zuma's main backers before the ANC Polokwane conference.

Vavi is a consummate nonconformist when it comes to ANC and Alliance politics. Despite being under pressure from inside Cosatu and the SACP for some time for his criticism of government and particularly over his reluctance to back Zuma, he refuses to backtrack – even for PR purposes. He won't capitulate and say he'll support Zuma's second term, even if his re-election as general secretary depends on it.

Vavi also doesn't use the coded election parlance of the Alliance: I'll stand if I'm asked to. He is on record months ago as saying he'll stand for re-election as the Cosatu boss and stuck to the line even until yesterday. He unapologetically wants to continue to lead Cosatu and keep it as an independent, critical voice of the workers, even if this makes Alliance relations untenable.

Many in the trade union federation find his behaviour annoying. Vavi could be the last remaining obstacle to Cosatu pronouncing its support for Zuma's second term after the National Union of Metalworkers of South Africa (Numsa) last week gave into pressure from the Zuma camp. And Cosatu president Sdumo Dlamini has now made a public call that Cosatu unions must unite behind Zuma.

In an interview with the Sunday Times, Dlamini said: "I like him (Zuma) very much as an individual. He is a leader who I respect. He has led this country both as a leader in the ANC and as the president of the country. He is able to listen to all of us in the alliance."

But Vavi is still holding out on declaring support for Zuma, using as his shield a decision by Cosatu's Central Committee last year that the trade union federation should not pronounce its preferences for the ANC leadership race. As a result, the pro-Zuma camp is searching for a candidate to stand against him – the only criterion being that the nominee, once elected, should come out in support of Zuma and keep his mouth shut thereafter.

Initially National Education, Health and Allied Workers Union (Nehawu) general secretary Fikile Majola was touted, but he is not popular enough to challenge Vavi. Cosatu's KwaZulu-Natal secretary Zet Luziphiso is now being pushed to stand for the position, but it remains to be seen if he will in fact do so. Dlamini is also up for re-election, with SA Democratic Teachers' Union (Sadtu) president Thobile Ntola expected to stand against him.



But while the leadership issues, both that of Cosatu and the ANC, are likely to animate the congress, it is the worker discontent with their unions that should be of biggest concern to Cosatu this week. The organisational report to be presented to the congress states that according to a survey Cosatu conducted, 60% of Cosatu members are not satisfied with how their unions have dealt with securing better wages.

Cosatu's affiliates cannot afford to shrug at this finding showing that the vast majority of members feel that their unions are failing at their core function. The revolt at the Lonmin mine in Marikana, and the strikes spreading to other mines, are precisely a manifestation of this discontent with the NUM, and a throbbing reminder of what could happen if unions are out of touch with or lose the confidence of their members.

For this reason Vavi says the 3,000 Cosatu delegates should desist from being consumed with leadership battles and use the congress as a "platform for self-introspection". Speaking on The Justice Factor on Sunday, Vavi said the issue of the "social distance" between leaders of Cosatu and their members was one of the difficult issues that needed to be tackled. If "systemic problems" such as these were not confronted and dealt with, Cosatu may have "no future beyond five years", Vavi said.

Dlamini will open the congress on Monday, followed by a keynote address by Zuma. SACP general secretary Blade Nzimande will also address delegates during the opening session. All three speakers are likely to use the occasion to rope Cosatu onto the pro-Zuma bandwagon. Vavi delivers his political report after lunch, which is likely to be a stinging rebuke of government with a catalogue of how the working class and poor have been failed.

The Marikana massacre is likely to remain the bloodied elephant in the room throughout the congress. Vavi says that the federation will be making a "major announcement" on the mining crisis on Monday. These will probably be measures to help the NUM wipe some of the egg off its face.

It also remains to be seen whether Cosatu will respond to government's jackboot crackdown on civilians in Marikana, or whether political expediency will keep the biggest voice of the working class gagged. **DM**

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## **COSATU 11th National Congress**

*17<sup>th</sup>– 20<sup>th</sup> September 2012, Gallagher Estate Midrand Johannesburg*

### **Opening address by COSATU President Sidumo Dlamini**

*Members of the Central Executive Committee,*

*The delegation of the ANC led by President Jacob Zuma*

*The delegation of the SACP led by the General Secretary comrade Blade Nzimande,*

*The delegation of SANCO led by its President comrade Ruth Bhengu*

*The delegation of the ANC Women's League led by its President Angie Motshekga*

*The delegation of the ANCYL led by its Deputy President who has taken the responsibility of being the President, Comrade Ronald Lamola*

*The National Secretary of the Young Communist League, Comrade Buti Manamela and your delegation;*

*The President of SASCO comrade Ngoako Selamolela and your delegation;*

*The President of COSAS comrade Bongani Mani and your delegation;*

*The President of FEDUSA Koos Bezuidenhout and your delegation;*

*The President of NACTU Joseph Maqhekeni and your delegation;*

*The General Secretary of ITUC comrade Sharon Burrow and your delegation*

*The General Secretary of the WFTU comrade George Mavrikos and your delegation;*

*Our distinguished International guests;*

*Invited guests from all civil society formations,*

*Representatives from various government departments, and other statutory bodies,*

## **Comrades,**

Before we can proceed with anything we want to make a special announcement we have received news that today the high court of Swaziland will be handing down sentence against comrade Amos Mbedzi who was convicted by the Swaziland High Court, presided by Judge Bheki Maphalala in August this year.

Comrade Mbedzi was charged with contravening Section 5 and 2 of the Sedition and Subversive Activities Act of 1938 after it was alleged that he unlawfully attempted to damage the Lozitha Bridge on 20<sup>th</sup> September 2008.

The charges included murder after it was said that on the same date, he killed Musa Dlamini and Jack Govender. He was further charged with contravening Section 8 and 9 of the Explosives Act of 2009 for possessing explosives without a permit.

Comrade Mbedzi pleaded not guilty to four of the charges.

We are calling on all democratic and peace loving people including our Alliance formations, the MDM formations and the international community to come out and make a call that the Swaziland monarch should not give a death sentence to comrade Mbedzi but release him with all other political prisoners so that negotiations for a truly democratic Swaziland may commence.

We call on the Swaziland monarch and leaders in Swaziland to start an open and free dialogue that can result in an end to the political conflict and a sustainable solution designed and created by Swazis.

We know that through our collective action there can be freedom in Swaziland. The time to act for freedom in Swaziland is now!

Comrades and friends we want to give our special greeting to the delegates, who represent millions of COSATU members across the length and breadth of our country. It is you who have built this COSATU into a sharper instrument of class war that has over 27 years given bosses sleepless nights. There have always been attempts to weaken and destroy COSATU but you always rose and defended your organisation!

It is through your victorious struggles in the workplace and activism in communities where you live that have made this federation an attractive protective shelter for the millions of workers and the working class in general.

It is because of your courage, resilience and fortitude that has resulted to millions of workers wanting to join COSATU resulting to growth in our membership from nearly 1.8 million members in 2003 to nearly 2.2 million members today, an increase of over 422 000 members in 9 years in the context of rampant retrenchments and casualisation. We are proud that you have made COSATU one of the fastest growing trade union Federations in the world.

It is you the workers who get mercilessly exploited by the employers. Yet it is through your sweat, that they count billion and trillions of rands in their bank accounts. It is through your sweat that they drive luxurious cars , live in pouch houses , take their children to private schools, smoke expensive cigars whose price is equal to your salaries , and yet they give you poverty salaries that leave your eyes wet , expecting you to say “thank you” and not to demand more, expecting you to accept anything they give you because in their minds , you know nothing better!

This is your congress to table your views on how we should together build and strengthen this organisation into an even sharper instrument of class war which has the capacity of taking up the problems and challenges facing working people and their communities. This Congress is your opportunity to build programmes of unity in action to resist exploitation of workers and attempts by capital to divide and mislead workers. These four days will be your opportunity to tell us on our faces where we have deviated. This is your congress to

point out where the organisation has done right and where it needs to consolidate. An Organisation becomes stronger by purging itself!

### **Comrade Delegates,**

Even during this challenging moment confronting our organisation and our revolution we must never compromise principle to achieve shot cut solutions. We must continue to call for and work towards unity of the workers based on a dynamic approach which combines firmness on fundamental principles, with flexibility to allow us to overcome non-antagonistic differences.

In the last Congress, you gave us your organisation to lead and when you gave it to us it was intact. We have come to give it back to you and we can say without any equivocation that your Federation , the federation of Elijah Barayi , the federation of John Gomomo, of Violet Seboni , of Alina Rantsolase , of Chris Dlamini , of Xolile Nxu is still as intact and as sharper as when you gave it to us.

### **Comrades,**

As we stand here today observing the damage of capitalism unfolding in the world and in our country, especially where this is accompanied by the systematic attacks directed at COSATU and the liberation movement as a whole, we can only conclude that indeed the Communist Manifesto is correct when it asserts that *“The history of all hitherto existing society is the history of class struggles. Freeman and slave, patrician and plebeian , lord and serf, guild-master and journeyman, in a word, oppressor and oppressed, stood in constant opposition to one another, carried on an uninterrupted, now hidden, now open fight, a fight that each time ended, either in a revolutionary reconstitution of society at large, or in the common ruin of the contending classes. ....The modern bourgeois society ... has... established new classes, new conditions of oppression, new forms of struggle in place of the old ones.....Society as a whole is more and more splitting up into two great hostile camps, into two great classes directly facing each other – the bourgeoisie (on one side) and proletariat (on the other side)”*.

The glaring failures of Capitalism manifested through the Global economic crisis and how governments and capital all over the world responded have drawn clear class battle lines. It is now an open class war!

The question which this Congress must provide practical answers to is whether we have a requisite organisational and political capacity to respond pound for pound and emerge victorious from this class war.

Day in and day out we wake up to the painful reality wherein the living and working conditions of the working people is worsened whilst the rich continues to live luxuriously and enjoy profits of unimaginable proportions.

Governments all over the world pass laws which make it easier to take from the poor and give to the rich in the name of bail outs and taxes. Policies are developed and regulations deliberately ignored or policy loopholes deliberately created to allow capital to amass more wealth and squeeze the working class into a dark corner of poverty, unemployment and inequality.

Day in and day out we see the rich continuing to award themselves with huge bonuses, extract our country's resources but hideaway profits generated from plundering our resources and refuse to invest in our development, leaving our countries with deepening inequalities. They take the assets and money acquired through exploiting our resources outside the borders of our countries to tax havens. Some of these people hide their wealth into so called trust accounts.

According to the report by the Tax Justice Network, the super-rich are currently hiding away wealth estimated between 21 trillion US Dollars and 32 trillion US Dollars in tax havens such as Switzerland and the Cayman Islands. When questions are being raised about this, the common answer is that "there is nothing illegal about it".

We have observed with pain how during the Economic Crisis Governments have intervened and acted to protect the interests of Capital resulting to a situation in which capital maximises its accumulation even under conditions of economic crisis.

According to Forbes International, since 2008 the world's billionaires saw their wealth grow by 50 percent, and their ranks swell to 1,011, from 793. Europe had 248 billionaires, and the USA had 403 billionaires whose wealth could do more than cover the 2008 US federal deficit, with money left over for the states. On average, each billionaire had his or her wealth increase by 500 million US dollars[1].

Despite this increasing wealth by capital, Governments still came in with rescue packages to save them. It is estimated that the US government alone in total, used 425 billion US dollars to bailout banks, insurance companies and automakers and provided 45 billion US dollars in housing program assistance.

In Europe the German constitutional court has recently ruled in favour of the European Stability Mechanism (ESM) allowing it to put aside about 700 billion Euros of public funds to bail out banks and hedge funds that have loaned money at exorbitant interest rates.

All this is sending a message to us that Capital is decisive on advancing their agenda and we should ask if we are as equally as decisive!

As the world's rich are being cautioned to become richer, the reality of poverty, unemployment and inequality continues to be harsher for the working class. As we speak, according to the report by the European Commission about 115 million people, or 23 percent of the EU population, have been designated as poor or socially deprived. Among the causes are unemployment and low wages, with more than 8 percent of all employees in Europe now belonging to the "working poor?"

There is a similar trend in the USA where it is reported that families living in poor neighbourhoods rose from 8 percent to 17 percent and the proportion of families living in middle-income neighbourhoods fell by 21 percentage points within the same period. In UK 2.62 million people are officially out of work, the highest level in 17 years, and a rate of 8.3 percent of the economically active population. Youth unemployment in the UK grew by 18,000 to 1.02 million.

It is therefore not surprising that according to the survey conducted by the Globescan across 25 countries; it shows that there has been a sharp fall in the number of Americans who think that the free market economy is the best economic system for the future.

In South Africa we are observing a similar trend wherein during the economic crisis opulence is on the rise existing side by side with worsening abject poverty, unemployment and inequality. The country's 20 richest men enjoyed a 45% increase in wealth in 2010 at the height of the economic crisis and the number of billionaires nearly doubled, from 16 in 2009 to 31 in 2010. Pine Pienaar, CEO of Mvelaphanda Resources, made R63 million in 2009, 1875 times as much as the average worker. It is interesting to note that the majority of the richest people in South Africa come from the mining sector.

If this is compared with the conditions of the working class in a similar period we can only conclude that Socialism is the only way out. In 2010, half of South African workers earned less than R2 800 a month. On average, 75% of South African workers earned R1 939 in 2010 and 90% of South African workers earned an average of R3 327 a month.

This is coupled with the fact that in South Africa total job losses from 2009 up to the first quarter of 2012 amounted to 744 000, these job losses amount to an average R107 billion loss in workers' income over the three-year period.

Research also shows that within the same wavelength the exploitation of workers have increased in South Africa. The share of workers in national income has fallen below 50%. The profits earned by capitalists are equal to the total amount of wages earned in the South African economy. This gross inequality is confirmed by the fact that 50% of South Africans survive on 8% of national income[2].

As we speak here today, more than 3.4 million workers in South Africa work for more than 45 hours a week. Only 32% of all those who work had medical aid benefits, 71% of those employed were not unionised, 5.8 million workers have no access to paid maternity/paternity leave, 4.2 million workers have no access to paid sick leave and 4.7 million workers are engaged in contract and other short-term type of employment, 5.7 million workers have no access to a pension or retirement fund and 4.4 million workers do not have access to paid annual leave.

The reality of South Africa is that 54% of the workers receive no regular wage increments or have their wages determined solely by their employers. Yet Capital has been calling for the need to decentralise or even abolish collective bargaining. The reality is that currently

bargaining councils cover just 9% of the workforce, while only 23% of the workers' wages are negotiated directly through unions.

### **Comrades,**

These are the conditions which have resulted to what we saw and continue to see happening in Marikana and in the mining sector as whole. The problem in Marikana is not rivalry between unions nor can it simply be put as being a widening gap between leaders and members. This will obviously be a matter which we will have to honestly confront during our discussions but the central issue is that workers in the mines are rising against their continued exploitation by employers. The reality of the matter is that this exploitation is happening in all sectors of the economy. Mine workers cannot be expected to keep quiet and say "thank you basi" when they know that the Financial Officer of Lonmin, Alan Ferguson earn R10 254 972 a year or R854 581 a month, which 152 times higher than the salary of a Rock Drill Operator.

We can relate to similar experiences in other sectors. For an example in 2007 more than 55% of workers in the wholesale and retail sector earned less than R2000-00 per month while CEO packages on average were in excess of R35 million. The average package of CEOs in the wholesale and retail sector is almost 1000 times the average wages of workers.

The painful reality which confronts our people includes the fact that more than 6 million workers in South Africa live on less than R10 a day. These workers in turn support on average an additional 4 people in the household. This means that 30 million South Africans live on less than R10 a day and R10 can barely buy one loaf of bread.

It is for this reason that we will continue to argue that it is mistaken to think that any kind of job will reduce poverty. If employment is to be the primary instrument to fight poverty and inequality, then such employment will have to be decent and Labour Brokers cannot deliver decent jobs and similarly the Youth Wage Subsidy cannot deliver decent jobs except making employers richer through the provision of cheap labour by our children.

Given all these conditions it should be clear that what we see happening in Marikana and elsewhere is that workers are essentially demanding a living wage. Workers are simply saying we produce wealth and we want our reasonable share and they expect to be given a fair share. It is not just workers from North West that are speaking; this is a reflection of the demands being harboured by millions of our people.

We cannot hide the fact that the plight of workers is being used by some to weaken strategic components of the Alliance seen as a threat towards Mangaung. The strategy include buying the emotions of the masses and society and use that support to stamp COSATU, and the liberation movement at the back and allow it to bleed to near death so that the same people uses the 53<sup>rd</sup> National Conference of the ANC as a moment where they come as heroes to save the movement.

It will be a mistake for us to think that we can defend COSATU without defending the ANC and the SACP at the same time. The attack on the NUM is a gateway to weakening COSATU and the SACP which are being seen as gaining influence in the ANC under the current leadership.

This attack is not different from an attack by the DA which decided to march to COSATU offices demanding the Youth Wage Subsidy. It was a calculated move to set COSATU against society as part of a broader strategy to set the movement as a whole against society. The majority of those in the DA march were the African people being instigated to march against other African workers. A strategy that was used by the Apartheid government to set blacks against each other. The same strategy we saw being used at Marikana where African workers are being set against each other.

Comrade Mandela when he wrote an article titled the Shifting Sands of Illusion in June 1953, speaking about the DA of that time he warned us that *“though apparently democratic and progressive in form, are essentially reactionary in content. They stand not for the freedom of the people but for the adoption of more subtle systems of oppression and exploitation. Though they talk of liberty and human dignity they are subordinate henchmen of the ruling circles. They stand for the retention of the cheap labour system and of the subordinate colonial status of the non-European masses together with the Nationalist Government whose class interests are identical with theirs. In practice they acquiesce in the slavery of the people, low wages, mass unemployment, the squalid tenements in the locations and shanty-towns”*.

### **Comrades,**

We must not make a mistake and underestimate the enemy. The systematic attack we see today directed at us is based on evidence of what a united Alliance is capable of doing to defend and advancing the NDR. They have seen shifts in industrial and trade policies as reflected in IPAP and the NGP. They know that through COSATU and the SACP and majority of ANC members we secured commitment at Polokwane to align all economic policies with the objective of creating decent work. They see that today through COSATU and the SACP there has been an extension of social protection, the extension of grants to all vulnerable children, and income support for the unemployed; and the adoption of National Health Insurance as government policy.

They have seen what a united Alliance can achieve. They have seen us as a collective defeating attempts by a right wing clique in the movement to collapse the Alliance, and redirecting the NDR into a narrow nationalist project focused on winning elections, while rendering people timid and becoming spectators in their own revolution. They have seen the strength of our unity in combating the abuse of the NDR as a vehicle for private accumulation. It is because of this proven track record of resilient struggle and victories that the right wing and the demagogues would prefer to have us divided and weak going to the 53<sup>rd</sup> National Congress of the ANC. These are the same elements which said there is no co governance and that education must be declared an essential service.



They are mistaken on one thing; we will not go to Mangaung divided but we will go there with a clear class agenda to defend and advance the progressive outcomes of Polokwane. It is for this reason that we want to call on the Alliance and MDM formations to ensure that there is unity around our class interests. We must not allow tactical differences to be elevated to strategic differences.

It is for this reason comrades, that in responding to the developments in Marikana including on attacks against us we need a principled and sustainable response which will not take away our focus and energies to the strategic task of advancing the National Democratic Revolution and the struggle for Socialism. We need a response that will draw everybody's attention and energy on the total restructuring of our economy, so that it can be placed on a labour-absorbing trajectory. We need a response that will ensure an end of the domination by the mining/finance complex and building the industrial sector based on meeting the basic needs of our people.

We need a response that will focus the country on the distribution of wealth and nationalisation of the commanding heights of the economy, and as well as for effective land redistribution, in order to ensure that the Freedom Charter demands that the wealth of our country is controlled to enhance the wellbeing of the people is realised.

We must not fall into a trap of competing with demagogues. Instead we should honestly be with the workers to listen to them and engage the employers, force them to address the demands raised by the workers. If we are patient and consistent in our organisational and political work, the truth will be revealed and workers will see demagogues for what they are and comrades, there are no shot cuts to this task.

In the words of comrade Oliver when he closed the Morogoro Conference in 1969 we call on our members to *"wage a relentless war against disrupters and defend the ANC (and the Alliance as whole) against provocateurs and enemy agents. Defend the revolution against enemy propaganda, whatever form it takes. Be vigilant, comrades. The enemy is vigilant. Beware of the wedge-driver, the man who creeps from ear to ear, carrying a bag full of wedges, driving them in between you and the next man, between a group and another, a man who goes round creating splits and divisions. Beware of the wedge driver, comrades. Watch his poisonous tongue."*

Responding to the systematic attacks to our movement and the developments in the mining sector including the situation in Marikana must be connected to our initial question on how this Congress must provide practical answers as to whether we have a requisite organisational and political strength to respond pound for pound and emerge victorious from the international class war.

The starting point should be that victory for the united working class is certain and on the bases of the strength of our unity and the strength of our organisation we should force a moment of decision in our movement. It is through being decisive that the workers of Cuba, Venezuela, Ecuador, Bolivia, Paraguay and Peru have been able to set a new course, leading

the national liberation struggle of Latin America and the Caribbean towards a second independence. They are building societies based on social and economic justice.

Venezuela has fostered new institutions free of US and Canadian influence. The new institutions are, for example, the Bolivarian Alliance for the Peoples of Our America, an agency that coordinates the energy policy of Latin American oil-producing states, the Bank of the South, CELAC -the Community of Latin American and Caribbean States, a regional cooperation bloc. The progressive trends and new institutions defeated the imperialist Free Trade Area of the USA.

When the International Capital led by the USA tried to undermine these developments intellectuals, professionals and many nations and social movements came together in Cuba to form an International Committee in Solidarity with the Bolivarian Revolution of Venezuela, the Nations and Processes of ALBA. Its purpose was to let imperialism know that the world supports the independence struggles taking place in Latin America and the Caribbean.

With this political mobilisation and being decisive we have seen how Brazil under President Lula Da Silva defied conventional economic prescriptions, and instead advanced economic strategies which put redistribution of incomes at the centre of their approach, especially through raising wage levels and social protection.

They have decisively built state capacity to drive these changes through strengthening their labour inspectorates, and massively increasing training in tertiary institutions to ensure sufficient qualified people were available to staff key state institutions. This national economic strategy was linked to a broader economic development strategy in the region which was aimed at asserting an independent development path.

We need to build from the ANC Policy Conference which agreed that this second phase of the transition should be characterised by more radical policies and decisive action to effect thorough-going socio-economic and continued democratic transformation, as well as the renewal of the ANC, the Alliance and the broad democratic forces.

We must make the second phase of our transition to be our own South Africa's Lula Moment whose content will on among others ensure that the state exercises its popular mandate to break the power of white monopoly capital

The Lula Moment must mean that the state should be decisive in ensuring that there is access to quality education, skills development and training, healthcare and housing should be extended in working class communities in both urban and rural areas. The state will ensure access to quality and affordable public transport, including by people in rural areas and provide the appropriate macroeconomic framework, underpinned by the restructuring of the entire tax system with a view to introduce progressive taxation, to finance meeting the basic needs of our people.

The Lula Moment or the radical phase of our transition will not happen if we do not build a radical and militant campaigning COSATU , SACP and ANC as mass based organisations, which derive their perspectives from the masses, we need to build these as organisations that do not identify with the people out of pity but grounded on the masses and connects with community struggles , build them as organisation that see people as capable of presenting solutions to the challenges confronting society, build them as fighting organisations that must continue to enjoy respect and credibility by the working class. These are the tasks we can only ignore at our peril!

We know that demagogues occupy the front ranks of this class war from the side of the enemy camp and comrade Lenin taught us that *“Demagogues are the worst enemies of the working class. The worst enemies, because they arouse base instincts in the masses, because the unenlightened worker is unable to recognise his enemies in men who represent themselves, and sometimes sincerely so, as his friends. The worst enemies, because in the period of disunity and vacillation, when our movement is just beginning to take shape, nothing is easier than to employ demagogic methods to mislead the masses, who can realise their error only later by bitter experience”*. We will expose and crush demagogues with political honesty, theoretical clarity, well articulated vision, our organisational strength and a coherent implementable programme.

This federation of the brave combatants –the federation of Vuyisile Mini , of Lesley Mesina, of Looksmart Ngudle, this federation of revolutionary combatants , the federation of Ray Alexander , of Elizabeth Mafikeng , of Mabel Balfour, of Liz Abrahams, of Marry Moodley , of Sophie De Bruin , of Viola Hashe, of Rita Ndzanga, of Phyllis Altman will never die , it will grow from strength to strength giving employers , capital and all enemies of our revolution sleepless night.

We will fight to the bitter end, guided by the concluding words of the Communist Manifesto that *“the proletarians have nothing to lose but their chains. They have a world to win. Proletarians of all countries unite!”*

Let this 11th Congress of our glorious Federation be a congress of working class unity, let this Congress be dedicated to our members. Let us take COSATU to the members!

Comrades, the 11th Congress is declared open!

**Amandla!**

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[1] Forbes International

[2] See Budget Speech, February 2010.

## **Bench Marks 'shocked' at Marikana tactics**

Saturday 15 September 2012 20:30

SAPA

Government, platinum producer Lonmin and police were criticised by the Bench Marks Foundation today for firing rubber bullets at residents and protesters in the Nkaneng informal settlement in Marikana.

"I am shocked and extremely angry to hear today that the police are out in full force and people have phoned me to tell me that workers have been shot at," said the foundation's chair Bishop Jo Seoka in a statement.

"In addition six women walking in Marikana were shot at with rubber bullets, and one is in hospital."

Seoka was concerned that the hard work in maintaining peace may end because of the violence. He said government and the Lonmin should be held accountable.

"The workers have been peaceful, have not injured anyone..... police asked the workers to give in any weapons. This they did and then they were shot at. This is a gross violation of human rights," he said.

The Bench Marks Foundation is an independent faith-based organisation monitoring corporate performance, and is involved in the mediation process at the mine.

"The workers have been peaceful, have not injured anyone."

Today, several residents claimed they were injured when police fired rubber bullets at them. One resident, Melita Ramasedi, said she was wounded while watching police breaking up a crowd of protesters.

"I am deeply hurt by this situation. A police nyala drove past us, we were a group of women and others ran away."

"I just stood there, watching and they shot me in my leg," she said showing her bleeding leg.

Earlier, protesters gathered at the location where 34 people were killed by police on August 16. Police used rubber bullets and pepper spray to disperse the crowd. Police also raided a nearby hostel where five people were arrested. A variety of weapons were seized, including knobkerries and pangas.

Brigadier Thulani Ngubane said the people were arrested during a disarmament operation at a hostel. Twelve people were arrested during the raid.

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From Dominic Tweedie

----- Original Message -----

**Subject:** [CUw] Seoka, Malema and others; in the Marikana murder-market

**Date:** Mon, 17 Sep 2012 07:58:22 +0200

**From:** VC <cuv2012@gmail.com>

**Reply-To:** cu-with-attachments+owners@googlegroups.com

**To:** cu-with-attachments@googlegroups.com

### **Seoka, Malema, and the Marikana murder-market**

National Secretary of the YCL Buti Manamela, in a speech, yesterday described how Julius Malema bought himself a platform in Marikana with cash.

Let's hope the text of Cde Buti's speech will come through in due course, and be posted here. It is briefly reported in the Star this morning under the heading "Malema 'bought the support of miners'".

Malema's is not the only mouth for hire in Marikana. Who else is in the Marikana mouthpiece-market that is fuelled by dead bodies?

One is Bishop Johannes Seoka, as we noted yesterday. Like Malema's, his career was "flagging", and he was facing criminal charges for corruption and assault. Thanks to Marikana, the bad-tempered bishop went from near-zero to international interviewee in a matter of days.

Who else? Lybon Mabasa. Themba Godi. The UDM, party of Bantu Holomisa.

Marikana is a place where outdated has-beens and never-wases go, perhaps hoping that the locals will be flattered by their presence, but mainly hoping to get national and even international media attention.

Who else is involved? Joseph Mathunjwa and Jeffrey Mphahlele bought their tickets to Marikana. Buti Manamela has details of that process in his speech, according to the Star.

Behind all the showboaters and the grandstanders stand the gangsters of Marikana, who are almost faceless to outsiders. These are the lords of Marikana's poverty. These are the ones who get paid for delivering the audience in Marikana to the procession of phoney stars.

A different kind of business, for sure. The shacklords do not sell the show to the audience, but they sell the crowd to the platform, for money.

VC

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*A defense department spokesman said around 150 soldiers have been deployed in the area and are assisting police in their raids to contain those they believe to be leading the protests... Anglo American said Sunday that it plans to reopen the mines Tuesday following the police efforts. "We ... commend the government and our key local stakeholders in helping to restore calm to the Rustenburg area," said Chris Griffith, the company's chief executive.*

### **South Africa Police Step Up Efforts Against Protesters**

<http://online.wsj.com/article/SB10000872396390443720204578000232367198490.html>

**By DEVON MAYLIE and PETER WONACOTT**

JOHANNESBURG—One month after South African police killed protesters near a platinum mine in a clash that inflamed national tensions, police have stepped in again to try to end the turmoil in the country's mining sector.

Enlarge Image

Police arrest a miner Saturday at Lonmin's Marikana mine.

On Sunday, police stopped hundreds of demonstrators employed at the world's largest platinum producer, Anglo American Platinum Ltd., AMS.JO +3.42% from marching to a police station in nearby Rustenburg to protest a security clampdown that began Friday. Meanwhile, at the third-biggest platinum miner, Lonmin LMI.LN +4.95% PLC, protesters used rocks and dirt mounds to block roads and prevent police from entering an informal settlement where strike leaders were hiding. At one point, nine police trucks attempted to dislodge the barriers before turning back.

The day before, police fired rubber bullets at protesters, raided homes of miners for weapons and arrested more than 38 people, according to a local police officer who was part of the operations. Those arrested were scheduled to appear Monday at a local Rustenburg court, he said.

The moves follow weeks of illegal strikes that have paralyzed platinum production in South Africa, which accounts for 80% of the metal's global output, and hit the country's major goldmines. The wildcat strikes erupted after police on Aug. 16 gunned down 34 people who refused to disperse during a wage protest at Lonmin's Marikana mine. In all, 45 people

President Jacob Zuma has resisted calls to take disciplinary action against those involved in the police shootings before a judicial committee that he set up releases its findings. State prosecutors fueled a public outcry after they used an apartheid-era law to formally charge protesters with the murder of the 34 people that police shot, on the basis that they had incited the violence. Prosecutors later dropped the murder charges following the public uproar.

South Africa's police chief, Riah Phiyega, has defended her force, saying officers used appropriate measures to protect themselves against an armed assault.

But the Marikana incident has put a fresh spotlight on a chronic problem with policing and public order, says Gareth Newham, head of the Crime and Justice Program at the Institute of Security Studies, a Pretoria-based think tank. Either the police don't act quickly enough before situations go out of control, as in the case of the 2008 riots that targeted African migrants, or overzealous actions deepen conflicts, he says.

"Police are supposed to de-escalate violence," Mr. Newham says. "In the past few years, they've escalated conflicts."

The number of police-related deaths last year reached 797, more than double a decade earlier, according to figures from the Independent Police Investigative Directorate, a government arm that investigates potential criminal offenses by police. Between 1997 and 2010, 5,820 people died as a result of police action or during police custody, according to the IPID figures.

After the shootings at Marikana, police had played a largely passive role in trying to protect company property during protests, and allowed miners to march with makeshift weapons such as spears and machetes.

On Friday, the South African government signaled a shift. The country's justice minister, Jeff Radebe, told reporters that law-enforcement agencies won't tolerate individuals inciting violence and would arrest those engaged in illegal gatherings or carrying weapons. Mr. Radebe said the government is intervening now because the strikes have put South Africa's economy at risk.

But the stepped-up police action also carries political risks. One of President Zuma's chief critics, Julius Malema, a youth leader expelled from the ruling African National Congress, has sought to stir opposition to the government in the wake of Marikana shootings. He has called for a nationwide mining strike and for Mr. Zuma's resignation.

On Sunday, a spokesman for a special investigative police unit called the Hawks said Mr. Malema is being investigated for his alleged role in instigating violence at Lonmin. The investigation follows a complaint lodged by labor union Solidarity after Mr. Malema visited the mines and called for a national mine strike, according to the Hawks spokesman, MacIntosh Polela.

A spokesman for Mr. Malema described the charges as "intimidation" and said they wouldn't stop him from meeting with Marikana miners and their families on Monday.

As part of the government's renewed efforts to stop the protests, police barged into a hostel early Saturday morning where Lonmin workers stay, breaking windows and pointing guns at those asleep, the workers said. Miners in a nearby informal settlement said police also started firing rubber bullets around women and children who weren't part of the protest.

A defense department spokesman said around 150 soldiers have been deployed in the area and are assisting police in their raids to contain those they believe to be leading the protests.

Behind the strikes are demands for higher wages by workers frustrated at the slow pace of change since the end of apartheid 18 years ago. Many workers have rejected representation of the National Union of Mineworkers, the country's biggest union and an ally of the ruling African National Congress. The upstart Association of Mineworkers and Construction Union has been actively recruiting, spurring intra-union clashes as the two unions battle for membership. Some miners also say they are striking on their own initiative, outside of all union leadership.

Anglo American said Sunday that it plans to reopen the mines Tuesday following the police efforts. "We ... commend the government and our key local stakeholders in helping to restore calm to the Rustenburg area," said Chris Griffith, the company's chief executive.

Lonmin has offered an increase far below the 12,500 rand (US\$1,522) a month that the miners are demanding. On Sunday, they said they cannot afford the miner's demands.

In an opinion piece in the local Sunday Times, Simon Scott, Lonmin's acting chief executive officer, called the deadly clash at Lonmin "a defining moment for South Africa," and said the miner was struggling with its responsibility to the community and the country as well as its shareholders who have invested in the shuttered mine. "After all the horrific violence at Marikana, it is essential that we move as quickly as possible into meaningful negotiations," he wrote.

**Write to** Devon Maylie at [devon.maylie@dowjones.com](mailto:devon.maylie@dowjones.com) and Peter Wonacott at [peter.wonacott@wsj.com](mailto:peter.wonacott@wsj.com)

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### **Reporter's Marikana notebook: A thin line between fear and hate**

- Branko Brkic
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- South Africa



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- 17 September 2012 00:00 (South Africa)
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Saturday should be the best day of the week. One gets to sleep in. See friends; do some shopping; have a long, slow coffee. Feel good about life, the universe and, if not everything, at least most things. But not if you live in the settlement of Nkaneng, a cluster of shacks just a stone's throw from Wonderkop. If you happen to be one of its residents, you spent this Saturday running away from teargas, dodging rubber bullets and swinging between fear and hatred for the police. Or feeling mostly both. By BRANKO BRKIC.

One can think of few, if any, better companions to enter the township limits of Nkaneng than Greg Marinovich, his fearless wife Leonie and the researcher Thapelo Lekgowa, the one who originally unearthed the murder field of Small Koppie while doing a survey with the UJ professor Peter Alexander.

The events of Saturday morning, before we arrived, filled the world of Marikana with heavy, dark clouds. Police raided the miners' hostel and homes overnight, looking for arms and confiscating several. These were not firearms, mind you, but rather sticks and, at a push, pangas or machetes. As we were approaching, headline news on the radio was that the police also broke up a gathering of 200 or so protesters, using teargas and rubber bullets.

Fearful of the police Nyalas returning, residents erected barricades wherever possible. The already impassable 'roads' of Nkaneng were now full of massive rocks; the air was thick with the choking smoke of burnt tyres.

As we got deeper into the settlement, the news arrived that during the earlier morning scuffles, four women had been injured by the rubber bullets and were in the Andrew Saffi hospital, with some being taken to the Job Tabane provincial hospital in Rustenburg. We negotiated our way into the heart of the community, where a little 'plaza' was enveloping the community hall; in reality a single-layer corrugated tin shack. As we arrived, the women gathered and talked about what had happened the previous night. Around us, at the 'plaza' perimeter, spotters were dispatched to inform about the police Nyalas' movements.

*Photo: The women gathered in the community centre to re-live the pain of the previous night. (Daily Maverick)*

And women were angry. Beyond angry; incandescent with rage. One after the other, they informed their friends about the night raids, police arrogance, and indifference to their children's plight. Police were looking for their men, they said, but it didn't stop them from ordering women on the ground, making rude gestures and laughing at them.

"The children are choking on teargas because it is being shot into our shacks where we live with our children. Where is safety there? Zuma knows nothing about safety. Zuma and Radebe, when they said they will break this thing, did they mean they will be killing us in our shacks?" said one of the women.

“We hear that they will be coming back tonight; what sleep? Where are we going to sleep? How are you going to sleep? It’s all in the hand of God now. Where must we run to now? We have children who go to school – it is impossible to pack our bags and go home at this point; December is far from here. Government announced it and we heard it – ‘kill them’ – [but] this people, even if they are carrying weapons, they are killing no one with them but just protesting. It’s their weapons anyway. They are sending back the police who killed some of them. They ask for their weapons, then they shoot at them when [they are] defenceless.”

As the women were telling their stories, the police surveillance helicopter was flying overhead; repeatedly, menacingly. But then the accusations became even further-reaching, in a way that should chill the blood of every South African who cares for this country: The struggle turned tribal.

(Let us digress here for a second: while Lonmin's Marikana mine is on Tswana land, the overwhelming majority of the miners protesting are of Pondo [Xhosa] and Sotho origin.)

The women's talk suddenly switched to blaming President Zuma. Why do you think no Zulu died in the massacre? Because Zuma organised everything. Inkatha warriors marched with their traditional arms just a day before; how come no-one attempted to disarm them, but when their husbands, Xhosas, have their traditional arms, they get shot at and killed?

And then all hell broke lose. The spotters' sign, unseen by us, was made, and every man started running in one direction, away from the 'plaza'. Women started praying, with all the air they had in their lungs, their arms up, like it was only the heavens that could help them. Being enveloped by the sound of many women praying loudly was both beautiful and frightening; it was powerful in its powerlessness.

This reporter decided to investigate: the police Nyala entered the maze of the little ditches that served as streets and extricated itself towards the outer limits. But police were not gone forever: after moving about two hundred metres, the Nyala made a U-turn and went straight back towards the community's heart. Another scattering ensued, with the road in front of the heavily armed vehicle suddenly abandoned.

The Nyala approached the barricade that was set up a mere 20m away from this reporter, then turned away, exposing its right flank to the shacks people fled into.

*Photo: ... And then, the Nyala made a U-turn... (Daily Maverick)*

And then they started firing rubber bullets.

Bravely hidden in their armoured car, wearing their bullet-proof vests and sitting behind their portholes, they fired indiscriminately and with no provocation. As this reporter feverishly photographed, they stood there, untouchable and inscrutable, all-powerful, if only for a moment. And then the Nyala made another U-turn and disappeared into the maze of little lanes.

*Photo: The rubber bullets were fired indiscriminately. (Daily Maverick)*

*Photo: Bravely hidden in their armoured car, wearing their bullet-proof vests and sitting behind their portholes, they fired indiscriminately and with no provocation. (Greg Marinovich)*

As people started emerging from their shacks, their faces were tensed with anger. They showed the rubber bullets that, just moments before, had pierced their shacks. There were plenty of children around. The police were firing rubber bullets without concern for whether they would hit a child, a woman, or anyone else. The heavy instrument of state repression was being used against the underclass; there is no police spin or PR that could spin its way out of that simple fact. This reporter saw it, all of it.

As our time, and welcome, in the heart of Nkaneng community eventually came to the end, we moved back to the Wonderkop and Small Koppie, for more work.

*Photo: The police harassment was continuous. (Greg Marinovich)*

From the direction of the settlement, the police loudspeakers were ordering people off the streets, and telling women that they wanted their men.

But this reporter couldn't stop thinking about the panicky heavy-handedness that the state displayed on Saturday.

Who can order people off the streets? Who can violate people's homes at will and without a court order?

And even if they had the legal right to do so, which is doubtful at this stage, no court order would ever allow for this kind of intimidation and humiliation during the arrest, search or seizure.

There was a national outcry two weeks ago when the NPA used Apartheid's 'common purpose' law to charge 270 miners with 34 counts of murder each. And yet, on Saturday in Nkaneng, we saw an entire community treated as one criminal, where being a child of five, a girl of 13, a woman of 65, or a man that had nothing to do with the strike, was not enough to keep you safe from harassment and injury. Common purpose indeed.

After the police shot 112 miners on 16 August, killing 34 of them, the state of South Africa could have, should have, shown empathy and care for the people that everyone forgot for such a long time. Instead, they chose to let NGOs deliver food and care for the hungry and sick, while they opted for the delivery of teargas, rubber bullets and intimidation.

Make no mistake: what is happening today just a stone's throw away from the blood-soaked field of Marikana, is nothing but a state repression. The government of South Africa decided that it was better for it to be feared than loved. What they achieved is something different: They are now hated. And a government that is hated by its own people has no credibility.

As we travelled back towards our comfortable lives, this reporter remembered a few words by Greg Marinovich:

"Just like the Apartheid, man. Just like the Apartheid." **DM**

*Main photo: On Saturday morning, police shot at, teargassed and also arrested some 14 residents. Many of the injured residents were women. (Greg Marinovich)*

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Reporter's Marikana Notebook: Police intimidation 1, abandoned community 0

- Siphso Hlongwane
- 
- 17 September 2012 01:50 (South Africa)
- 

Community members in Marikana were grimly preparing for the next police attack on Sunday morning, following Saturday morning's raid. Almost nobody, including women and children, had been spared. The despair has at last set in. By SIPHO HLONGWANE.

The ground in the town of Marikana had almost dried up by Sunday morning from a storm the night before, but the finer mud around the Nkaneng shantytown was still very slippery and wet, making approach in our unsuitable car almost impossible. Things were slightly worse for the people who had to walk the five kilometres to town, but the rain was a help to one group of men on the outskirts of the shacks. They were right in the middle of one of the many narrow roads, digging what looked like two narrow graves lying side by side.

They were very hesitant when I approached, but said when asked that the usual meeting held by the striking miners was not going to happen on Sunday – not after the raid on Saturday morning. The police had descended into the settlement, some firing teargas and rubber bullets into the shacks. The official word was that they were looking for weapons, but as an intimidation tactic, the raid certainly was effective. Very few people were willing to talk about anything all day.

I eventually gave up and walked away.

One man followed me. He said his name was Daluxolo, and he wanted to talk.

“My child is sick. She breathed in the teargas yesterday. The police were firing teargas and rubber bullets just anywhere. It didn’t matter that there were women and children in the shacks. Many children got the gas,” he said.

He lived with his wife and three children in a nearby shack, and the one that was still affected by the teargas was just three months old, he said.

“What did our children do?”

Another raid was expected on Saturday night, but the heavy rain drove the police’s armoured trucks away, another man who approached us said. Residents were now waiting for “something” to happen again, and not sure what to do to stop it.

“Who are we going to call to come help us? The police are here. The soldiers are here. Zuma sent them. The ANC has shown us its other side. I don’t know what we’re going to do,” the second man said.

Both men said that it was common knowledge in Nkaneng that this new operation was authorised by the national government.

After a meeting of cabinet ministers in the security cluster on Friday, justice and constitutional development minister Jeff Radebe said that government would clamp down on illegal gatherings and the carrying of dangerous weapons.

“Government recognises that if the current situation continues unabated it will make it even harder to overcome our challenges of slow economic growth, high unemployment, poverty and inequality. Government will not tolerate these acts any further. Government has put measures in place to ensure that the current situation is brought under control,” he said. Immediately afterwards, a heavy police formation moved into the area, supported by 1,000 South African National Defence Force (SANDF) soldiers from the army, air force and military health services.

On Sunday morning, a number of armoured trucks still loitered about Marikana – within easy reach of the nearby troublesome settlement of Nkaneng.

Some people tried to march peacefully to the Rustenburg police station to protest what they saw as intimidation. They were stopped.

“The police have blocked us. They are dispersing us. Now we are telling our people to go back to where we came from,” Gaddhafi Mdoda said to the press. He was part of that march.

He said that nobody carried weapons, but “they are telling us that they are giving a few minutes to disperse, so that’s a big threat”. The several-hundred people dispersed quickly.

The Bleskop stadium, where Anglo Platinum workers gathered to strike on Thursday, was also deserted.

A statement released by the presidency later on Sunday said that the action by law enforcement agents was aimed at ending violence and intimidation, not curtailing civil liberties.

“Government action in Marikana is directed at ensuring that citizens exercise their rights peacefully and within the ambit of the law, as would be required in any democratic country in the world,” the presidency said. “Government cannot allow a situation where people march in the streets carrying dangerous weapons.”

The raid, on Nkaneng and the hostels at Lonmin’s Karee mine, yielded machetes, spears, knobkerries and sticks. The staggeringly heavy-handed and brutal response by the police mirrors that of 16 August, when officers drove several thousand men off the koppie they were sitting on in a disarm-and-disperse mission that now seems, from some eyewitness accounts, also to have been a calculated kill mission. On that day, 34 people lost their lives and a further 78 were injured. This was three days after some men had been arrested for the death of 10 people.

Since I began visiting the area in the middle of August, I have always got the sense that the people were angry and wary of the police – how could they not be, after 112 of their comrades were shot? – but that they did think there was a line that wouldn’t be crossed again. Cabinet ministers and President Jacob Zuma visited the striking miners, offering kind and conciliatory words. On previous occasions the police kept their distance, creating the impression that the settlement and its occupants were off limits. Saturday proved that they are fair game too.

It wasn’t till I had driven away that I finally figured out what the men were doing, digging what had looked like two small graves in the road. I had asked the whole group what they were up to, and none answered that question. I wasn’t even allowed to take a photo. It couldn’t have been graves, since the holes were about knee-deep. And they were in a road. The dirt that had been unearthed was piled on the side that was outside the settlement. They were digging trenches to stop the armoured trucks from being able to drive right into the settlements. It was a paltry and probably futile attempt to protect their families against a raid they believe will surely come again. **DM**

*Photo: A man (L) holds a stone while running across the road as police approach Nkaneng, September 15, 2012. South African police on Saturday fired tear gas and rubber bullets to disperse miners rallying in Marikana after raids on their hostels to seize arms, witnesses said. REUTERS/Siphiwe Sibeko*

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In embracing Marikana, the SACC revitalises itself

- Khadija Patel
- 
- 17 September 2012 01:46 (South Africa)
- 

SA's beleaguered government continues its security crackdown in Marikana, with the South African National Defence Force announcing that it deployed 1,000 soldiers to the restive mining town in the North West. But even as President Zuma attempted – not very successfully – to allay fears about government's respect for civil liberties, it was the South African Council of Churches on the ground at Marikana, helping workers apply for permission to march. By KHADIJA PATEL.

"It seems as if both government and Lonmin misread the situation on the platinum belt, and now what seemed resolvable might become an untenable situation," Bishop Jo Seoka, president of the South African Council of Churches (SACC) said in a statement released by the Bench Marks Foundation on Saturday. Against the backdrop of teargas, rubber bullets and a noxious cocktail of fear and hatred among striking workers and residents in Marikana, Sekoa's warning of an "untenable situation" was further strengthened by confirmation from the South African National Defence Force that troops had indeed been deployed to Marikana.

"The soldiers were deployed at the request of the police to support them in their operation," SANDF spokesman Brigadier General Xolani Mabanga is reported by Sapa to have said. According to Mabanga, the soldiers in Marikana hail from the air force, the army and the military health services. And as South Africans react with alarm to the scale of the security presence in Marikana, Sekoa believes the government's most recent attempts to assert control over the striking workers threatens the gains made in negotiations.

"I am concerned that all the hard work around the peace accord, the negotiations with Lonmin and the rock drillers, where we were making a lot of progress, might now come to an abrupt end," he said. According to him, the reaction of both government and Lonmin has been hampered by a lack of understanding of the underlying problem.

"Workers, whether in Lonmin or Amplats, have legitimate grievances – grievances that go back years – that have now come to the surface. I know that it is not instigators that are driving the work stoppages, but genuine issues of absolute poverty, lack of respect for

workers in the economy and how they contribute to the overall development of the country," Sekoa said.

Sekoa is also chairperson of the Bench Marks Foundation, but it is in his role as president of the SACC that he has come to the fore in Marikana. And yet just a few months ago, detractors from within the SACC had predicted the untimely demise of the organisation. It is exactly this sort of critical take on Marikana, which the SACC has taken in recent weeks through Sekoa, that many predicted the organisation was no longer capable of. In March this year, dissidents within the organisation told the Mail & Guardian that the organisation's "strategic capability to be critical has been depleted". According to these disgruntled insiders, the SACC no longer enjoyed political leverage and had little influence over the president.

And as calls for urgent funding fell on deaf ears and the organisation's financial woes continued to worsen, provincial and national staff members of the SACC rejected a mass retrenchment proposal by its national executive committee. Speaking to Daily Maverick on Sunday evening, Rev. Mautji Pataki, General Secretary of the SACC, refused to comment on the health of the organisation's finances or the current standing of the impasse between SACC staff and the organisation's leadership over the retrenchment packages. Indeed, complaints regarding the SACC leadership raised by its staff are remarkably similar to grievances of striking miners in Marikana against the National Union of Mineworkers.

In a statement released by SACC staff in July, it is claimed the "failure of the [SACC's national executive committee] to consult the staff of the SACC [about retrenchment packages] is a symptom of individual interests, agendas and power struggles which contradicts the ethos of the SACC operating in a post-Apartheid, constitutionally democratic South Africa."

Even though such criticism of the organisation is pervasive, the SACC is an organisation with a proud history. When it was formed in 1968, the organisation was meant to foster black leadership in Christian churches to promote the liberation struggle on religious and moral grounds. As the SACC grew, it was key to the revival of mass action against Apartheid in the 1980s. And from 1985, it was a vocal proponent of the campaign for sanctions against South Africa. Previous leaders of the SACC include luminaries like Archbishop Emeritus Desmond Tutu, Rev. Frank Chikane and the late Beyers Naude. The organisation is still housed in Khotso House, which of course also housed Cosatu, among others.

Despite its links to the ANC, the organisation has however not been a praise singer for the ruling party. At various times the SACC has taken opposing stances to government. Notably, earlier this year the organisation met with Deputy President Kgalema Motlanthe to voice their reservations on the controversial e-tolling proposal. "While the SACC accepted the rationale of the Gauteng Freeway Improvement Project as part of the strategy to decongest the roads, they expressed concerns at the state of public transport and urged government to take urgent steps to provide a reliable, efficient and quality public transport system," the organisation said in a statement following the meeting.



But it is perhaps in Durban, in the aftermath of the Kennedy Road violence in 2009, that the SACC's stance was most similar to the one they have adopted on the Marikana crisis of today. In September 2009, a group of 40 people is reported to have attacked a youth meeting of the shack dwellers' movement, Abahlali baseMjondolo. The attackers allegedly demolished residents' homes and two people were killed in the ensuing violence. Suspicion was rife that the tragedy was perpetrated by ANC members and local police. And the SACC was scathing in its criticism.

"The Sydenham Police failed to provide the security that the people of Kennedy Road deserve," Eddie Makue, former General Secretary of the SACC, said in a statement.

Fast-forward to Marikana, then, and an organisation under great strain from within has been resurgent, earning the trust of workers and mine management alike. It was the SACC who succeeded in brokering talks between Lonmin management and striking workers. The church organisation said its president, Bishop Jo Seoka, had persuaded Lonmin executives to finally meet striking miners in Marikana. "We received a mandate from workers that they were eager to meet management and we were able to speak to both management and workers," Pataki explained.

"We started on the same day of the shootings," Pataki said, denying strongly that it was the shootings that had taken the SACC to Marikana. He insisted it was co-incidental that the shootings occurred on the same day the SACC began working there. Pataki, however, rejects assertions that it is the SACC now representing workers' demands in Marikana better than the National Union of Mineworkers (NUM). "They have just asked us to open the road for them," he said.

Yet it is telling that mineworkers in Marikana have shown more trust in religious leaders in the guise of the SACC than they have in NUM. Pataki nonetheless believes it is the authority of the church that strengthens the legitimacy of SACC in Marikana. "We represent the church. We simply walked into Marikana, knowing nobody there, and people welcomed us," Pataki said.

"Anybody who does not trust people of the church, well, I don't know what you can say about them." **DM**

*Photo: Women pray in Nkaneng settlement, Marikana. (Daily Maverick)*

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### **Zuma defends mine clampdown**

No way through ... Police block the path for protesters at Marikana platinum mine on Sunday

16/09/2012 00:00:00

by Claudine Renaud I AAP

SOUTH Africa's President Jacob Zuma has denied his government had embraced apartheid measures in a crackdown on protesting mineworkers a month after police shot dead 34 strikers.

Zuma on Sunday insisted the state was not taking sides in the spate of unrest hitting the key mining sector after ordering police raids on workers at the Marikana platinum mine amid threats of a general strike.

"Government respects the constitutional rights of Marikana residents but has to promote peace and order," the president said in a statement delivered on the eve of the annual congress of the COSATU trades union confederation.

"Government cannot allow a situation where people march in the streets carrying dangerous weapons. We cannot allow them to intimidate others or incite violence, and we also have to protect the rights of those who do not want to be part of their protests or the strikes."

Hours earlier, police blocked a march by protesting miners after a security crackdown in the restive platinum belt, where officers shot dead 34 strikers a month ago.

Workers dispersed calmly after armoured trucks and armed police in riot gear stopped them from marching on a police station in the northwestern town of Rustenburg, a day after officers fired rubber bullets to disperse workers in nearby strike-hit Marikana.

"The police have blocked us. They are dispersing us. Now we are telling our people to go back to where we came from," said Gaddhafi Mdoda, a workers' committee member at Anglo American Platinum.

Workers at area mines had planned the march to protest against the police's use of force. Several people were injured by rubber bullets on Saturday at platinum giant Lonmin's Marikana operation after government orders to stamp out flaring unrest across the mining sector.

Absent from the march was the usual protest gear of machetes, spears and sticks, after hundreds of officers seized piles of weapons in raids early Saturday at worker hostels.

Police raided the hostels with the support of the army, confiscating the weapons and firing tear gas and rubber bullets after Friday's announcement by the government that it will no longer tolerate the growing mines troubles.

The clampdown is targeting illegal gatherings, weapons, incitement and threats of violence that have characterised the unrest, with police telling the leaders of Sunday's protest that they needed permission for the march.

Zuma, ahead of a tense COSATU congress which he is to formally open on Monday, added that worker living conditions were unacceptable and said they had a right to engage their employers.

"There are still hostels where 166 people share four toilets in some mines and that is not acceptable. Mining companies and trade unions must urgently discuss and resolve the issues."

Tensions have spilt over from Lonmin since a wage strike started on August 10 and forced shut-downs at several mines, including those of the world's top platinum producer Amplats and number-four producer Aquarius Platinum.

Anglo American, which shut its operations in Rustenberg last week, on Sunday announced it would resume work on Tuesday as the situation was calm.

Sunday marked a month since the deadly bloodshed at Lonmin, where an already deadly strike in which two police officers had been killed exploded into the police shooting on August 16, sending shockwaves around the world with its echoes of apartheid-era brutality.

A mediator in Lonmin's wage talks, which are set to resume on Monday, warned the government's crackdown could lead to a "complete revolt across the platinum belt".

"Government must be crazy believing that what to me resembles an apartheid-era crackdown can succeed," said Bishop Jo Seoka, president of the South African Council of Churches.

"We must not forget that such crackdowns in the past led to more resistance," he added.

Lonmin's acting chief executive Simon Scott said that workers' demands for a R12,500 monthly wage would cost R2.3 billion to implement.

"This would put many thousands of existing jobs at risk and indeed challenge the viability of the business," he wrote in the Sunday Times.

"We have had our wake-up call, as has the rest of South Africa," he wrote, saying this did not mean the world's number three platinum producer had neglected its commitments.

"Rather, it is a recognition that we -- like everybody else -- now better recognise the increased scale and urgency of the problem. It will not be an easy journey."

Also on Sunday, South Africa's ruling African National Congress called on platinum mines to learn from the deadly conflict and change how they negotiate with employees.

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## **Lonmin promises fresh approach**

September 16 2012 at 10:32pm

By Olivia Kumwenda

[Comment on this story](#)

Reuters

Johannesburg - Lonmin, due to resume talks on Monday with strikers at its Marikana platinum mine in South Africa who rejected a pay rise offer last week, insisted it could not meet the workers' demands but promised a new approach in labour relations.

Acting Chief Executive Simon Scott said the deaths at the mine of protesters, 34 of whom were shot dead by police on August 16, had been a "wake-up call" for the company and it was committed to ending the five-week labour unrest in which a total of 45 people have been killed.

In an opinion piece published in the Sunday Times newspaper, Scott said Lonmin would improve discussions with strikers although it could not afford to meet their higher wage demands.

"For Lonmin, the starting point is to acknowledge that our company must go through a process of self-reflection," Scott said.

"What I can promise is that we are committed to playing our part. We have had our wake-up call, as has the rest of South Africa."

"Clearly, one of the issues we need to reflect on is how we find balance between protecting the business, and the jobs dependent upon it, on the one hand and how we respond with sensitivity to the complex situations that Lonmin is at the centre of," Scott said.

On Friday, workers at the mine dismissed the company's offer as way below the R12 500 a month sought by members of the militant Association of Mineworkers and Construction Union (AMCU), which is challenging the influence of the more established National Union of Mineworkers (NUM).

The dispute at Marikana has been at the heart of unrest, in which a total of 45 people have been killed, that has spread through the platinum sector in South Africa, the world's top producer of the metal, rattling Africa's biggest economy.

The labour unrest has also highlighted a power struggle within the country's ruling African National Congress.

Expelled ANC Youth League leader Julius Malema has seized on it to return from the political wilderness, urging strikers to make mines “ungovernable”.

South Africa's elite police unit, the Hawks, said it was investigating a case against Malema, opened by the trade union Solidarity early this month, of incitement of violence and intimidation.

“That case has been referred to us and we are currently investigating,” Hawks spokesperson MacIntosh Polela said.

“We are not going to narrow it to Marikana. We are just going to look for evidence of this incitement, aspects of it are going definitely to be Marikana.”

The rand fell three percent on Wednesday as the unrest engulfed Anglo American Platinum, the biggest miner, and ripples began to reach the bond market.

On Friday, police fired teargas and stun grenades to disperse another group of striking miners at an Aquarius Platinum plant.

Scott, who has been acting chief executive while Ian Farmer has been on sick leave since last month, reiterated the company's position that a R12 500 monthly wage would put thousands of jobs at risk and challenge the viability of the business.

“In stark financial terms, this would cost 2.3 billion rand,” he said.

The company is offering increases of between nine percent and 21 percent.

In a statement on Sunday it denied a report by NUM that it had improved its key offer to rock drill operators, who are at the centre of the unrest.

NUM said on Saturday Lonmin had raised the offer to these workers from an earlier proposal of R900, but the company said it had already been offering them a rise of over R1 800 a month, excluding bonuses.

The price of platinum, used in jewellery and vehicle catalytic converters, has risen more than 20 percent since the Marikana shootings amid fears of disruption to supplies.

Even though the Lonmin wage offer was rejected, its shares rose 5.5 percent on Friday on the back of another jump in the platinum price following the announcement of US economic stimulus measures.

Lonmin has said its talks are to resume at 10am on Monday. - Reuters

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**Hawks investigating Malema for inciting violence at mines**

16 Sep 2012 16:04 - Sapa

Julius Malema is being investigated for inciting violence during the strike at Lonmin's Marikana mine, in North West, the Hawks have said.

"We are investigating charges that have been brought by Solidarity," spokesperson McIntosh Polela said.

"They have opened a case of incitement and intimidation. It has been referred to us and we are currently gathering information to help us with our investigation."

On Sunday, it was a month since police opened fire on a group of protesters on a hill near the Marikana platinum mine, killing 34 mineworkers and wounding 78.

Another 10 people, among them two policemen and two security guards, died the preceding week. A 45th person, a union shopsteward, was found dead weeks after the shooting.

Workers are demanding that their wages be increased to R12 500 a month.

Malema arrived at Marikana two days after the shootings took place.

He told the crowd that President Jacob Zuma and Police Minister Nathi Mthethwa must resign following the shooting.

### **Militant union**

"President Zuma decided over the massacre of our people. He must step down."

He said Mthethwa should also resign because the police shot people under his command.

"He must resign because he failed in executing his duties."

Malema told the crowd that the police were supposed to protect them and not kill them.

"It has never happened before that so many people were killed in a single day and it became normal," he said.

Malema, who pledged his support for the striking mineworkers urged them not to retreat and to stand firm on their demand for a R12 500 salary.

He said the reason the police shot at the people was because they were protecting the interest of ANC National Executive Committee (NEC) member, Cyril Ramaphosa, who he said owned shares in Lonmin.

"Lonmin had a high political connection that is why our people were killed. They were killed to protect the shares of Cyril Ramaphosa," he said.

He told the gathering that it was amazing that Ramaphosa was able to buy a buffalo for R18-million, but could not pay them the R12 500 they were demanding.

He called on the mineworkers to form a militant union that would represent their interests.

He said that the National Union of Mineworkers (NUM) was no longer a union that represented the interests of the workers, but was more interested in making money.

"NUM is not a union, it's a company. They hold shares in mining companies, that is why, when there are problems in the mines, they are the first to sell out the workers." – Sapa.

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### **NEC 'paying attention to the Marikana situation' says Mantashe**

16 Sep 2012 14:15 - Maryke Vermaak

Gwede Mantashe has stated socio-economic issues were to blame for the Marikana tragedy and that the NEC are paying special attention to the event.

The socio-economic conditions of mine workers at Lonmin's Marikana mine, in North West, were part of what led to their violent protest, ANC secretary general Gwede Mantashe said on Sunday.

"Mining remains the bedrock of the South African economy, and yet the abject poverty and squalor surrounding mining areas remains a matter of deep concern," he said.

Mantashe was speaking after a national executive committee (NEC) meeting in Pretoria on Friday and Saturday.

"We have dedicated a lot of time to discussing the Marikana tragedy," he said.

Mantashe said the ANC had, in the past decade, sought to address the situation in mining through the Mining Charter.

"Tragically, in the platinum sector in particular and mining in general, employees and companies have paid lip service to the undertaking in the charter to ensure that living and working conditions of workers in the mining sector are improved."

Mantashe called on the platinum sector to join the centralised bargaining system, because this would go a long way towards finding lasting solutions in the sector and would contribute towards more peaceful resolution of wage and other disputes.

"The NEC declared its support for the work done by government to date," Mantashe said.

"There was agreement in the NEC on giving space and support to the judicial commission of inquiry appointed by President [Jacob] Zuma."

#### Dealing with incitement

On Friday, before the NEC meeting started, Mantashe warned of anarchy if incitement to violence was tolerated.

"We cannot allow lawlessness to roll over the country and think it should be rewarded and therefore begin a norm in society," he told reporters in Pretoria.

"Our appeal we are making to the state: people must exercise their rights, but violence should not be an option when exercising those rights."

Mantashe said the NEC would focus on a number of issues including the situation at platinum mines.

"We are paying attention to the Marikana situation and its ramifications," he said.

"We are not trying to cover what would be covered by the commission of inquiry. We are looking into the political economy of the development and the long-term impacts on society in general."

Mantashe said it was not the business of the NEC to deal with incitement, but that of the state.

Incitement is a criminal offence and it is written as such in the Constitution, he said.

"Tolerance to incitement and agitation is something that can lead to anarchy," he said.

"Once anarchy rules society, that society degenerates, and that society collapses in the long run."

Mantashe said there would be at least two special NEC meetings in the run-up to the Mangaung elective conference, to ensure a "smooth national conference". – Sapa.



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## **Police disperse march by striking miners**

16 SEP 2012 12:49 - AFP

Police on Sunday blocked and dispersed a march by hundreds of striking miners against a security crackdown in the restive platinum belt.

Reporters on the scene said workers dispersed peacefully after a row of armoured police trucks stopped them from marching on the police station in the north-west town of Rustenburg, a day after officers fired rubber bullets to break up a protest by miners in nearby Marikana.

"The police have blocked us. They are dispersing us. Now we are telling our people to go back to where we came from" in order to avoid any conflict, said Gaddhafi Mdoda, a workers' committee member at Anglo American Platinum.

Workers were not carrying their usual protest gear of machetes, spears and sticks a day after police moved into platinum giant Lonmin's strike-hit Marikana mine to raid worker residences and seize weapons.

Hundreds of officers raided worker hostels and also used rubber bullets and tear gas Saturday, with clashes breaking out in a settlement opposite the mine.

The marchers had planned to march on the police station on Sunday to protest against the use of force, exactly a month after police gunned down 34 protesters at Lonmin in the worst security violence since the fall of apartheid 18 years ago.

Mdoda said the police station march had been "peaceful".

"But they are telling us that they are giving a few minutes to disperse, so that's a big threat," he said.

Rising strike tensions that have spilled over from Lonmin have spread around the region and forced shut-downs at several mines, including those of the world's top platinum producer Anglo American Platinum and number four producer Aquarius Platinum.

The government on Friday announced it would no longer tolerate the growing labour strife, saying it would act against illegal gatherings, weapons, incitement and threats of violence that have characterised the unrest.

### **'Hard times'**

Meanwhile, industrial action does not necessarily mean the entire mining industry is in crisis, the Chamber of Mines said on Sunday.

"We need to understand the causes of the industrial action that is taking place when we have existing wage agreements," spokesperson Vusi Mabena said.

Strikes were not taking place across the sector, he said. They were restricted to platinum and possibly to gold.

It was a "serious generalisation" to say that the industry was in crisis.

"When the strikes took place, the platinum industry was going through hard times," he said.

There were not enough buyers, and a task team from the government and industry had been investigating alternative markets in order for the platinum industry to be sustainable.

"When the demand [for a salary of R12 500 a month] came in, there were already concerns about the sector," he said. - AFP, Sapa

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### **Pay disparity blamed for mine unrest**

14 Sep 2012 09:45 - Charles Molele, Matuma Letsoalo

The jet-setting CEOs of Anglo Platinum, Gold Fields and Lonmin each earned on average over R20-million a year, including performance-based bonuses.

Company reports show that former Lonmin chief executive Ian Farmer earned R24-million, Gold Fields chief executive Nick Holland got R32.6-million and Anglo Platinum chief executive Neville Nicolau's pay was R21.5-million. An ordinary mine worker earns less than R70 000 a year.

Cosatu general secretary Zwelinzima Vavi has criticised mining bosses for paying themselves millions while refusing to improve the wages of ordinary workers.

The salaries of chief executives in the mining sector have quadrupled over the past few years despite the global economic crisis and are 150 times higher than the pay of an average mineworker.

Political and labour analysts have blamed the bloated pay packages for executives for the growing income gap, which has reached levels unseen since the demise of apartheid. It has been cited as one of the key reasons for the wave of illegal strike action on the mines.

Labour unrest has spread to several mines across South Africa in the past four weeks owing to demands for better pay. Thousands of mineworkers are demanding R12 500 a month. The mine bosses have accused them of making "unreasonable wage demands".

During a speech last week Vavi criticised the mining industry for generating billions in profit while keeping the wages of workers low. He said mine workers, the vast majority of whom are black, were aware that South Africa was the most unequal society in the world.

### **Redistribution**

"Black people are asking about the promised redistribution of wealth. They are asking: 'Where is the promise that the wealth of the country shall be shared when redistribution of income has worsened?' Today, there is effectively distribution from the poor to the rich, represented by the reality that the top 10% of the rich accounted for 33 times the income earned by the bottom 10% in 2000. This gap is likely to have worsened when you consider that we lost 1.17-million jobs due to the global economic crisis of 2008."

Vavi said in 2008 the top 20 highest-paid directors, who are still overwhelmingly white males, of JSE-listed companies earned an average of R59-million a year each, whereas the average employee earned R34 000 in 2009.

"The rock-drill operators at the centre of the dispute perform a more dangerous, unhealthy and difficult job than anyone else in the world. They face death every time they go down the shafts. Yet their monthly earnings are just R5 600. Just compare that to the earnings of Lonmin's financial officer, Alan Ferguson – R10 254 972 a year or R854 581 a month – 152 times higher than a rock-drill operator," Vavi said.

"In the mining industry a handful of multinational monopolies make billions of rands of profit extracted from the labour of workers, who toil in the most wretched, unhealthy and dangerous conditions kilometres underground for wages that come nowhere close to the value that their labour creates for their employers."

Irvin Jim, general secretary of the National Union of Metalworkers of South Africa (Numsa), echoed Vavi's comments. Jim said that over the past five years these companies had registered operating profits of more than R160-billion, which could have built more than three million RDP houses.

"The mining bosses are not fit to control the mineral wealth of our country. Numsa is convinced that unless the mineral wealth of our country is returned to the people as a whole, mining will continue to be characterised by violence against the working class, either through dangerous working conditions or from the bullets of police in defence of the profits of mining bosses," said Jim.

"We see no solution to the violence against workers on the mines apart from nationalisation in defence of the lives of all South Africans."

### **Social ferment**

Writing in *Business Day* this week, political analyst and deputy vice-chancellor at the University of Johannesburg Adam Habib said social science over the past 40 years had

convincingly demonstrated it was inequality, not poverty, that created the social ferment required for revolution.

This was in response to economist Mike Schussler's comment that the workers at Lonmin's mine at Marikana did not represent the poor and they were actually "privileged".

"Workers and the poor in South Africa are experiencing what sociologists have come to refer to as relative deprivation. This means [they] are angry because they believe that the benefits of the country's transition to democracy have not been equally shared," wrote Habib.

The debate about inequality coincided with the release of a report by the Commission of Employment Equity this week.

The report painted a disturbing picture of the deepening inequality in South African society and the lack of transformation in the workplace, particularly in the private sector. It said white males still dominated most opportunities pertaining to recruitment and promotion.

Commission chairperson Mpho Nkeli said: "Whites and males will continue to dominate the middle-to-upper levels for the next 127 years as long as employers continue to employ people with mainly the same race and gender profile of those who have just exited the organisation."

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**(Not available online)**

**The Dance of the Undead**

**Not only at Marikana, Not only in South Africa...**

**Peter Waterman**

**peterwaterman1936@gmail.com**

*"The term undead describes beings in mythology, legend or fiction that are deceased yet behave as if alive. A common example is a corpse re-animated by supernatural forces by the application of the deceased's own life force or that of another being (such as a demon). Undead may be incorporeal like ghosts, or corporeal like vampires and zombies."* (Wikipedia)

**Introduction**

I here expand on my comments at the final panel of the African National Congress 100th Anniversary Conference, held at the International Institute of Social Studies, The Hague, September 10, 2012. Instead of a detailed bibliography I will provide some relevant resources.

Fortunately some of the listed speakers did call the Marikana Massacre by its real name. I had been tempted to call for a two-minute silence that I am sure would have been accepted by the overwhelming majority of conference participants. It could have turned a critical academic analytical event into a global civil society or social movement one.

I remember my fury and frustration after hearing of the Sharpeville Massacre, 1960. I had attended Communist student conferences with the charismatic Albie Sachs. And I took part in Anti-Apartheid protests in the UK along with Kadar Asmal.

I also have to recognise responsibility for my longtime commitment to three global movements that in Marikana have been exposed as naked under their rhetorical rhetoric, within their uniforms, behind their flags – now co-responsible for their very own Sharpeville.

Before expanding on this I have to say that my involvement with and knowledge about South Africa has, over the decades, been only at certain periods and - except for the post-Apartheid years - at a distance. Both before and after the end of Apartheid, it has been primarily with or through movements of international solidarity, mostly those of labour. But because of a cosmopolitan Jewish Communist background and involvement with a range of South Africans involved in social struggles there, South Africa has always been on my mind.

And, finally here, I feel compelled to re-address this poem of W.H. Auden about an August I experienced in Prague, 1968, to what we have just witnessed at Marikana:

*The Ogre does what ogres can,*

*Deeds quite impossible for Man,*

*But one prize is beyond his reach:*

*The Ogre cannot master speech.*

*About a subjugated plain,*

*Among its desperate and slain,*

*The Ogre stalks with hands on hips,*

*While drivels gushes from his lips.*

### **The Three-Party Alliance – and the MEC makes Four**

The South African state is governed by a tripartite alliance of three 20<sup>th</sup> century (or earlier) movements with emancipatory claims, projecting each its own utopia:

1. The African National Congress promising a utopia of national citizens ('the people shall govern');
- 2.
3. Cosatu promising a labourist utopia (more recently, full employment and 'quality jobs');
- 4.
5. A Communist Party promising 'to end the system of capitalist exploitation and establish a socialist republic based on the common ownership of the means of production'<sup>1</sup>
- 6.

But there is a very real fourth party to the alliance. This is the Mining, Extractive (and Financial) Complex (MEC), the one that has best survived and most benefited from the end of Apartheid. And whilst invisible in the Tripartite Alliance, and the Constitution, its vampire role has been dramatically revealed by the Marikana Massacre.

Now, when an irresistible force meets an immovable object, something's got to give. In this case the force has been 21st century capitalism, red in tooth and claw. And the immovable objects in the Tripartite Alliance have revealed themselves as extremely mutable.

The nature, process and outcome of the transition from Apartheid have been well identified by critical writers in South Africa, in such phrases as 'Elite Transition' (Patrick Bond) 'Lost in Transformation' (Sampie Terreblanche on the MEC), 'Coup by the Connected and Corrupt' (Mark Heywood on the undermining of the Constitution), 'Gaining Influence, Losing Power' (Sakhela Buhlungu on Cosatu), 'The end of the anti-apartheid democratic labour movement' (Khanya Journal on Cosatu), 'A Vanguard of ANC Factionalism' (Dale McKinley on the SACP). For all of these and a multiplicity of other voices, check the frequent compilations on Marikana, posted on the invaluable South African Debate List.

### **Some features/tendencies of 21<sup>st</sup> century capitalism**

If national, labour, communist and labourist utopias are running out of any conceivable emancipatory potential, this is because of the ongoing capitalist revolution. It is mostly identified in terms of globalisation and neo-liberalism (actually palaeo-liberalism). To these features we have to add informatisation, financialisation, tercerisation and precarisation. Allied with these are

- The combination of political democracy and social fascism (Boaventura de Sousa Santos);
- 
- The emptying out of even that political democracy, as shown by the speed of state bank bail-outs (too big to fail) at the cost of the poor (too weak to resist);
- 
- Increasing commodification, the relationship between human beings being ever-more that of the cash nexus, signified by the increasing conversion of the citizen into

a consumer (following 9/11 the US President urged a traumatised population 'to go shopping')

- 
- The failure to even slow ecological devastation, with radical action systematically stymied at inter-state conferences, this accompanied with an the increasing flow of 'greenwash';
- 
- Increasing waves of ethnocentrism, racism, xenophobia;
- 
- Increasing local, national, international violence, where the implicit justification is the 19<sup>th</sup> century colonial one: 'The difference is that we have got the Gatling gun and they have not'. And, of course, there are those international courts in The Hague, concentrating on the small-scale African or Balkan criminals, whilst unable to touch the big British and American ones.

### **Not only in South Africa**

The present crisis of capitalist civilisation may be sharper and more dramatic in South Africa than elsewhere. This is obviously due to the equally dramatic replacement of the Apartheid state by a liberal-democratic/social-liberal one. And to the relative novelty, fragility and contradictions within and between the three parties named. The result? Political democracy and social fascism indeed!

However, the crisis striking the three identified parties is not unique to South Africa:

- In the South, consider the case of Brazil, where the working-class composition of the Workers Party was transformed into one of the rising middle class. The CUT (trade union) and Worker Party President, Lula da Silva, has combined significant redistribution (Bolsa Familia) to the poorest of the poor with neo-liberal economic policies. But the income differentials continue to rival those of South Africa. And meanwhile we witness the *Rise and Decline of Brazil's New Unionism* (Jeffrey Sluyter-Beltrao 2010).
- 
- In the East – the Communist homeland - we witness either, 1) the seriously illiberal democracy of a Russia in which the former state-controlled unions are hamstrung by their devotion to tripartism and crippled by privatisation and deindustrialisation, and where power rests with ex-KGB *apparatchiki* (Soviet origin of the Machista Prime President), favoured oligarchs and a state-subservient church, or 2) The self-transformation of the Chinese Communist party and state into a corrupt authoritarian industrialising capitalist regime, presiding over state-subordinated trade unions – whilst labour and popular protest movements rival those of South Africa.
- 
- In Western Europe we have seen the collapse of mass Communist and Social-Democratic parties, the crisis of trade unions wedded to social-partnership and the capitalist welfare state, crippled by privatisation, precarisation, anti-labour

legislation, and outsourcing. Whilst most-clearly evident in semi-peripheral Greece and Spain, the poverty and anti-labour legislation in these countries is leaking upstream to the social-reformist heartland.

•  
**Is another South Africa (and world) possible?**

The undead do not die. These corpses can, as mentioned above, be 're-animated by supernatural forces by the application of the deceased's own life force'. This supernatural is, in South Africa, clearly social - the inertial force of what exists over what is yet to be born.

What is, however, surely demonstrated by the dance of the undead in South Africa is the necessity for another emancipatory movement, with another kind of utopia. Confronted with dystopia, we are condemned to being utopian (Sousa Santos again).

This means the re-imagination of emancipation, this time without the illusion that capitalism, state-ism, industrialism, modernisation, developmentalism, represent or allow for human flourishing, for a reinvention of Ubuntu,<sup>2</sup> for rights granted also to Pachamama (Mother Earth in the Andes), of emancipation as the overcoming of all forms of alienation (the denial or destruction of previous rights and powers, the denial of present capacities and future human possibilities).

Invisible or emergent in South Africa well before Marikana (as elsewhere) are social protests, movements, networks, writings that propose such elements of human emancipation as

- the democratisation of democracy (recognising this as something that must spread and deepen or shrivel and die),
- 
- the protection and expansion of the commons,
- 
- useful (as distinguished from 'decent') work, requiring the surpassing of wage-slavery
- 
- the active acceptance (not passive tolerance) of sexual minorities,
- 
- an equal dialogue of civilisations instead of a war of Gatling gun wielders against the Others,
- 
- global solidarity movements owned by those addressed (not their jet-setting leaders)
- 
- universal disarmament, beginning with unilateral acts,
- 
- consumption serving human needs and ecological flourishing,
-



- the real - rather than token, commoditised or fetishised - emancipation of women,
- 
- the emancipation of cyberspace
- 
- (fill as required)
- 

The undead do not commit suicide. They have not only their own 'life force' but their own – conservative or reactionary – utopias.

Within the left and labour movements of South Africa (and elsewhere) this utopia is a backward-looking one, the explicit or implicit reference of which is a 1970s Sweden (idealised). This unexamined utopia is universalised and projected onto the world stage. It is here best represented by that Mecca of 'social partnership', the International Labour Organisation (another Tripartite Alliance, in which the self-subordination of unionised labour is signified by the 75% voting power of state and capital). The dream, however, of a Global Neo-Keynesianism does not take account of 1) why it has run into the ground in its North-West European homeland nor, 2) whether it could possibly be hoisted to the global level, nor 3) of the self- and us-destructive nature of capitalism, whether Keynesian or Friedmanite.

### **Is another emancipatory movement possible?**

*Marcos is gay in San Francisco, Black in South Africa, an Asian in Europe, a Chicano in San Ysidro, an anarchist in Spain, a Palestinian in Israel, a Mayan Indian in the streets of San Cristobal, a Jew in Germany, a Gypsy in Poland, a Mohawk in Quebec, a pacifist in Bosnia, a single woman on the Metro at 10pm, a peasant without land, a gang member in the slums, an unemployed worker, an unhappy student and, of course, a Zapatista in the mountains.*

*Marcos is all the exploited, marginalised, oppressed minorities resisting and saying 'Enough'. He is every minority who is now beginning to speak and every majority that must shut up and listen. He is every untolerated group searching for a way to speak. Everything that makes power and the good consciences of those in power uncomfortable — this is Marcos.*  
(Subcomandante Marcos [Rafael Sebastián Guillén Vicente] 1997)

Expressed poetically (and individualistically), from the mountains of South-Western Mexico, this is a powerful evocation and prescient expression of the new emancipatory movement(s) that have spread worldwide a decade and more later. They have their often momentary, weak or inchoate expressions in South Africa. And as Naomi Klein commented on this text later, it expresses an anti-elitist notion of leadership: 'we are the leader we've been looking for'.

Trade unionists and other labour vanguardists may be disappointed that he didn't mention them, or employed workers, at all! But maybe this will provoke them to reflect on an organisational form and occupational status that today provides no privileged emancipatory role. Trade unions, for that matter, can today only effectively *defend themselves within and under capitalism* insofar as both the union organisation and class-

category re-invent themselves in the light of what Marcos here suggests. In so articulating themselves primarily with the other exploited and alienated, they may contribute to the construction of an emancipatory movement that has learnt from the limitations and disappointments of the traditional nationalist, communist and trade union movements.

Note that the sense of intersectional<sup>3</sup> solidarity expressed by Marcos is also internationalist. It suggests the interdependence of those identified.

Such an understanding is to be contrasted with that of at least the SACP and the ANC, whose complicity with the Soviet invasion of its Communist ally, Czechoslovakia, 1968, was at least implicitly justified by the prioritisation of national liberation *over and against* solidarity with workers and peoples subject to Soviet imperialism. Cosatu and its predecessor, Fosatu, having been born after (and actually despite) ANC-SACP domination of the anti-apartheid movement in general and the union movement in particular, supported the Polish workers against the Communist-Military Dictatorship of Jaruzelski, and, more recently, has taken dramatic action against Chinese Communist arms shipments to the authoritarian regime of Mugabe in Zimbabwe. Cosatu has also shown itself willing to openly debate its international relations. The possibility therefore still exists of Cosatu breaking out of the iron cage of traditional union elite inter-*nationalism* and contributing to a new kind of global solidarity unionism.

### **Conclusion: beyond Marx**

*Communism is for us not a state of affairs which is to be established, an ideal to which reality [will] have to adjust itself. We call communism the real movement which abolishes the present state of things. The conditions of this movement result from the premises now in existence.*  
(Marx 1845)

Karl Marx, the 19<sup>th</sup> century prophet of emancipation and international solidarity, based on industrial capitalism's production of its own gravediggers, the industrial proletariat, got this wrong.<sup>4</sup> As he did about the conditions for this movement being then in existence. Where, however, this passage speaks to us today is in its declaration that emancipation is not a condition (or an affair of states?), that it is not an ideal (preached on behalf of the exploited by intellectual or political vanguards). Nor, given its embodiment in states (mostly collapsed due to their oppression of workers and peoples), in ideas (mostly archaic dogma in the mouths of those substituting for the workers, the people). It does however, provoke us to ask whether the premises for a global (holistic as well as worldwide and cyberspatial) movement are not now in existence. And then to address ourselves to, identify with and take part in 'the real movement that abolishes the present state of things'. And this not only in South Africa.

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1 The major 20<sup>th</sup> century movement missing here is the Social-Democratic (now social-liberal), incremental, one, often in office but never in power, and today represented by a congeries of left-neo-liberal parties, promising, at best, a return to or revival of some Swedish Utopia of the 1970s, now on a world scale. We should also not forget the literally reactionary apocalyptic religious social movements, nor the political-populist movements – ‘right’ or ‘left’ - both with their explicit or implicit utopias, the latter represented at Marikana and in South Africa more generally by the charismatic Julius Malema.

2 The Ubuntu notion that I am who I am because of other people would seem to be in polar opposition to the liberal bourgeois notion that I am who I am despite other people – ‘the political theory of possessive individualism’ (C.B. Macpherson ???). An emancipatory ontology might require a synthesis or surpassing of the apparent opposition.

3 ‘Intersectionality’ (Kimberle Crenshaw 1989) is a Black feminist concept from the USA. Despite its apparent blandness, it undermines the notion of a homogenous ‘woman’ (or ‘worker’?) and argues the interdependence of the multiple forms of oppression.

4 In South Africa, followers of Marx (plus Lenin and/or Trotsky) nonetheless continue to prioritise both ‘point of production’ struggles and formation of a workers’ party. See the otherwise quite 21st century critique of Cosatu and analysis of the new social movements by Ebrahim Harvey (2007). The party model he recommends is that of the Brazilian PT!

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David Van Wyk 10:53pm Sep 15

We are getting reports from our monitors that workers were being herded into shacks and shot by 'security' forces in Marikana this evening.

### **Marikana residents injured by rubber bullets**

2012-09-15

Police officers assigned to disperse protesting Lonmin mineworkers were accused of shooting residents of Nkaneng informal settlement in Marikana.

Several community members emerged today with bleeding wounds, which they claimed were caused by police rubber bullets.

Two women sat in a narrow path in the informal settlement, surrounded by sympathetic residents.

One of the wounded, Melita Ramasedi, said they were shot at while watching the police breaking up the crowd of protesters.

"I am deeply hurt by this situation. A police nyala drove past us, we were a group of women and others ran away.

"I just stood there, watching and they shot me in my leg," she said showing her bleeding leg.

Another victim Ntombe Ncence was visibly upset as she told journalists that she was at the entrance of a spaza shop when she was shot with a rubber bullet.

"I do not understand why the police officers shot me. I was knocking at the door of a shop and police officers inside a nyala shot my leg."

The bleeding woman said she did not know where her two children had fled to when the skirmishes between mineworkers and police began in the morning.

Earlier, a 24-year-old man said police officers shot him with a rubber bullet while he was repairing his shack in the informal settlement.

Xolisa Ntshantha said he does not work for a mine and had never been part of the protests.

"I was working on my shack and suddenly I was shot from behind. I did not realise where the police officers came from," said Ntshantha.

"They manhandled me and threw me into the nyala. I was assaulted by police officers inside the truck," he claimed.

Ntshantha raised his shirt and torn jacket to reveal a large red blister on his back.

Earlier, the protesters gathered at an open veld next to the koppie, where 34 people were killed in a violent confrontation on August 16.

- SAPA

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**Marikana: Police action 'will spark revolt'**

2012-09-15 20:30

Police arrest a miner in Marikana at Lonmin's platinum mine. (Alexander Joe, AFP)

### **Marikana police raid**

2012-09-15 15:25

Watch police fire tear gas to disperse workers at Lonmin Marikana mine after raiding hostels and seizing traditional weapons.WATCH

Johannesburg - The mediator in the Lonmin mine strike warned on Saturday that a police crackdown on workers could worsen the crisis and ignite revolt at other platinum mines.

"I am particularly concerned that government's present action will in fact lead to the worsening of the situation and eventually to a complete revolt across the platinum belt," Anglican Bishop Jo Seoka said in a statement.

Seoka, who is also the president of the South African Council of Churches (SACC), said six women bystanders had been shot with rubber bullets when police swooped on Marikana mine where workers have been on a wage strike for a month.

One of those shot has been hospitalised, he said.

He accused both government and Lonmin of misreading the situation, adding, "now what seemed resolvable might become an untenable situation".

He vowed to hold the government and the mine accountable.

### **'Government must be crazy'**

Seoka helped broker the negotiations underway between the workers and Lonmin.

"Government must be crazy believing that what to me resembles an apartheid era crackdown, can succeed.

"We must not forget that such crackdowns in the past led to more resistance," he continued.

The government could ill afford to be seen as the enemy of the people who had put them in power, he added.

Police last month killed 34 strike protesters in bloodshed that shocked the world with its echoes of apartheid-era brutality.

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### **Court order allows Lonmin to fire strikers – report**

2012-09-15 12:30

Lonmin has been granted a final order from the Labour Court declaring the strike at its Marikana mine unprotected.

An unnamed labour attorney told the Saturday Star that the order could establish legal grounds for the dismissal of the miners if they persist in striking.

“Basically the confirmation of a rule nisi – an interim order – by the court means that the order is final and the employer can take action against the workers who fail to comply without any legal implications,” the newspaper reported today.

President of the SA Council of Churches Bishop Joe Seoka, who has been involved in mediating the recent conflict, said Lonmin did not reveal that it was going to court.

“It is unfortunate that the company has done that and it will be intimidation to the workers. Things like this will make the situation worse.”

Last month Judge Edwin Molahlehi granted an interim order, which acting Labour Court Judge Anton Myburgh confirmed and finalised this week.

The order also prohibits striking workers from preventing others from going to work.

The wildcat strike began over a month ago with workers demanding monthly wages of R12 500.

In talks yesterday, workers rejected a new offer.

Forty-five people have been killed in violence associated with the strike.

- SAPA

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### **Lonmin details wage offer**

Sapa | 15 September, 2012 08:22

Platinum producer Lonmin has detailed their wage offer to striking workers.

Rock drill operators (RDO) were offered a R1,875 increase and underground workers R1,321 more.

"A3 graded workers [general workers] will get R9,485 increased from R8,164... " the company said in a statement.

"A4 graded workers [RDOs] will get an increase from R9 063 to R10,938."

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### **We have not lost control of the situation at the mines: NUM**

Sapa | 15 September, 2012 08:35

Striking mine workers meet to discuss their wage demands outside the Nkageng informal settlement on August 16, 2012 in North West. File photo.

**Image by:** Alon Skuy / Gallo Images

### **The country's biggest mineworker union, the National Union of Mineworkers, denied on Friday that it had lost control of the situation at the country's mines.**

"I do not think we have lost control of the situation at the mines. The violence and intimidation has left our members feeling unsafe and not going to work," the union's health and safety chair Peter Bailey said.

He said Lonmin's Marikana mine had 27,000 employees and that "only" 3,000 of them were striking at the Wonderkop squatter camp.

Earlier on Friday, a fourth mine, Aquarius Platinum in Rustenburg shut down due to a strike.

NUM's national executive committee met in Johannesburg to discuss the situation at the mines.

Deputy president Kgalema Motlanthe was part of the meeting.

NUM has instructed its members to stay home, said Bailey.

"Our members' safety cannot be guaranteed so we urged them to stay home."

Secretary general Frans Baleni said NUM members wanted to arm themselves for self-protection against the violence at Lonmin.



"Our members want to arm and protect themselves because intimidation and violence has reached alarming rates."

At least 35 people have been killed in Marikana since the violent protest started last month. Ten had been killed in a week leading to the protest.

This week, NUM shop steward Godfrey Mthiti was found dead at the Wonderkop informal settlement.

Baleni said Mthiti was killed for voicing a different view.

"He was killed for mainly indicating to his colleagues that the strike had gone on for too long... that they should go back to work so that negotiations can continue smoothly."

The executive committee proposed that a commission of inquiry into the mine industry be established, said Baleni.

He said the strike was led by ring leaders who do not work at any of the mining companies.

'Most of them were dismissed during an illegal strike back in 2008. They are doing everything they can get their jobs back.'

The union's deputy president Piet Matosa said expelled ANCYL leader Julius Malema was a "dangerous fellow."

Malema has never worked anywhere in his life and has failed to unite the ANCYL, said Matosa.

"He only wants to see people suffering and without jobs... hence we continue to warn miners against this dangerous fellow."

Malema has been visiting miners since the Lonmin Marikana strike commenced last month.

Last week, he told striking miners at Goldfields near Carletonville not to return to work until their demands were met.

He also called on a national strike to take place once a week every month.

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## **Strikers disperse at Gold Fields**

September 15 2012

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INLSA

Mine workers sing at Gold Fields KDC mine in Westonaria. Picture: Bongiwe Mchunu.

Striking mineworkers who had gathered at Gold Fields' KDC west mine near Carletonville on Saturday morning have dispersed, the company said.

Spokesman Sven Lunsche said the area was calm and protesters had returned to their hostels.

Wage talks between the National Union of Mineworkers (NUM) and management would get underway either on Sunday or Monday, said Lunsche.

Miners affiliated to the NUM went on strike on Sunday. Their demands included the removal of NUM branch leadership at the mine, pay equalisation and a pay increase to R12,500.

Thousands of workers converged at the mine this week, causing disruptions and intimidation.

On Tuesday, expelled African National Congress Youth League president Julius Malema called for the resignation of NUM leaders, including its general secretary Frans Baleni, who was reportedly earning R1,4 million a year, according to the Mail & Guardian. -Sapa

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### **Public violence, dagga dealing arrests in Marikana raids**

Sapa | 15 September, 2012 12:1

A man is arrested by police at Lonmin's Marikana mine in South Africa's North West Province September 15, 2012.

**Image by:** SIPHIWE SIBEKO / REUTERS

The Marikana area on Google Maps

**Image by:** <https://maps.google.co.za/>

**Seven more people have been arrested in Marikana, bringing the total to 12 at noon on Saturday, North West police said.**

Brigadier Thulani Ngubane said the number was expected to increase.

"Those arrested [so far] have been charged under the Illegal Gathering Act as well public violence.... They have been burning tyres in the area," said Ngubane.

Earlier, five people were arrested during a disarmament operation at the Karee Mine hostel.

"[They] were arrested for dealing in dagga," said Ngubane.

Police seized pangas, knobkerries and other dangerous weapons during the raid.

Ngubane could not specify how many weapons had been seized but said there were "truckloads" of them.

Those arrested were likely to appear in court on Monday.

Another seven were arrested on Friday for contravening the Act at the nearby Aquarius Platinum mine.

Earlier, police fired rubber bullets and sprayed teargas in a bid to disperse the mineworkers in Nkaneng informal settlement in Wonderkop.

Workers had gathered at the open veld next to the koppie, where 34 people were killed in a violent confrontation on August 16.

### **Police raid Lonmin mine hostels, retrieve weapons**

Reuters | 15 September, 2012 09:40

A striking miner leads a charge during the Marikana miners protest at Lonmin's mine near Rustenburg, North West.

**Image by:** DANIEL BORN

**Police raided hostels at a Lonmin mine on Saturday to disarm miners a day after the government promised to crack down on "illegal gatherings" and the carrying of weapons by strikers.**

South Africa has faced a wave of labour unrest that started five weeks ago at Lonmin's Marikana mines, about 100 km from Johannesburg.

About 500 police officers raided the hostels at Lonmin's Karee platinum mine in the early morning hours and seized weapons such as machetes and spears, regional police spokesman Thulani Ngubane said.

Police arrested five people in the raid for drugs and not because of weapons, Ngubane said.

About 6,000 mine workers stay at the Karee hostels.

"The aim of the raid was to disarm the mine workers to make sure that we do away with the elements of threats that are taking their toll in the area of Marikana," Ngubane said.

### **Rubber bullets fired at miners on Wonderkop near Marikana**

Sapa | 15 September, 2012 11:31

Mining community gathers at a hill dubbed the "Hill of Horror" during a memorial service for miners killed during clashes at Lonmin's Marikana platinum mine in Rustenburg, August 23, 2012. File photo

**Image by:** SIPHIWE SIBEKO / REUTERS

### **Police fired rubber bullets and pepper spray to disperse striking mineworkers in Nkaneng informal settlement, Wonderkop, near Lonmin's Marikana mine on Saturday.**

On Saturday morning workers gathered at the open veld next to the koppie, where 34 people were killed in a violent confrontation on August 16.

They sang, waving weapons, before the police arrived.

At least seven police nyalas drove into Nkaneng, causing workers to scatter in different directions.

The crowd ran into the informal settlement as the nyalas followed them on narrow foot paths.

A cloud of pepper spray filled the area causing protesters and journalists to shed tears and cough.

A Sapa reporter on the scene heard rubber bullets being fired towards the protesters.

Earlier, police raided a nearby hostel.

Five people were arrested and weapons confiscated.

Brigadier Thulani Ngubane said the arrests came amid a disarmament operation at the hostel where hundreds Lonmin mineworkers .

Police confiscated a large number of knobkerries, pangas and other dangerous weapons.

Ngubane could not give an exact quantity of arms confiscated, but said "truck loads" of contraband weapons were seized.

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### **Police fire tear gas to disperse miners**

2012-09-15 11:26

Marikana - Police on Saturday fired tear gas to disperse workers at platinum giant Lonmin's Marikana mine after raiding hostels and seizing traditional weapons in a crackdown on growing mining unrest.

An AFP photographer on the scene said police arrived in 12 armoured trucks and fired tear gas at a gathering on the site where police shot dead 34 people last month in a crackdown on a wildcat strike that has spread across the Rustenburg platinum belt.

- AFP

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### **Bring it on, Lonmin miners tell Radebe**

2012-09-15 08:14

Jeff Radebe. (File, Sapa)

Jonisayi Maromo and Malefane Mofokeng

Rustenburg - Protesting Lonmin mineworkers in Rustenburg plan to defy government's warning and continue with their unprotected strike which has crippled the mining sector.

"We have heard [Justice Minister] Jeff Radebe is going to send his police here because he says our gatherings are illegal," said a worker addressing the protesters on Friday afternoon.

"You must know that on Monday you should be ready for Jeff Radebe and his police to come and do what they normally do to us."

The man was one of several workers who stood up and addressed a thousand-strong crowd in Marikana at sunset.

"When cows are being killed we hear the SPCA complaining about it, but because we are puppies, no one stands for us. He is coming to kill the animals," said the speaker.

In response the crowd shouted "bring it on" in IsiZulu and Sotho.

Workers had gathered near the hill - where 34 of their colleagues were gunned down by police on 16 August - for progress reports on wage negotiations.

Earlier on Friday, Radebe told journalists in Pretoria that government will no longer tolerate the violence, threats and intimidation taking place in the mining sector.

He announced that measures would be put in place to ensure the mining situation was brought under control.

These included that "illegal gatherings, the carrying of dangerous weapons, and incitement, as well as threats of violence against anyone in the affected areas, will be dealt with accordingly".

### **Stun grenades**

Loyiso Mtsheketshe, another striking leader, told the crowd on Friday to converge again on Saturday in defiance of Radebe's remarks.

"These things being spoken about in televisions and radios about Jeff Radebe, they will not make us change anything. Tomorrow, you [protesters] are going to report to me in the morning.

"We want them to see that we are here, we are not deterred. They have made me angry now, tomorrow we are going to meet here again."

Within hours of Radebe's remarks, seven people were arrested by police outside Aquarius Platinum in Rustenburg.

A group of protesters had marched from Anglo American Platinum's (Amplats) Bleskop stadium to Aquarius Platinum and demanded that it close.

Mametlwe Sebei, leader of a group which has called itself the Democratic Socialist Movement, told the protesters that all mines in Rustenburg must come to a halt next week.

Sebei said protests were continuing to close all mines in the area and named Samancor, Xstrata, Murray & Roberts, Implats and Amandelbult.

They gave the company 15 minutes to respond. Shortly after police were seen chasing after protesters.

A police helicopter cornered one of the protesters, who was also being chased by policemen on the ground, and then arrested him. Stun grenades were fired and protesters ran off, clearing the area quickly.

Aquarius, the third platinum mine to be affected, announced that it would suspend operations for the weekend and hoped to recommence on Sunday.

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### **We fear for our lives, miners claim**

2012-09-14 22:15

(File, AFP)

Rustenburg - Striking mineworkers went underground on Friday evening as government warned it would no longer tolerate their illegal gatherings.

"We are fearing for our lives, we are somewhere in a secretive place. Cops are looking for us," said Gaddaffi Ndoda, a leader of the Anglo American Platinum's striking workers, talking to Sapa by phone.

Ndoda said workers would not back down as the fight for better wages was not yet over.

"We will be marching to the police station to demand the release of our arrested colleagues. They [police] can't just do as they please," he said.

Seven people were arrested on Friday after police fired stun grenades at a group of protesters outside Aquarius Platinum in Rustenburg in the North West, which became the fourth mine to suspend operations as a result of labour unrest.

"They were arrested in terms of illegal gatherings," said North West police spokesperson Brigadier Thulani Ngubane.

"We are not going to tolerate it. Ours is to make sure we maintain law and order and that is what we are going to do," he said.

He clarified earlier reports that tear gas was fired at protesters at Aquarius mine, saying police had used stun grenades.

These made a loud bang and let off big puffs of white smoke but did not contain tear gas.

Polie Nyalas kept patrolling the area after the workers dispersed.

The group had been told to disperse before the stun grenades were fired.

Earlier on Friday, Justice Minister Jeff Radebe said at a press conference broadcast live: "Our government will not tolerate these acts any further." He announced measures to be put in place to ensure the situation was brought under control.

These included that "illegal gatherings, the carrying of dangerous weapons, and incitement, as well as threats of violence against anyone in the affected areas, will be dealt with accordingly".

Earlier, Aquarius Platinum said it had suspended its mining operations at Kroondal Platinum Mine.

"The decision to suspend mining operations has been taken to ensure the safety and security of employees and assets given the rising tensions and protests within the regional workforce and communities."

This was after a group of protesters had marched from Anglo American Platinum's Blesbok stadium to Aquarius Platinum and demanded that it be closed.

They gave the company 15 minutes to respond.

"We are just here to ask for the closure of operation. If you don't close, no worker will come here," said another leader, only known as Godfrey, talking to the manager outside the mine.

"We will be camping there [pointing to the entry point used by workers to get inside the mine]."

Shortly after government issued the warning, police dispersed the striking mineworkers at Aquarius.

Police were seen chasing after the protesters. A police helicopter cornered one of the protesters, who was also being chased by policemen on the ground, and then arrested him.

Protesters ran off and a few minutes later the area was quiet, with no workers to be seen.

Anglo Platinum in Rustenburg, Lonmin Platinum and Gold Fields' KDC mine in Carletonville have all suspended operations due to the labour unrest.

At Lonmin Platinum mine in Marikana, Rustenburg protesters started dispersing around 18:30 on Friday.

Forty five people have died in events associated with the Lonmin strike - 34 in a clash with police.

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### **Marikana is the last thing on Cosatu's mind**

14 Sep 2012 00:00 - Rapule Tabane



The Congress for South African Trade Unions's leadership is too busy playing lap dog while the revolution is being stoked from Sandton.

In South Africa, trade union federation Cosatu is more than just a labour federation. It is a partner of the ruling party and accounts for the majority of South Africa's working class.

Its importance is best exemplified by the fact that the official opposition party, the Democratic Alliance (DA), marched to its offices – as opposed to government offices – when it wanted to influence government policy change.

So, when Cosatu affiliates meet next week to assess the state of their organisation over the past three years, one hopes that they will do more than just look inward, that they will also take stock of what is happening around South Africa.

This is particularly necessary because the restlessness, inertia and sense of unease that have enveloped South Africa stem from a revolt-like situation led by grassroots workers who are protesting against low salaries, poor living conditions and general inequality in our society.

Thus it is to the Cosatu conference that we will be turning in the hope that the federation and its leaders will provide answers as the country faces a workers' revolution not led by the leading trade union or the South African Communist Party (SACP). It is uncharted territory for everyone when miners, who are not under anyone's auspices, sacrifice a month's salary and go hungry in an effort to force mining companies to take them seriously.

The National Union of Mine-workers (NUM) has always been the miners' link to the broader political and social networks in the communities in which they work and live. But with the workers having chased away the union's leadership, the miners are now well and truly on their own. There is no one in the political elite who has access to the workers to "conscientise" them.

### **Mocked**

The SACP, ostensibly the workers' vanguard, has not chosen a side. It has been content to mock them for their association with a sangoma who allegedly assured them that they would be immune to police bullets if the correct muti was taken. The analysis of SACP general secretary Blade Nzimande and his deputy, Solly Mapaila, has invariably referred to the intelezi (medicine) sprinkled on the protesters by a sangoma – a narrative that could be interpreted to say that the workers behaved recklessly by charging at the police in the belief they would not be killed.

It is a tale shorn of sympathy that seeks to expose the ignorance of the workers, rather than their strength, and it is coming from the SACP, which should be leading the workers' revolution.

The DA has voiced concern about the violence and the impasse. The ANC has blamed the mine owners and supported the idea of a commission of inquiry into events, but it has failed to take charge of the situation. Some civil society formations have publicly associated themselves with the workers' cause but have been unable to root themselves in the community of workers on the ground. The one person who has struck a chord with the workers is expelled former ANC Youth League president Julius Malema, whose agenda seems to be to sow more discord and realise a "mining revolution" and "economic freedom in our lifetime".

Malema, operating from his plush home in Sandton, apparently also believes he is on the right side of the ANC faction that wants President Jacob Zuma to go. He therefore believes that by leading an insurrection Zuma's leadership will be discredited and support will be given to the agenda of those who want Kgalema Motlanthe to take over.

Malema has successfully exploited the workers' mistrust of the NUM, leading to a bizarre scenario in which he is seen addressing thousands of mineworkers while the NUM leadership speaks to the media from the comfort of their offices.

So, what do we expect the leadership of the NUM and the government to be doing at this moment? Is it perhaps meeting the representatives of the workers, talking sense to them about what this stalemate might result in, maybe camping in their area and assessing what their needs are, generally seeking to purvey the message that they are not alone in their struggle? One might hope for that, but alas...

### **Vavi's caution**

And we might actually think that the NUM leadership would ponder Cosatu secretary general Zwelinzima Vavi's caution about the social distance between it and those it leads. Maybe it could take heed of what one of its own, Silumko Nongwandu, once said: "The fundamental question that arises, which our national congress must answer, is what dangers are there that the trade union movement is turned into a conveyor belt for an 'elitist interest' and that, unknowingly, it is reduced over time into a ladder to amass wealth, stature and access to positions of power and privilege in the state, the private sector and the trade union movement itself."

You might imagine that the NUM would be working 24 hours a day to change this perception by actually taking up the workers' demands and allowing for fresh elections where its local leaders have been questioned. But our expectations are very idealistic.

In reality, many of the worker leaders preparing for the conference are not losing sleep over Marikana. They are mainly worried about how to bring Vavi down to earth and stop his embarrassment of the government by criticising everything and everyone: how to shut him down before Mangaung.

They are worried about how to tame Cosatu into a friendlier voice (like the SACP) and how it will ensure that, by the time the delegates depart from Gallagher Estate, they fully

understand that their role in society is to fight poverty, inequality and unemployment – as long as the target of their anger is not the ANC government.

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## **Marikana, violence, intimidation, killings and important questions from a collective bargaining perspective**

**Alex Mashilo is YCLSA Gauteng Provincial Secretary,**

Writes in personal capacity

What has been and is happening at Lonmin Plc in Marikana, Rustenburg? This is and will continue to be the subject of discussion, in this small piece, and elsewhere in the present period and in future. This small piece not only discusses what happened and is happening in Marikana but also poses questions from a collective bargaining perspective for further engagements.

In 'Lonmin Plc 2012 Interim Results Announcement' (14 May 2012) the company's CEO Ian Farmer states in his review that he is "pleased to report that the company delivered a solid operational performance in the first half of 2012 financial year in spite of known and significant disruptions during the period" (p. 4). Two important themes from this statement are worth highlighting and analysing.

First, the company *delivered a solid performance*. Farmer expressed "sincere gratitude to all... employees, contractors and community members for their support and commitment to delivering "a solid performance in the first half of 2012" (p. 10). Counting from 31 March 2012 backwards, by the first half of 2012 it clearly appears reference is made to the period starting 1 October 2011 and ending 31 March 2012.

It is important to underline the fact that the company "delivered a solid performance". At least one of the reasons for this is worth highlighting. In its website[i] Lonmin Plc states that it is successful when its "employees live and work safely and experience the personal satisfaction that comes with high performance and recognition". There is no doubt the company's "employees, contractors and community members" performed well as recognised in the "sincere gratitude" expressed to "all" of them by the CEO.

I must highlight that it also makes sense for the CEO to express "sincere gratitude" to "contractors" (i.e. out-sourced workers) and "community members". But as to what Farmer means by that is something else.

In '*A critique of The German Ideology*' Marx correctly states that by producing their means of subsistence workers also produce their material life. This material life is also being reproduced daily in communities and households, but capitalists like Lonmin Plc do not pay for that reproduction. It clearly appears the expressed "sincere gratitude" by Lonmin,

which might not have been expressed for the first time, does not translate in better life in the community.

The conditions of the communities surrounding Lonmin Plc's operations in Marikana speak for themselves. This is no different from other working class and poor communities inclusive of the working poor as located in other strategic industries in our economy. The province of Gauteng typifies this situation. It is the centre of the South African and our continent's economy. But if you follow workers to the communities in which they live you will arrive in Alex in Johannesburg North; Alaska in Mamelodi, Tshwane, Ramaphosa in Ekurhuleni, Sicelo Shiceka in Midvaal, and so on. There are just so many squatter-camps or dilapidated areas like Alex. Linked with this the main contention at Lonmin Plc Marikana operations, is that workers want to "live and work safely and experience personal satisfaction".

It is important to note that in the ultimate analysis we are not just talking about the fact that workers want to "live and work safely and experience personal satisfaction" linked with a "solid operational performance" in the first half of 2012 as reported by the Lonmin Plc's CEO. It is important to bear in mind that we are talking here about a company that is recognised and recognises itself as "the world's largest Platinum producer" ('Lonmin Plc 2012 Interims Results Announcement', p. 2). Without workers definitely such a performance position is inconceivable. In fact there is just no performance inconceivable in any company without workers. It is workers who produce value. But it is capitalists who appropriate the value that workers produce. That is the basic contradiction in Marikana, in all sectors of "our" economy and throughout the world under the yoke and prevalence of capitalism.

The second theme in Lonmin Plc's CEO review is that "in spite of *known and significant disruptions during the period*" a solid performance was achieved in the first half of 2012 financial year. Further the CEO (14 May 2012) states that "Labour dynamics are going through a sea change, with the emergence of an alternative trade union in the PGM [Platinum Metal Group] mining industry, in the form of the Association of Mineworkers and Construction Union [AMCU], to rival the dominance of NUM". Underline the choice of the phrases "*alternative trade union*" and "*to rival the dominance of NUM*". From the above it can be inferred that the probability is that what Farmer refers to as "known and significant disruptions" did not end by 31 March 2012 but continued and grew quantitatively.

For Lonmin, AMCU is an "alternative" trade union and it will "rival the dominance of NUM". Hang on a little bit here. What type of a trade union is the one seen by management as an "alternative"? What do workers stand to benefit from trade union rivalry, organisational disunity and fragmentation? There has to be a thorough inquiry into these questions. As it stands, clearly it is not workers but private capital accumulation by the bourgeois that stands to benefit from the emergence of the so-called trade union rivalry, "alternative" and small unions, disunity and fragmentation. Many sections of the media, parliamentary and extra-parliamentary opposition have over the last few weeks intensified their support for the fragmentation of worker organisation, by supporting the emergence and development of the so-called alternative and small unions.

When bourgeois supporters and chief spokespersons such as a larger proportion of economists push for something as a worker I have always known that it is not in my but in the bourgeois interests. What we must press for is the maximum unity of the workers, the advancement of the COSATU-SACP policy of one industry one union and one country one federation, and for the workers of the world to unite because they have nothing to lose from their unity except their chains – a clarion call by Marx and Engels in 1848 in the *Manifesto of the Communist Party*.

Closely related to the developments at Lonmin Plc's Marikana operations and bearing similar features, is the situation that broke out earlier at Impala Platinum, Rustenburg. There the emergence of an infant trade union AMCU was driven through violence. Crispen Chinguno (2012)[ii], a post-graduate student at the University of Witwatersrand documents the emergence of AMCU at Impala Platinum in Rustenburg. Clearly this union finds manifestation and emergence through violence.

Writing about what happened at Impala Platinum, Chinguno (2012, pp. 10-11) highlights the following: workers “were usually attacked in the early hours of the morning when the first shift was scheduled to start”; the violence “was apparently coordinated by an underground violence committee and its networks” and is used “as a strategy to forge worker solidarity”; “In the first fatal incident the victim was caught in the early hours of the morning and stripped naked before being fatally assaulted and left... dead” and many “such incidents followed as the violence escalated”; “In the height of the strike a video footage of captured men and women scabs who were forced to strip and *toyi-toyi* nude was circulated via mobile phones”; and “Amcu held a mass meeting which resolved to shut down all NUM offices”. Many of these activities are no different from what has been taking place and continue at Lonmin Plc operations in Marikana.

Ten workers inclusive of two police and two security officers were killed *by other workers* between 10 and 12 August 2012. All sorts of opportunists, rightwing and leftwing alike did not come out against the violence and deaths, most probably because the killings were not committed by the police. With no discontinuity in violence, thirty-four workers were killed and seventy-eight others injured by the police (*who are by the way workers too*) on 16 August 2012.

But it was only following the events of 16 August that parliamentary and extra-parliamentary oppositions came out claiming to be condemning but only the killings that took place on 16 August. These groupings are blind to the fact that their silence and that of their ilk when workers were terrorised through violence and between 10 and 12 August when ten were killed has served as a catalyser to 16 August both as a culmination and a continuation of violence. Let alone workers' interests, if indeed the genuine concern by these groupings was or is the right to life and opposition to violence then all of them must be asked where were they and why did they not come out against the killings, injuries and intimidations that took place before 16 August at Lonmin Plc and Impala Platinum.

No doubt the killings and injuries of workers on 16 August must be condemned to the contempt it deserves. They must be investigated as per the commission of inquiry established by President Jacob Zuma. And justice must be seen in action prevailing. The same must apply to the killings, violence, and intimidations that took place before, on and after 16 August. Much of these things except to varying extents, some up, some at same level and some down, continued even after 16 August to the silence of the parliamentary and extra-parliamentary opposition. On 12 August it was reported that another worker was found killed. NUM came out on 13 August to confirm that the worker was the union's shop steward at Lonmin Plc in Marikana. Again there were no condemnations from the parliamentary and extra-parliamentary oppositions and all sorts of opportunists, demagogues and populists.

The unpublished truth about the parliamentary and extra-parliamentary opposition, constituted in terms of Marikana by all if not most of the groupings, organisations and individuals who only focus on the events of 16 August, is that they have a scavenger tendency. What the various elements in this opposition seek to achieve is to build themselves or their popularity by scavenging over the deceased and injured workers with focus on 16 August. Huge volumes of misleading propaganda including likening Marikana with Sharpeville and other apartheid regime massacres are being unleashed through the media including the factionalised public broadcaster, SABC. The truth that is being hidden is that there has been worker against worker violence in Marikana with all the victims being Africans in particular and blacks in general, and particularly painful, defenceless as well. This must be condemned to contempt it deserves. Opportunists would not condemn it.

There are at least two forthcoming activities that cannot be ignored by any serious analysis in all of this, i.e. ANC 53<sup>rd</sup> national conference (Mangaung) and the 2014 national and provincial elections. There are many tendencies in this regard, but three are worth highlighting.

The first tendency is found within our broad movement. This is aimed at Mangaung and subsequent government elections to advance its own private interests. This tendency bears some features of "an internal opposition". What this first tendency does is to work like the external opposition which focuses mainly, if not exclusively, on the negatives. Just to put the record straight, in our revolutionary movement we are not prohibited to critique our government. But our approach is to acknowledge achievements and progress made, point out at the objective conditions and limitations, and then focus on our failures from a point of view of constructive self-criticism.

The second, more obvious tendency, for example is typified by the newly formed parasitic political organisation misnamed Friends of the Youth League (ANCYL). This is constituted by, and on the basis of support for, ill-disciplined elements that were either suspended or expelled from the ANC. This tendency is heavily interested in Mangaung. The elements in this misnamed (as such because the ANCYL has distanced itself and therefore refused to accept the "friendship"), demagogic and populist tendency of a counter-revolution in both its nature and character are on record stating that they support certain leaders in the ANC

for election in Mangaung in return of being reinstated which is basically why they are interested in Mangaung.

Should this tendency win in Mangaung it could every day bring not only the ANC but also the alliance 24 hours closer to their graves although determining how long it would take will not be a simple question to settle. Under such a situation it would be more difficult to turn things around for the better. For a revolutionary cadre it is inconceivable to imagine the ANC and the alliance being led by leaders who would have been propelled by ill-disciplined, demagogic and populist elements who are nothing but essentially a counter-revolution based on private accumulation of wealth through public resources, especially deployments and tenders.

This tendency is connected at least through deeds (since suspension or expulsion) with *some* in the ANC who are on record saying they want “change”, which in fact refers to nothing except essentially factional change. By the way some elements who say they want change are either part of ANC or government leadership, or both. For them the *modus operandi* is to accept credit for collective achievements and distance themselves from collective failure. When they speak about change in the leadership they are actually referring to continuity in the leadership by themselves.

The third interrelated tendency is typified by the parliamentary and extra-parliamentary opposition including sections of the media. This tendency is interested in the 2014 national and provincial government elections and other elections to come, as well as in defending capitalist accumulation.

The point of convergence in all these tendencies is that either ANC and State President Jacob Zuma or the ANC itself is the first target of attack. Revolutionary cadres will not fold their arms and leave this counter-revolution take over. But while this applies and is intensified some questions for inquiry are worth highlighting with regards to Marikana.

Firstly, to what extent is a violent strike an indicator of minority domination or action? Usually, a strike that is supported by the majority has the capacity to stop production, which would not require anyone to be coerced. Secondly, to what extent has the Labour Relations Act reached its saturation point? With the deepening of precarious employment and working conditions the number of unprotected strikes is increasing across our economy. I have been involved in handling some of them as a trade union official.

All the sectors of our economy consist of the working poor, the wages of the workers at Lonmin Plc are comparatively no different from what is prevailing in the rest of our economy. What is the alternative? How can the struggle to abolish the wages-profit system be intensified because reality is that it is this commodity-based production and private capital accumulation regime that represents the material substratum of class inequality, poverty and unemployment, as well as the developments in Marikana, Rustenburg and so on?

To what extent is company-based bargaining a problem and to what extent does it stand to achieve the principle of equal remuneration for work of equal value? To what extent is company-based bargaining and management's unilateralism sources of strikes? Workers compare themselves with their counterparts in similar operations, and from this they formulate demands for improvements. This is actually the right thing to do. As long as we bargain door to door this situation is likely to breakout occasionally. Also, at both Impala Platinum and Lonmin Plc clearly management's unilateralism including giving selective wage increases is one of the sources of the problem. This is also the situation in other sectors of our economy although the revolts, when breaking out, have not had the same magnitudes. The problem is also that the Labour Relations Act is presently incapable of addressing such situations properly while in real terms the same Act and case law have severely limited the right of workers to strike.

What can we do to advance centralised bargaining and use it as a vehicle to harmonise employment and working conditions on an industrial basis, maximise worker power and improve both effectiveness and efficiency of coordinating it?

I believe that by engaging on these questions we could start charting the way forward.

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***The government that is using tools of repression under its underclass is the government fast losing its legitimacy***

#### **Reporter's Marikana Notebook: The government's clenched fist**

- Siphon Hlongwane
- 14 September 2012 19:18 (South Africa)
- 

After some weeks of silence, we've finally heard back from the government. First Jacob Zuma spoke in Parliament, and then the ministers in the security cluster met and released a statement. And yes, a fist was extended to the striking miners. No olive branch in sight. By SIPHO HLONGWANE.

For the first time since the inter-ministerial committee visited Marikana shortly after the 16 August massacre, the government has once again released a statement on the situation and how it plans to deal with it. In the wake of a rolling wave of wildcat strikes that have sprung up in different areas of Gauteng and the North West province, and more clashes with police, the top priority of the security cluster will be bringing the situation under control so as to stabilise the economy.

Speaking in Pretoria after a meeting of the security cluster ministers, justice and constitutional development minister Jeff Radebe said, "Government recognises that if the current situation continues unabated it will make it even harder to overcome our challenges of slow economic growth, high unemployment, poverty and inequality.



Government will not tolerate these acts any further. Government has put measures in place to ensure that the current situation is brought under control.”

The government will clamp down on illegal gatherings, carrying of dangerous weapons, incitement and threats of violence against anyone in the affected areas. By defining the acts of illegal gathering and carrying of dangerous weapons especially, the government has effectively outlawed every single unprotected strike that has taken place (and will in all likelihood continue) and promised to clamp down on them. What “accordingly” means is very unclear. In places like Marikana, where the tensions tend to run very high because of the memory of police brutality and the hunger, this could mean we may be in for even more bloodshed.

At Bleskop, the miners are gathering and dispersing far more peacefully, but that strike action is also banned; things could get ugly there too if the police disperse that crowd and injure or kill some people in the process.

There was a way out of the Marikana standoff after the miners and Lonmin PLC agreed to a wage negotiation. The workers were willing to hear the employer’s offer, even if it was not R12,500 net pay as they demanded. What was offered was far short of that; just a R900 increase. It was immediately rejected.

Speaking before parliament on Thursday, President Jacob Zuma also hinted at crackdowns. He said (after being asked what he was going to do about Julius Malema: “It is also some people of some description who are going there to instigate miners to operate in a particular way. It cannot be accepted. And therefore we are looking into that; we are going to be acting very soon.”

While it is indeed the duty of the security cluster to ensure that every person in the country is safe, the emphasis on crackdowns in order to get the economy going is beyond insensitive. There have been severe allegations of murder and torture made against the police and the situation in Marikana is so bad that Gift of the Givers had to step in to provide food for the families that have been without money for weeks. Yet nothing has been said about investigating the police or making sure that justice flows in all the directions that it should in this tragedy.

The news that economic stability counts higher than their concerns and grievances on the government’s list of pressing priorities will not wash down well among the striking miners across the region. In Marikana, they’ve already accused Zuma of not caring, and even ordering the shootings that led to 34 deaths. This will be seen as further proof of the ANC’s indifference.

Here's Jeff Radebe’s statement in full:

Government has noted and is concerned with the amount of violence, threats and intimidation that is currently taking place in our country, particularly in the mining sector. The Ministers responsible for the security of the country have met and reflected on the

situation that is prevailing in the country currently. These acts of violence and intimidation clearly undermine government efforts of ensuring economic and security stability.

Government recognises that if the current situation continues unabated it will make it even harder to overcome our challenges of slow economic growth, high unemployment, poverty and inequality.

Government will not tolerate these acts any further. Government has put measures in place to ensure that the current situation is brought under control. These measures include the following;

- Illegal gatherings, carrying of dangerous weapons, incitement, as well as threats of violence against anyone in the affected areas will be dealt with accordingly.
- 
- Law enforcement agencies will not hesitate to arrest those who are found to have contravened legislations governing these acts.
- 
- Commission of all these offences is in clear violation of the Regulations of Gatherings Act 205 of 1993 and the Dangerous Weapons Act 71 of 1968.
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Government is making a clarion call to all South Africans to desist from these illegal acts and work with the law enforcement agencies to ensure that the situation is brought to normality.

The coming days will show what action government has in mind. The picture is hazy and depends on way too many variables and on the way they will inter-lock. One thing is certain, though: The government that is using tools of repression under its underclass is the government fast losing its legitimacy. **DM**

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### **Government acts on SA mine violence**

By: Sapa

14th September 2012

Put down your weapons and stop committing violence, or face the full might of the law, Justice Minister **Jeff Radebe** warned striking miners on Friday.

In an announcement made in Pretoria, following a meeting of security cluster ministers and other Cabinet members, he said government would no longer tolerate the violence, threats and intimidation taking place in the mining sector.

"The South African government has noted and is deeply concerned with the amount of violence, threats and intimidation that is taking place in our country, particularly in the mining industry.

"These acts... clearly undermine our government's efforts of ensuring economic and security stability," Radebe said.

Government recognised that if the current situation continued unabated, "it will make it even harder to overcome our challenges of low economic growth and high unemployment".

"Our government will not tolerate these acts any further."

He announced measures to be put in place to ensure the situation was brought under control.

These included that "illegal gatherings, the carrying of dangerous weapons, and incitement, as well as threats of violence against anyone in the affected areas, will be dealt with accordingly".

Radebe said law enforcement agencies "will not hesitate to arrest those who have been found to have contravened the law".

Government was making a "clarion call" on all South Africans to desist from such illegal acts.

Asked if he was declaring a state of emergency, Radebe responded: "No, but we want stability; we want to bring about normality in the mining sector in South Africa. We can no longer tolerate acts of intimidation, illegal gatherings, and the carrying of dangerous weapons."

Those who wanted to go to work had to be allowed to do so without any intimidation.

Speaking at the briefing, State Security Minister **Siyabonga Cwele** said the "key" issue was the deaths caused by dangerous weapons.

"What is key is... these dangerous weapons kill our citizens. They are not just decorative things, or traditional things, but they actually have killed our people.

"Carrying dangerous weapons and firearms [and] participating in illegal gatherings is not going to be tolerated by law enforcement officers," he said.

Asked if the police would use live ammunition to enforce the law, Radebe responded: "The question of live ammunition -- that's an operational matter, so we will not answer that."

He said the measures announced applied to affected mining areas only, and not the rest of the country.

Asked if the announcement was a warning to expelled ANC Youth League leader **Julius Malema** -- who has called on miners to stage a mass national strike -- Radebe said the measures were not aimed at specific individuals.

"This statement... is not directed at any specific individual or individuals."

It sought to ensure stability in the country.

He then added: "But all those who break the law, regardless of who they are, they will be dealt with the full might of the law. That's the message we want to present today."

Cwele told journalists: "No more incitement of violence will be tolerated."

Asked if the army would be deployed to help police, Radebe, after noting that it was the police who were responsible for security in South Africa, said: "That will be an operational matter. Who they want to be reinforced with."

The decision would be taken by the national commissioner.

He said law enforcement agencies "will not hesitate to arrest those who have been found to have contravened the law".

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Seven arrested at Aquarius as government loses patience with miners

by Wyndham Hartley, 14 September 2012, 13:15 | 3 Comments

CAPE TOWN — Seven people were arrested after police fired stun grenades at a group of protesters outside Aquarius Platinum, which suspended operations on Friday.

"They were arrested in terms of illegal gatherings," said Brigadier Thulani Ngubane.

"We are not going to tolerate it. Ours is to make sure we maintain law and order and that is what we are going to do," he said.

He clarified earlier reports that tear gas had been fired, saying police had used stun grenades.

These made a loud bang and let off big puffs of white smoke but did not contain tear gas.

The group had been told to disperse before the stun grenades were fired.

Since a strike at Lonmin on August 16, dissent has been growing along the platinum mining belt with workers demanding an increase to R12,500 and at Anglo American Platinum to R16,070.

Workers at Gold Fields's KDC west shaft went on strike on Sunday and on Wednesday Amplats suspended operations for workers' safety as thousands of protesters spent the days marching around the area carrying sticks and whips.

Earlier on Friday Justice Minister Jeff Radebe said at a press conference broadcast live: "Our government will not tolerate these acts any further."

Government declared on Friday it had lost patience and its agencies would now enforce the laws relating to dangerous weapons and illegal gatherings.

The security cluster of ministers was briefing the media after a steady deterioration in the situation in the mining industry following last month's Marikana shooting and related violence, which claimed the lives of more than 44 people.

While Justice Minister Jeff Radebe and his colleagues on the security cluster denied the tough measures announced amounted to a state of emergency, they insisted police would enforce the law.

Police Minister Nathi Mthethwa avoided answering a question about how miners would be disarmed and dispersed without more shooting from the police. He and Mr Radebe also declined to answer whether live ammunition would be carried and whether the army would be called in to assist, insisting that these were "operational matters".

State Security Minister Siyabonga Cwele told the news conference that dangerous weapons were killing citizens and could not be allowed — "no more carrying of dangerous weapons, no more illegal gatherings and no more incitement".

Ironically, the two statutes which will be strongly enforced are the apartheid-era Regulations of Gatherings Act 205 of 1993 and the Dangerous Weapons Act 71 of 1968.

After repeated questions about how this would be achieved, Mr Radebe said police were well acquainted with how to enforce the law and to enforce public order. He promised that instigators caught inciting violence among miners would be arrested.

Mr Radebe said: "Government has noted and is concerned with the amount of violence, threats and intimidation that is currently taking place in our country, particularly in the mining sector. The ministers responsible for the security of the country have met and reflected on the situation that is prevailing in the country currently. These acts of violence and intimidation clearly undermine government efforts of ensuring economic and security stability.

"Government recognises that if the current situation continues unabated, it will make it even harder to overcome our challenges of slow economic growth, high unemployment, poverty and inequality.

"Government will not tolerate these acts any further. Government has put measures in place to ensure that the current situation is brought under control. These measures include the following:

"Illegal gatherings, carrying of dangerous weapons, incitement, as well as threats of violence against anyone in the affected areas will be dealt with accordingly. Law enforcement agencies will not hesitate to arrest those who are found to have contravened legislation governing these acts.

"Government is making a clarion call to all South Africans to desist from these illegal acts and work with the law enforcement agencies to ensure that the situation is brought to normality."

With Sapa

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### **Aquarius temporarily shuts Kroondal mine**

by Ray Fauré, 14 September 2012,

AQUARIUS Platinum advised on Friday that it had decided to temporarily suspend operations at the Kroondal Platinum Mine, located near Rustenburg in North West Province.

"Our decision to suspend mining operations has been taken to ensure the safety and security of our employees and our assets given the rising tensions and protests within the regional workforce and communities," said Aquarius CEO Stuart Murray.

"(Aquarius Platinum) has not been immediately affected by strike action this week and has not received any wage-related demands from employees. We have maintained close dialogue with union representatives and the authorities."

Processing operations would continue, he confirmed.

Mr Murray expected operations to recommence from the evening shift on Sunday September 16, although the situation would be closely monitored. "Aquarius Platinum will advise the market of further developments as these occur.

"Further updates will be provided in due course."

Global miner Xstrata also closed down its chrome mine near Rustenburg for the day. It said none of its other operations were affected.

*With Reuters*

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## **Amandla Issue 26/27**

Title Filter Display #

#	Article Title
1	What the Fuck?
2	Letters to the editor
3	News briefs
4	Q&A with Public Protector Thuli Madonsela
5	Marikana ... from June 16 to August 16: 36 years
6	Voices from Marikana
7	The slayings grow more sinister   by Ronnie Kasrils
8	Interview with Gavin Capps on Platinum
9	And what of the women of Marikana?   by Samantha Hargreaves
10	A mineworker's wage: The only argument against the R12 500 is greed
11	Interview with Bench Marks Foundation chief researcher David van Wyk
12	Our wealth, our poison   by Amandla! correspondents
13	It's the coal, stupid
14	In labour: Zuma's extractives empire hatched   Eleanor Momberg
15	Chancellor House   by Eleanor Momberg
16	Social and environmental impact of mining
17	Discussion with Charles Abrahams: Class action suit on 100 years of mineworker neglect
18	Mozambique: The cruel curse of coal   Amandla! Correspondent
19	Silvertown bucket system mirrors a national struggle   by Zama Timbela
20	Reconstituting emancipatory activism
21	Economics for people
22	The crisis in Spain: Winners and losers   by Brian Anglo
23	Fact sheet: How the wealthy are doing in the post financial crisis era
24	Selling our airwaves   by Mark Weinberg
25	Solidarity for beginners: Palestine/Israel conflict PART 2
26	Letters to Msholzi
27	Book review – Lost in Transformation by Sampie Terreblanche

- 28 Book review – TERRA: Jeanette Unite
- 29 The Durban International Film Festival: Showcasing local film talent | by Crystal Orderson
- 30 Neville Alexander 1936-2012 A prophet rather than a politician | by Francis Wilson

### **What the Fuck?**

It is not usual to use an expletive in a publication like this, especially one as outrageous as the f word ... but WTF is going on with the post-apartheid state?

First 34 mineworkers are killed, many, it would seem from new investigations, murdered in cold blood. And then, in a bizarre twist, survivors of the massacre are arrested and charged with killing their comrades.

### **This is an outrage!**

A political turning point? No event since the end of Apartheid sums up the shallowness of the transformation in this country like the Marikana massacre. What occurred will be debated for years. It is already clear that the mineworkers will be blamed for being violent and will be painted as savages.

We are told by those in authority not to point fingers. But the fact is that heavily armed police with live ammunition brutally shot and killed over 34 mineworkers. Many more were injured.

Do not point fingers – yet more than 270 mineworkers have been arrested and charged with murdering their comrades.

### **How bizarre!**

This was not the action of rogue cops. This massacre was a result of decisions taken at the top of the police structures. The police promised to respond with force and came armed with live ammunition. They behaved no better than the apartheid police did when facing the Sharpeville and 1976 Soweto uprisings and the 1980s protests, where many of our people were killed.

And now the National Prosecuting Authority apes the apartheid judiciary by charging the victims with murder, using apartheid's 'common purpose' doctrine.

How outrageous! What is happening in our country? Marikana/Lonmin, in one burst of deadly bullets, has exposed the unsustainability of elite compacting.

This compacting rests on South Africa's extreme inequality and brings together big mining-finance capital, BEE financialised capital, a petty-bourgeois nationalist movement and a



labour bureaucracy under the umbrella of the Alliance and exercising power through a neoliberal state.

Many commentators have remarked that the massacre marks a turning point in post-apartheid politics. Is it just wishful thinking by forces and commentators not aligned with the Alliance? The national and international outrage about what has happened suggests that no commission of enquiry, no government memorial service, no Ramaphosa funeral money or Lonmin education bursaries for children of the dead will re-establish the postapartheid social compact of the 'old' new

South Africa. A new period of political realignment and political formation is likely to be opened up. God help us if it does not.

The immediate crisis will recede. However, as the old nursery rhyme goes, 'All the king's horses and all the king's men couldn't put Humpty Dumpty together again'.

The context for such a realignment is the awareness and concern of a large number of people in a dysfunctional state that is unable to deliver basic services, ridden by corruption and run by an elite increasingly blinded by greed to just how out of touch they are with the reality of the majority of South Africans. There are many 'let-them-eat-cake' moments in South Africa.

It is not clear how the different (often internecine) forces in the Alliance will respond to the Marikana massacre. Will they close ranks? Can they do so, or have things gone too far? After all, this is the time when all the major components of the Alliance will hold elective conferences. These will not be easy to manage, except at the expense of democracy.

However, it is not just within the ANC that divisions exist. Growing tensions have emerged within COSATU. These revolve around some of Cosatu's biggest affiliates. At the heart of these divisions are not personalities but the soul and independence of Cosatu. Radical unions are fighting for Cosatu to take a militant, independent working-class position (not necessarily breaking the Alliance), while others believe it must be supportive of the mainstream of the ANC, if not the government.

Equally significant is a growing struggle against the bureaucratization of the union movement, which may be responsible for some of the creeping conservatism that is emerging in the Federation. Wages and other perks separate large parts of the union leadership from members by the proverbial mile. This has been forcefully brought to the fore by the Lonmin strike and the collapse of NUM membership at several platinum mines.

Of course, underlining these political developments is extreme inequality and a dysfunctional state that is not able to ensure even the distribution of textbooks to schools, let alone run the criminal justice system effectively.

The South African state, one of the most energy-intensive economies in the world, has embarked on an infrastructure investment programme aimed at intensifying the extraction of mineral wealth and exporting this as a buffer against the impact of the world economic crisis. This is not egged on only by the business press but is championed by ascendant class forces with strong political links within the ANC, with no regard for the environmental consequences.

Already the state faces a massive water crisis made worse by acid mine drainage. The commissioning of Medupi and Kusile, as well as the recommissioning of retired coal-fired power plants, will substantially enhance South Africa's profile as one of the biggest emitters of greenhouse gasses in the world. Feeding the voracious coal needs of our electricity-generation plants will also lead to much higher greenhouse gas pollution and place great pressure on scarce water resources. However, the possibility of accumulation and the race to be integrated into the mine-barons' club will trump any and all environmental concerns.

Fracking of shale gas is also likely since our Minister of Mineral Resources regards extracting the underground shale gas as a 'God-given right', supposedly greater in monetary value than God's other great gift, fresh clean water, which is not abundant in sunny SA. For the sake of workers, our economy and environment, let Marikana be a wake-up call. Let our horror at what has happened and is happening initiate new, strategic, political thinking in our country. Our dilemma was brought home forcefully by the recent death of Neville Alexander, a powerful intellectual, political strategist and thinker. From his release from Robben Island in 1974 he devoted his life to uniting progressive and revolutionary forces in our struggle for freedom as a first step towards making socialist politics hegemonic in the mass movement.

The Marikana massacre should inspire similar initiatives. Alexander often warned (in a slightly different context) of the dangers to our revolution if we did not change tact. The Left must unite to be an effective voice and to offer an alternative to what is happening.

Now is the time to heed his prophetic words.

### **Disclaimer**

*The views expressed in the articles do not necessarily reflect those of the Alternative Information & Development Centre, or the Amandla! Editorial Collective.*

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### **Discussion with Charles Abrahams: Class action suit on 100 years of mineworker neglect**

Silicosis lawsuit filed against South Africa's gold miners. After decades of chronic and systematic neglect of mine-related diseases, a bold class action suit was filed in August on

behalf of up to half a million black mineworkers, who had been worked to death or sent home to die from gold dust related diseases. Three transnational companies, AngloGold Ashanti Limited (formerly Anglo American), Harmony Gold Mining Company Limited, and Goldfields Limited will have to answer why the workers were never protected or compensated. Cape Town based attorney Charles Abrahams, who brought the case, is also a driving force in another global class action lawsuit, the nearly decade long bid to hold transnational companies accountable for allegedly aiding and abetting apartheid, pending before a New York judge.

**A!: What is the significance of this case?**

**CA:** It is important to first give the socio-economic and political background as well as the history of mineworkers in the gold mines before we talk about the case. Even though that history has been documented over many decades the documentation on black mineworkers contracting occupational lung disease is virtually non-existent. There are very specific reasons, one being that these mineworkers were only an afterthought as they were part of a migratory labour system based on a political and economic model of exploitation. This is in contrast to white miners' medical records, which were well documented for many legal and compensational reasons. Over the last 100 years, black miners went into the mines with no real concern on the part of the state or corporations for their well-being. Epidemics emerged at various intervals over the past century and when scientists started to investigate them, they discovered one of the greatest tragedies.

**A!: Who was responsible?**

**CA:** The system was simple: mines used an agency called the Employment Bureau of Africa (EBA), in place since the early 1900s. Their principal task was to recruit black labour, both in South and Southern Africa. They aimed for very strong healthy men from villages and brought them to the mines in the Witwatersrand. Before undergoing training, these men were subjected to the most humiliating forms of medical examination and were treated like animals to assess fitness. They were then housed in the most despicable conditions, not fit for humans. And that's where they would spend most of their lives, for 10, 20, 30, sometimes up to 40 years.

Moreover, they were sent underground with only a very short course to prepare them for the reality of what was in the mine, how to use the equipment etc... no briefing on protection, particularly against the dust, or safety hazards that they would encounter. Subsequently, they were subjected to more forms of exploitation as they were treated as subalterns to the white miners, who were invariably their supervisors. This class action is about the health aspects of the story, but we could also complain about the lack of protection against injury.

**A! Why is the health aspect so important?**

**CA:** After 10, 15 or 20 years of service, the miners would go home. They were employed on year-to-year contracts, so that over a 20-year period they would have had 20 contracts

with a specific mine. Every year they would undergo an exit medical exam. Initially, when a miner first started showing symptoms of tuberculosis or silicosis he would immediately be repatriated back to his village. Yet the mining companies soon realised they were repatriating their most experienced miners and started to keep on sick workers. A miner would be hospitalised for three months and go back to the very same job, because the company couldn't replace that kind of expertise over a short period of time.

They effectively worked the miner until he could no longer work. Only when a mine doctor certified that a miner could no longer work was he repatriated or retrenched and sent back home.

At that point, the mining company paid out whatever pension of a little provident fund was due to the miner and then washed its hands of all obligations to him.

The majority of miners went back to their rural homes and to other Southern African countries with no form of support. Health systems in those areas weren't equipped to detect the kind of diseases that they had. Even if they could, there was no further support in the form of either lawyers or anyone to assist miners in filing claims with a compensation fund.

The result was that many died without their families getting any form of support. Those who survived still live in the most impoverished conditions, while the companies declare super profits, year after year.

### **A! How did the case come about?**

**CA:** Six years ago, my colleague lawyer Richard Spoor and I decided to take on the challenge of one mine worker and to take the case to court as a test case with potential for a class action suit on behalf of hundreds of thousands of miners. We started off with a miner called Mr Thembekile Mankayi, who worked for AngloGold Ashanti for a number of years and had contracted chronic obstructive pulmonary (lung) disease, COPD. We summonsed AngloGold Ashanti on the grounds that they had failed their common law and statutory duties. They opposed the matter and said we had to claim from the compensation fund. But we refused and eventually took the matter to the High Court in Johannesburg. The judge agreed with AngloGold Ashanti so after losing that fight, we took the battle to the Supreme Court of Appeal. Our claims were rejected again. We thus had to take the matter to the Constitutional Court, which unanimously overturned the decision of both the High Court and the Appeal Court. This opened the door to our case.

In the week of 21 August 2012, we filed an application on behalf of all mineworkers who have worked for AngloGold Ashanti, Harmony Gold Mining Company and Gold Fields, and who contracted occupational lung diseases while working for them.

### **A!: What are your main heads of argument?**

**CA:** They have breached and violated common law, statutory law and, more recently, constitutional rights. We've focused on the gold mine simply because of the nature of the illnesses and of silicosis; it's something specific to the gold mine.

**A!: What would be the ideal outcome and the implications?**

**CA:** The ideal outcome obviously is compensation for as many, if not all, of the workers who contracted occupational lung disease, both those who are alive and those who have passed on so that their dependents can benefit. We obviously need to see a completely new mining system, particularly in relation to health damages on the mine. Even though there is the new Act of 1996, ... the rate at which new cases are coming to the fore, means it is highly unlikely that the government or the industry might be able to achieve its eradication.

**A!: Is there any compensation for women, for the wives and widows of miners?**

**CA:** The consequences for women have been devastating on various fronts. One, when the miners leave their rural areas, they leave the households and don't return for more than a year. The women are left on their own and one sees the disintegration of the family's social cohesion. The men live in the most abnormal conditions which invariably invites them to have relationships with other women, and with other men. The environment becomes the breeding ground for the worst kind of diseases...I think we're hoping to look at HIV in the context of what this institutionalised system has created. Tuberculosis goes without saying. When the men go home, they infect their partners and that's how diseases spread. But there is absolutely no compensation for women.

**A!: Could we imagine a Truth and Reconciliation Committee (TRC) for the minerals-energy complex?**

**CA:** I think we've lost a very important opportunity with the TRC, particularly with the recommendations on, for example, a wealth tax (which government rejected). I'm not sure if that in the context of mining we need a reconciliation process. We cannot reconcile. There are objective facts and the reality that stands out there. We need to readdress the fundamentals at both a political and an economic level. We need the commitment to fundamentally reconsider and reconfigure the status quo. The people that have built the vast majority of this country and continue to do so have not only been marginalised, they've been destroyed and they continue to be. We need to address the fact that the policy in existence allows that to happen. The only thing we have is the law, and we're using it to as best as we can to push boundaries so that we can make significant strides in obtaining social justice.

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**Social and environmental impact of mining**

A Mining company can uproot an entire community for the meager sum of R600: a prospecting permit from the Department of Mineral Resources costs only R500 and a mining permit is R100.

In contrast, tribal, cultural and community structures in rural areas have been destroyed through the relocation of entire villages and the over-use and pollution of scarce water resources. The effects of mining on local communities – damage to homes, cultural heritage sites and the ecosystems on which livelihoods depend, and the destruction of the social structure of rural communities – are not factored into GDP growth, but the costs are high and the wounds may be permanent.

The dynamics of the latest feeding frenzy is at odds with the drive to create sustainable, decent jobs and improve the social well-being of the majority of the population, who are already at the receiving end of the structural crises caused by 120 years of aggressive resource extraction.

Wayne Visser, a KPMG analyst, recently described mining conglomerates as 'planet guzzling monsters'. This term is embraced by Human Rights lawyer Richard Spoor and environmental activist Mariette Lieferrink, who are both critical of rampant profit-driven resource extraction. 'It is about get rich quick. There is no benefit. It is unsustainable,' said Spoor.

### **Stealing the family silver**

Spoor said that far from the 'nationalisation' that mining magnates claimed the 2002 Minerals and Petroleum Resources Act (MPRDA) would usher in, it actually 'amounted to the biggest giving away of minerals rights ever seen'.

'Giving away the country's silverware was justified in the name of empowerment', he said of the BEE drive.

Mining has since contributed R6bn to the fiscus but little to training and development in the industry, as initially planned.

Spoor said the unfairness of the process is highlighted in the Charter and MPRDA, which require consultation only with local government and not with those directly affected by mining operations. Agreements are confidential.

One of the main drafters of the MPRDA and the Mining Charter, former Mineral Resources deputy director- general Jacinto Rocha, admitted to Amandla! that both were flawed, but emphasised that the initial intention was noble. However, instead of a focus on skills and community development, beneficiation and job creation, attention was diverted to ownership.

The Act made all land the custodian of the government, instead of land owners, to streamline the application of mineral rights. Old order mineral rights holders now had to

partner with BEE companies to have their rights renewed, which in effect gave precedence to a BEE elite when transferring rights. Environmental and other standards were relaxed to smooth the transition, all aimed at loosening the century-old grip of multinational and white companies on South Africa's rich resources and facilitating a new black ownership regime.

But there is a bitter underside to this.

### **Land grabs and water wars**

Effects of the MPRDA first became evident in the platinum fields, where companies made deals with traditional leaders and local authorities (who double up as labour recruiters and enforcers) to move communities. Tens of thousands of people were affected.

Chief researcher for the Bench Marks Foundation and former SACP provincial executive member in the North West, David van Wyk, says the platinum 'minefields' are the 'Wild

West', where nothing tangible is done for the population despite trillions of rands carted out of the country. In the area of Marikana, there are dozens of unsecured railway crossings and within a few years some of the cleanest water in South Africa has become the most poisoned. Communal toilets are standard, unemployment escalates and the HIV/ AIDS infection rate is more than double the national average.

Legislation allows mining companies to approach a tribe directly and 'promise them the world [with] no intent to keep any promises, [to] get the prospecting rights,' said Van Wyk.

'With R600 I can chase people off their land, I can go and put a prospecting rig next to the church or next to the crèche or whatever.'

Now the same pattern is becoming evident in the new coalfields, primarily in Limpopo's Waterberg area, where a 'low intensity war' over resources is developing in this coal-rich but water-starved area. New coal mines are being established to feed Medupi, the first of two massive new coal-fired power stations.

Several communities have been coaxed into Section 21 agreements with mining houses, which are meant to 'prove' their commitment to community participation and upliftment in terms of the Act's requirements. Human rights lawyer Richard Spoor has found that communities are often not properly compensated for the loss of their homes.

'If you want to move people you go ahead. There is nothing in the mining legislation that talks about people ... about how people should be compensated ... So no standards are prescribed. The closest they come to a so-called standard is the Mining Charter which stipulates targets for black empowerment. That is it.'

But groups such as the Dzomo La Mupo Foundation in Venda are challenging Australian collier Coal of Africa's attempts to mine coal at sites they deem sacred, encroaching on their

cultural heritage at the edge of the Mapungubwe Heritage site and using water that is crucial to their livelihoods. They allege they are being sold out by chiefs and politicians, who are making deals without due consultation.

Politicians and the government have also joined the scramble more overtly. A few months ago, Limpopo's state-owned mining company, Corridor Mineral Resources (CMR), concluded a gigantic R9 bn joint venture with India's largest coal company, Coal India. CMR is a wholly-owned subsidiary of Limpopo Economic Development Enterprise and the deal was overseen personally by Premier Cassel Mathale, according to City Press. The stated aim is to develop new coal mines in the province to create jobs.

### **Pitting jobs against the future**

Spoor and Van Wyk are concerned that there appears to be no proper management of natural resources such as coal. A proper strategy is needed to control mining so that resources remain for generations to come, and are not mined out now.

Greenpeace Africa is among those who warn about coal mania's potential to escalate a looming water crisis in Limpopo and the country as a whole. Its research shows that investment in renewable energy rather than coal-powered generation is urgent. South

Africa's current electricity system is geared to supply energy-intensive industries, and building new coal-fired power stations to 'keep the lights on' means catering to big business at the expense of the 12.3 million South Africans without access to electricity. Profits are generated for 'a privileged few, while the people of South Africa pay the price'.

Environmental activist Liefferink emphasises: You cannot have job growth on a deteriorating environmental base.'

### **Reproducing apartheid**

Van Wyk says the ANC is doing 'exactly the same as the old government did' by allowing a practice of 'building matchboxes for black people'. Simply moving villages to sub-standard 'little squares somewhere else' shows little consideration for their cultural realities.

But Spoor emphasises that relocating communities is a costly last resort and many communities now simply live adjacent to mines. They suffer from damage to houses caused by blasting, to increased noise, decreased water supplies as boreholes and wells run dry, dust-covered household contents and losses of agricultural land.

### **Who will pay?**

The courts recently ordered Umcebo Mining to compensate farmworkers and nearby communities for damage to their homes and health, and harm to their livestock.



Residents of Turfspruit and Macaltdorp in Limpopo, who were subjected to day and night drilling by Platreef Resources's platinum prospecting operations, laid a formal complaint with the Human Rights Commission about pollution of their water and harm to their livelihoods.

Significantly, Spoor plans a class action suit against Xstrata, citing nuisance legislation, following the relocation of the DeWildt Cheetah Research Centre outside Pretoria to the Waterberg because of the harm caused to the animals from blasting and other mining operations.

If this test case succeeds, all communities detrimentally affected by mining – whether through relocation, air or water pollution, dust and loss of grazing, to noise, illness and cracks to houses from blasting – could bring civil cases against mining companies.

Spoor believes that mining companies' would be more circumspect about their operations if they were 'responsible for the harm that they do ... and [if] that harm extended to hardship and inconvenience and a loss of a sense of place and all of these non-pecuniary losses, it would make it a lot more difficult for mining companies to mine. The economics would be disturbed. You could still do it if it was profitable after you have paid the compensation you have to pay.'

### **MARRIAGE OF A SPECIAL KIND**

Van Wyk noted the continued use of the 'rape' metaphor by government and mining houses when discussing the industry, pointing to a recent event in North West where a Steyldrift mine manager told local community members that the relationship between a mine and surrounding communities was like a marriage. It was thus unnecessary to get outsiders to solve problems.

A community member retorted: 'It is interesting that you talk about a marriage because you know, four years ago when we woke up, we saw your prospecting rigs here, when we woke up we found you in bed with us and we didn't say you could get into our beds so we consider your presence here to be rape.'

The rape analogy had its origins at the time of Cecil John Rhodes, who said at a DeBeers board meeting in 1894 that 'Africa is lying there waiting to be taken. It is our duty to take her.' The South African government's economic language was not dissimilar as it referred to 'virgin territory, penetrate, open up'. 'This is all a sub-text of rape,' says Van Wyk.

'And this is what is happening in Africa. And I am afraid the ANC is just an accomplice to the whole process because all they are interested in is developing this black middle class as rapidly as possible.'

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**Chancellor House | by Eleanor Momberg**

Chancellor house has become symbolic of the precariously close nexus between the state and the ruling party, and the creation of fortunes not only for maintaining power but also to benefit individual members of the ruling elite.

Though controversy stalks the ANC company, little is known about its operations and subsidiaries, which appear to be dominated by energy and mineral contracts.

However, there is little doubt that Chancellor House's creation in 2003 has further embedded the ruling ANC elite in the Minerals-Energy Complex (MEC), the system which shaped South Africa's deeply skewed apartheid economy and which continues to define the interdependence of its fossil-fuel and mineral extraction and export-oriented growth path. A new class of black elite has been cut into the pact with Chancellor House apparently the clearing house for mega deals that in turn generate party funding.

Right now, its mining arm, Chancellor House Mineral Resources, awaits approval of nearly 500 mineral exploration and prospecting rights permits from the Department of Mineral Resources, according to public records. Also pending are another 500 applications from other companies with close links to the ANC and the political elite, such as collier Exxaro.

Finding information about contracts already awarded is surprisingly difficult and no company reports are available for Chancellor House's subsidiaries.

It was reported in 2010 that Chancellor House Mineral Resources had clinched deals for prospecting at 560 sites in the Northern Cape, North West and Mpumalanga. In the same year, controversy raged when Chancellor House Holdings paid Xstrata R25m for a 75 percent stake in Moloma Colliery in poverty-stricken and politically repressed Swaziland, with beneficiaries apparently including a top ANC official and the brother of one of King Mswati's wives. The other 25 percent is held by the Swazi government.

Most alarming is the mega-million contract to supply boilers to Eskom's new coal-fired power stations, partly financed by a World Bank loan that was granted despite global outrage over not only the tacit endorsement of South Africa's carbon-intensive energy path, but also the contract's undue benefit to the ruling party. Based on its shareholding,

Chancellor House stood to benefit over R5bn, although it has disputed this estimate. Deloitte and Touche cleared Eskom of conflict of interest in awarding the first R40m boiler contract, but the Public Protector differed.

More recently Chancellor House has clinched yet another Eskom tender – this time a 10 percent stake in Bateman Africa, an engineering company that concluded a R2 bn contract for the mega power plant, Kusile.

Even if these contracts are squeaky clean, suspicion remains that the coal-intensive path has been aided and abetted by the ruling party with the explicit intent of benefiting from contracts to supply two of the largest power plants in the world. The ANC's assets through

Chancellor House make it one of the richest political parties in the world. The company was allegedly started by former party Treasurer-General Mendi Msimang as

a funding vehicle for maintaining the party's headquarters, owned by Dakawa Properties. This subsidiary of ANC-linked Thebe Investments has its own tentacles in the fossil fuel markets, such as Shell SA – which stands to gain billions should the controversial fracking for shale gas in the Karoo go ahead.

The creation of Chancellor House significantly boosted the ANC's coffers, with assets worth R1.7 bn in 2007 despite debts of around R100 m not long before. Opinion on where this money came from range from arms deal backspin-offs to minerals and energy tenderpreneurship – with redeployed cadres and party sympathisers in key state positions providing kickbacks to party coffers.

One of Chancellor House's first, but largest, mining investments was the 2005 Kalahari Manganese deal. Eighty percent of the world's manganese is in the Kalahari.

The deal paired Chancellor House with United Manganese Kalahari (UMK) in a joint venture with Pitsa Ya Setshaba Holdings and Renova Manganese Investments (RMI), a Bahamas-registered subsidiary of Renova. Renova, controlled by Russian oligarch Viktor Vekselberg, funded the deal to the tune of US\$20 m of which nearly half has been estimated by political scientist Zwelethi Jolobe as being 'effectively gifting' money for Chancellor House and Pitsa. Pitsa is a BEE manganese company, whose directors include Lazarus Mbethe and Robinson Ramaite, a former public service director general. Bateman Africa is also a key player in the contract.

The similarity between the ANC's empire building and that of the former National

Party is not lost on the ANC. As an official close to President Zuma told Amandla!, 'It is very important that we learn from the past and it is clear that the old National Party was successful because they had their own businesses and people in business working for them. Why can't we do it also?'

The adoption of what has been described as the 'National Party option' – which has ensured BEE became both the instrument of transformation and a source of funding for the ANC – is a bone of contention in top ANC echelons. In contrast to Zuma's increasingly strident assertion that no law prevents the politically connected from participating in business, Deputy President Kgalema Motlanthe told Parliament that Chancellor House should not be doing business with government, nor should it be advantaged because it was the ANC's investment arm. Finance Minister Pravin Gordhan has also questioned Chancellor House's operations. And in 2007, shortly after becoming ANC treasurer general, Mathews Phosa attempted to break formal party ties with the set of companies but with no apparent success.

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### **In labour: Zuma's extractives empire hatched | Eleanor Momborg**

President Jacob Zuma's nonprofit rural development project is diversifying into mining, just as the country faces a conjuncture in its extractive practices.

A well-placed source has told Amandla! that the extended Zuma family is using the R2 bn Masibambisane Rural Development Initiative (MRDI) as a springboard for mining investment, particularly in coal mining to supply Eskom's massive new coal-fired power stations. This expansion into coal mining is yet another indication that South Africa's

'black gold', and the energy-intensive path it feeds, is cementing the mineral-energy complex as the vehicle of choice for personal and party power.

Anglo American may still be the country's largest coal, gold and platinum mining house, but through BEE and party political empires such as Chancellor House, the establishment of ANClo Americo Inc. is well on its way. Zuma chairs Masibambisane, which is one of his three main non-profit ventures. Its rural projects are situated neatly in the coalfields of KwaZulu-Natal, the Eastern Cape and Mpumalanga, but North West, where the richest platinum mines are now in global spotlight, is apparently next in line for the rural development largesse.

The MRDI was meant to be a purely social entrepreneurial venture, promising local jobs for unemployed rural youth. It made headlines recently after revelations that it is bankrolling development of a new town near the President's private rural home at Nkandla. A document on the MRDI, dated July 2011, states that Zuma's rural initiative will not only ensure agricultural development and the introduction of renewable energy, but also Internet access for schools through the supply of computers. But it is silent on the issue of mines. Nor has Masibambisane produced an annual report yet, although enquiries yielded promises that one is in production. Ministers and departments have been leaned upon to invest in MRDI's rural projects.

The Mail & Guardian reported that one department alone has diverted R800 m to these ventures. The chosen sites in Kwazulu-Natal and Mpumalanga, but particularly the Eastern Cape, have also caused raised eyebrows because of their potential to act as sweeteners for voters and traditional leaders in support of Zuma's bid for a second term.

Zuma's non-profit projects have also been supported by mining conglomerates such as De Beers and Harmony Gold and by mining magnates such as Patrice Motsepe of African Rainbow Minerals.

Amandla!'s MRDI source said the Zuma clan's mining plan was finally coming to fruition with the first formal investments to be made by the end of 2012. However, a founder member of the MRDI, businessman Deebo Mzobe, who is reportedly a Zuma relative, denied any formal decisions or intentions by Masibambisane to branch out into the mining industry.

He was only aware of discussions around the reopening of mills in KwaZulu-Natal and the relaunch of irrigation schemes. However, Amandla!'s source insists that mining is included in a new plan to diversify MRDI's investment portfolio, primarily through the reopening of disused mines in a bid to create jobs. 'We are diversifying. We are going

to be investing in all the coal mining companies ... That includes Anglo [American's] New Largo mine and other mines in Mpumalanga.' 'Our plan involves 20 projects', says Amandla!'s source. 'We are not just looking at coal, but we are also looking at gold, wind and other renewable energy, sand, salt, etc. We want to develop communities. We will be investing in mines at New Castle, Dundee, Utrecht in KwaZulu-Natal and want to reopen the [disused mines] at Hlobane.

We will be investing in coal mines in Mpumalanga – all those that will supply Kusile.' 'We have spoken to the Royal Bafokeng about how they managed to have a R10 billion deal with Xstrata and we will be speaking to AngloGold Ashanti,' said the MRDI source. 'We have taken a strategic decision to invest in mining.' He unashamedly admitted that 'you need to be connected' to do business in South Africa. 'It has always been that way,' he said.

The claim that the MRDI's venture into mining has been in planning since 2004 was independently confirmed, by a second MRDI member, who stated (via SMS) that a July meeting on the matter with Zuma's elder brother, Joseph, had been 'successful'.

Delegates at the recent two-day mining lekgotla in Midrand were taken aback at being asked during the event's closing minutes to recognise Zuma's brother Joseph. The event focused on enabling mining to sustain and enhance its contribution to socio-economic development. The presence of a delegate from an agricultural initiative was seen by some as 'proof of the further entrenchment of power' by Zuma, and as an attempt at strengthening his faction's bid for a second term in office. It was also seen as an explanation for his recent parliamentary statement that there was nothing wrong with the political elite or the politically connected being involved in business.

At the event Zuma re-emphasised the government's commitment to the creation of a globally competitive mining sector, saying government considered it to be 'one of South Africa's major job drivers'. 'We are committed to promoting the industry so that it is able to attract investment and achieve greater levels of growth and transformation', he said.

Zuma has previously described mining as a 'sunrise industry' that retained considerable potential to contribute to the elimination of poverty, inequality and unemployment, apparently forgetting the ravages of its history in directing South Africa's structural inequalities. Others, like Solidarity's Gideon du Plessis, describe it cynically as a 'cash cow', despite its meager 18 percent contribution to GDP.

Presidential Infrastructure Coordinating Commission initiatives and much of the government's new infrastructure plans are intended to unlock the enormous mineral belt of coal, platinum, palladium, chrome and other minerals in order to facilitate increased

mining production 'as well as the beneficiation of raw mineral commodities'. This, in turn, is government's most cogent plan to make good on its promise of generating a million jobs.

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### **It's the coal, stupid**

South Africa's coal-fuelled development path delivers jobs that are less than decent and results in massively negative externalities – water contamination, air pollution, loss of farmland and community commons and livelihoods. With the exception of Sasol, coal is still overwhelmingly in the hands of transnationals and the proceeds of the core of our economic activity thus fly the coop to foreign bank accounts.

Although gold and diamonds are the bedrock of South Africa's economy, mining them would have been impossible without coal. Indeed, the first coal-fired power stations were built by mining companies and nearly all coal mines were owned by gold mining houses for the first part of the last century.

Most companies on the JSE may still be white owned and the total transformation of the mining sector may be some way off, but the black elite are starting to make their mark either through wholly-owned companies or through shareholdings in large corporations. The cards are therefore still stacked against BEE players.

Of the five mining companies that dominate coal production, Anglo Coal is still the largest (59.4 Mta), followed by Exxaro (48 Mta), which was formed from an empowerment merger between Eyesizwe and some of Iscor and Kumba's assets. Exxaro is the major developer of the latest frontier in coal extraction (despite looming water crises) in the Waterberg region. Sasol is the third largest producer (44 Mta), followed by BHP Billiton, itself one of the world's coal giants, although its production dropped to 31.7 Mta after the BEE-driven sale of Optimum Mine in 2008 in a merger with Glencore. Xtrata Coal SA is the fifth

largest (20 Mta).. A proposed merger between Xstrata and Glencore could make it a coal mining giant, controlling over half of the main export harbour. Parastatal Transnet is currently spending R37bn to upgrade the coal railway line to the harbour.

The contradiction between short-term interests and long-term prosperity is obvious in the coal market. Coal still fuels over 70 percent of our energy consumption and over 90 percent of electricity use, with petroleum making up much of the rest, despite the environmental devastation both create. Questions remain about why the government has chosen to perpetuate this path by building two of the world's biggest coal-fired power plants – Medupi and Kusile – when it is already under global pressure to reduce its greenhouse gas emissions and ranked at the thirteenth highest in the world and the highest in Africa. Sasolburg, established for the first synfuel plant globally, consumes 30 percent of our electricity and is the dirtiest place in the world in terms of carbon emissions. Despite our enormous potential for wind and solar energy generation, and notwithstanding our ambitious promises to reduce CO<sub>2</sub> by 2030, the government and Eskom argue that we are

entitled to play catch-up in the development stakes by benefiting from our cheap coal. We are the world's seventh biggest coal producer, producing about 250 million tons annually, of which a quarter is exported or R30bn in foreign exchange earnings per annum.

This argument is amplified by the big smelters, who benefit from electricity that is priced at rates up to eight times lower than the average household tariff. Some take a double dip: for instance, BHP Billiton not only consumes huge amounts of cheap electricity and then export metals and minerals without much

beneficiation, but also creams it off in the coal mining scramble. UN agency UNCTAD recently indicated that nearly half of our electricity is 'exported' in this way, apparently a much higher proportion than any other country.

Electricity prices have doubled since the decision to build the mega power plants – and the imminent decision to acquire a trillion rands worth of nuclear plants – and the poor carry a disproportionate portion of this burden. These economic choices tend to disincentivise industrial development, and therefore job creation, exacerbating our world record inequality and unemployment levels.

## **MINING IN NUMBERS**

The mining industry, according to the National Union of Mineworkers, would create 140 000 jobs as part of the state's one million new jobs campaign.

The total income for the mining industry in 2009 was R435 073 million, StatsSA said. The largest contributors to the total income were coal and lignite, earning R123 486 million. 2009 StatsSA figures state that the mining industry as a whole employed nearly 502 000 people, with coal mining employing only 70 742, or 14 percent of the total. This is far lower than the million jobs the mining industry sometimes claims to represent. However, indications were that employment in the coal mining sector was increasing considerably with the opening up and expansion of mines to meet the local demand for coal from Eskom and from international markets. For the three months ended April 2012, mineral sales at current prices fell by 11.8 percent compared with the three months ended January. But the actual value of sales increased by 2.8 per cent compared with

April 2011, with coal contributing R3.1 billion. The sector paid some R92 billion in wages according to StatsSA's 2011 GDP reports. It was responsible for more than 50 percent of the country's foreign exchange earnings in 2011, while mining's total corporate tax payment was R12.8 billion in 2009 – which was ten per cent of the gross operating surplus profits of R123 billion.

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**Our wealth, our poison | by Amandla! correspondents**

The Marikana Massacre has again put the spotlight on the curse placed on South Africa's new democracy by its wealth. Platinum extraction, and the coal that fuels its production, are not only deepening social deprivation and environmental destruction, but poisoning the body politic. This is partly because the rapid expansion of minerals' extraction has become the prime vehicle for BEE, and a small group of politically connected beneficiaries appear to be mutually reinforcing policies that are setting the scene for many more Marikanas.

Platinum is our fastest growing mining sector. Coal is hot on its heels, catapulted by a recent scramble for new licenses to feed our massive new coal power stations, necessitated in part to keep the extractive industry wheels turning. It provides a neat illustration of how the apartheid-era minerals energy complex (MEC) keeps re-entrenching itself, at the expense of the environment, the poor and even of democracy itself. The 2002 Minerals and Petroleum Resources Development Act and the Mining Charter were intended to change the ownership structure of the white-owned mining sector.

Its re-allocation of mineral rights has resulted in the transfer of about 30 percent of coal assets to BEE players, but at what cost?

The bulk of coal production, according to UCT energy expert Anton Eberhard, is still controlled by five coal conglomerates – Anglo Coal, Exxaro Resources, Sasol Mining, BHP Billiton Energy Coal South Africa (BECSA) and Xstrata Coal South Africa. They also own the lion's share of the world's largest coal export facility, Richards Bay Coal Terminal (RBCT), giving them a virtual monopoly on export entitlements.

Cosatu argues in a recent discussion paper that the MEC is 'increasingly foreign-owned' and delinked from the domestic industrial base, exacerbating de-industrialisation and unemployment. It says monopoly formation is worst in iron ore and platinum production in both their extraction and processing. South Africa owns over 86 percent of the world's platinum but its benefits are controlled by just three transnational companies: Anglo-Platinum (up to 54 percent), Impala Platinum (25 percent) and Lonmin (12 percent). Iron ore and platinum smelting are in turn fuelled by expanding coal-fired electricity.

There is a substantial overlap between the coal multinational's BEE partners and those of the big platinum companies, suggesting a cosy relationship between the metal and the energy that fuels its smelting and export.

### **Who's fuelling who?**

The involvement of the new elite in the resources industry has raised questions around whether they are aiding and abetting the resource scramble in South Africa, despite their junior status in the MEC. In its latest report on the platinum 'minefields' the Bench Marks Foundation raised alarm about the extent to which politicians and civil servants are compromised by their conflicts of interest. Some of those in office and public service also straddle two jobs simultaneously. Even more alarming is the extent to which 'members of the judiciary are also on the take,' from the mining sector in particular.



While restating support for the necessity of BEE, Bench Marks recommends the fast-tracking of conflict of interest legislation, among other measures.

A small overview of coal and platinum BEE interest illustrates the conflict of interest concerns and feeds suspicion of collusion. The first major BEE mining entrant, in 1996, was ANC benefactor Patrice Motsepe's African Rainbow Minerals (ARM), with a 10 percent stake in Xstrata SA and 20.9 percent in RBCT. Mergers and acquisitions followed in the coal rights' bonanza, making it difficult to pinpoint the size and power of the numerous BEE players on the coalfields other than that they now produce nearly a third of the 'black gold'. ARM's Motsepe, South Africa's wealthiest individual, may be a prime example of a politically-connected person but he was also successful in his own right, having built his personal empire apparently without political aid. ARM has shares in Xstrata SA Ltd as well as Lonmin PLC. The most high profile mine owner is former Cosatu leader and deputy chair of the National Planning Commission, Cyril Ramaphosa. Ramaphosa is the chair of Optimum Mines and the Shanduka group, considered to be the largest coal supplier to Eskom's coal-fired power stations, and a main mover in the platinum BEE stakes. Shanduka Resources holds just over 50 percent of Shanduka Coal and Glencore the other 49.99 percent.

Glencore and Xstrata have applied for a merger, which could create one of the world's largest coal conglomerates. Glencore already owns 34 percent of Xstrata and recently bought Ramaphosa's Optimum Coal, the fourth largest producer. Shanduka's vice-chair is Paul Nkuna, the CEO of the Mineworkers Investment Company, bringing the ANC trade union allies into the fray.

In the platinum stakes, Ramaphosa also outshines as a member of the board of British-based Lonmin and shares in the company through his Shanduka Resources, its principle BEE partner. He is also director of Kangra Coal, which, like Lonmin, has a stake in RBCT. The National Union of Mineworkers, which he once headed, apparently owns shares in at least two big mining houses: Xstrata and Harmony Gold.

### **Follow the money**

Ramaphosa's wife, Dr Tshepo Motsepe, is a sister of Patrice Motsepe. Another sister, Bridgette Radebe, is South Africa's biggest female mining magnate and the spouse of justice minister Jeff Radebe. In 1995 she created Mmakau Mining, linked to BHP Billiton through Total Coal SA. The Radebe's were allegedly among the beneficiaries of Optimum's creation in 2007 when BHP Billiton Coal SA divested its assets.

Also involved in the mining industry is South Africa's newly-elected ambassador to Brazil, Princess Zenani Mandela-Dlamini, Nelson Mandela's daughter, who heads Chuma Holdings, a BEE fund owned by women. Chuma is involved in Aquarius Platinum Ltd, which operates next door to Lonmin's Marikana mine.

One of the directors of Aquarius is Zwelakhe Mankazana, a partner of Zenani

Mandela. Chuma is part of its lead BEE entity, Savannah Resources Consortium (SavCon), which holds a substantial stake in the Bermuda-domiciled Aquarius, although it sold a third of its shares in the transnational earlier this year. Savannah is headed by Zwelakhe Sisulu, son of the late stalwarts.

Impala Platinum's BEE ownership includes shareholding of the Treasury-managed Public Investment Corporation Limited (PIC) and Royal Bafokeng Management Services Pty Ltd and it has a 50 percent shareholding in Mimosa with the balance held by Aquarius Platinum. Former Environment Minister Valli Moosa is a director of AngloPlats. He was on the Eskom Board when it took the decision to award a tender for the supply of boilers to Medupi and Kusile to Hitachi Africa, a company in which the ANC's Chancellor House has a 25 percent stake. Moosa also serves on the board of Anglo Coal, owners of the New Largo mine in Mpumalanga, which won tenders to supply coal to the newest mega coal-fired power plant, Kusile.

According to Bench Marks Foundation research, the involvement of Coal of Africa in the development of a coking coal mine, a stone's throw from the Mapungubwe World Heritage Site, involved Moosa's main business partner in Direko Investments, Popo Molefe, a former ANC Treasurer-General. Molefe chairs the board of Chancellor House, the ANC's investment arm, which is also branching out into coal mining with dozens of applications for coal and other mineral rights pending. One of Chancellor House's biggest mining deals involved Kalahari Resources, with its founding chair, Daphne Mashile-Nkosi, now a director of Eyesizwe Coal Exxaro's main BEE partner. She is also centrally involved in the Women's Development Bank, serving as the chair of its Trust, which has a stake in Anglo American Inyosi Coal along with the Pamodzi and Lithemba Consortia, and as a director of its Investment Holdings division. The Bank itself also has a stake in Anglo American Inyosi Coal, along with the BEE consortia.

Current ANC Treasurer-General, Matthews Phosa, is deputy chairman of Jubilee Platinum and non-executive chairmanship of Alliance Mining Corporation. The Chamber of Mines held the MEC together for decades under white rule but although it has been under predominantly black leadership for a few years, it is still dominated by white mining captains. Current President Dr Xolani Mkhwanazi is also Chairperson of BHP Billiton South Africa and a former CEO of Bateman Africa, a regular partner of Chancellor House. In 1999 he was appointed the CEO of the National Electricity Regulator (NER), which he was tasked with rebuild into the current National Energy

Regulator of SA. During this time he oversaw Eskom's cheap electricity deals with smelting companies and soon after joined the prime beneficiary, BHP Billiton.

The previous president of the Chamber of Mines was Siphon Nkosi, CEO of Exxaro Coal, created through an empowerment deal involving the unbundling of Eyesizwe Coal and Kumba Iron Ore, as well as Iscor Coal. Exxaro's board members include Salukazi Dakile-Hlongwane, another Chancellor House trustee. Nkosi is also a non-executive director of Sanlam, which has a stake in Shell SA – the main mover in fracking the Karoo for shale gas.

Deputy President Kgalema Motlanthe's partner, Prudence Mtshali, along with Duduzane Zuma and President Zuma's ally Atul Gupta and his family are closely linked to Imperial Crown Trading, which is alleged to have dubiously secured the rights to the Sishen iron ore mine ahead of Kumba Resources.

Now President Zuma and his clan have also set their sights on the coal and platinum riches through one of his non- profit organisations, Masibambisane Rural Development Initiative.

It really pays to be in politics, especially if you hitch yourself to the MEC bandwagon.

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### **Interview with Bench Marks Foundation chief researcher David van Wyk**

**Amandla (A!):** Some labour experts insist that the platinum mines, which you call the wealthiest in the world, cannot accede to miners' wage demands and pay for corporations' social responsibility to affected communities. To what extent is labour broking affecting wages and community empowerment? The official figures shows about a third of workers are labour broker recruits, but you seem to find that it may be higher.

**David van Wyk (DvW):** take Aquarius mine (nearby Marikana) for example: of 11 000 workers, 10 000 are actually subcontracted. Aquarius hired all the subcontractors last year in one go. Now local people can't get jobs on the mines; there's lots of huge unemployment in the area, and they are told they don't have maths and science at matric. But the subcontracted workers are illiterate, 40 percent illiteracy in most mines. This creates

tension already. And the reason why this happens is because the mining companies don't want to train local people to work on the mines because they want to get to productivity and profitability as quickly as possible. So they actually have a mobile labour force [through] these labour brokers that can be moved anywhere in the country where they open up the mine. So instead of training local people and empowering local people, they shift the labour all over the country through the labour brokers.

**A!:** What are the consequences for the community?

**DVW:** this creates all kinds of social problems: it creates problems with xenophobia; it creates problems of domestic violence and things like that. It impacts on HIV/Aids in communities, with the rate of infection at Marikana double the national average, and so on. The Mining Charter now requires that 12 percent of the labour force must be

women. So they employ the women from the local community, but they don't employ the men; they bring the men in as the experienced labour from elsewhere so that they can get to productivity as quickly as possible. That then creates conflict in the home because the men can't get any jobs. It ends up very badly for women because the rock-drill operators can make bonuses and they can push up their salary close to the R12 500 that they're demanding now. The women can't and then the women at month end, they try to get some of that money by actually trading in sex underground. I spoke to personnel managers who tell me that towards month end underground, you have to watch where you step because you might step on condoms.

Then, the thing about maths and science is a complete lie. And communities are aware of it; they're not stupid. In November last year they forced a mine to meet with the community monthly; they put up roadblocks for about a week and they've insisted that 27 percent of workers must be local. And they check the employment records now every month to make sure that local people are actually employed.

Labour broking is a massive problem.

**A!:** And the wage demands?

**DVW:** The other problem is in relation to the guys who do blasting, who can get the bonuses. The reason why they demand R 12 500 as a fixed salary is because the bonuses actually endanger them. They're chasing bonuses and so when the safety officer says conditions are unsafe to blast here today, we must first make the place safe – the other workers actually gang up on him and they report him to the management as being someone who's undermining productivity, because they want the bonus; they want to get as much money as possible every month.

Now if you give them a fixed salary then they won't be chasing bonuses; the safety standards in the mines would actually go up.

**A!:** The government has sent in traditional leaders to mediate in the conflict. But I understand the chiefs play a significant role in strengthening mine-owners' hands when they recruit labour?

**DVW:** Yes, yes. This thing has been operable since the nineteenth century. Paul Kruger started the habit of getting chiefs to recruit labour for his farm in the Rustenburg area. And it's common in Mozambique and in Zimbabwe, and even here; they use the chiefs as recruitment officers. An Angloplats personnel manager told me that they're using local councillors and chiefs as recruitment officers. A woman who tells me that she went for five interviews and at each interview she was asked for sex and at each interview she refused and every time she didn't get the job. [It's like] what they said about post-colonial Kenya, that 'contracts are signed on the thighs of women'.

**A!:** In your latest report on platinum mining you recommend tighter conflict of interest legislation. What percentage of a local community benefit vis-à-vis the political elite?

**DVW:** I don't think communities benefit at all. Mines create one company into which they put trust funds, and the communities are never called into meetings around these things. Communities don't know what their shares in these things are. The trust funds themselves are loaded by company officials, and they take decisions about what to do without consulting ... [their] projects really have no impact and really make no change to the conditions under which people are living. You asked to what extent the mines have a social responsibility. To get a mining licence you must have a social and labour plan.

And your social plan should be negotiated with the community. But it is impossible to get hold of the social plans; you are almost forced to stand under police guard in the City Council offices to look at this thing, and you're not allowed to copy it or anything, you are confronted with a 600 page document, and community people can't get access. And these documents were not constructed with them participating because most of these documents are desktop exercises done in Sandton by consultants who make millions out of it.

**A!:** Basically you're seeing a violation of labour, environment and social legislation across the board on the platinum minefields?

**DVW:** That's right. Compiling this report, we involved the community in the research process itself. And the corporations come back to us saying your report is full of inaccuracies. But we tell them, 'This is the voice of community; this is how they experience you. We cannot change what they tell us, this is their voice, this is how they experience you. If they experience you negatively then deal with it; find out why is it that they experience you so negatively and deal with the issues'. Look, the whole thing of Lonmin and Cyril Ramaphosa [director] is right in the middle of the fireworks here. At Aquarius mine, the Sisulus and the Mandelas are right in the middle of the thing; Anglo

Platinum, its Vali Moosa. They have captured the state effectively, captured the ruling party, the mining companies. And they have polluted it – you know, so mine pollution is not just

about water, it's not just about air pollution, it's also about the political pollution of our democracy.

**A!:** The government is refusing to acknowledge that this is one of the systemic problems that gave rise to the Marikana massacre.

**DVW:** No, they're very embarrassed. I think that the government and the ruling party have been caught with their pants down. And it's such a great pity because it used to be an organisation that was very in touch with the population – but its lost all touch with the population altogether. With the Marikana crisis going for two weeks, not a single person from the provincial government got of their offices into their fancy cars and into the community to go and try and find out what's going on.

**A!:** There's been a pattern of local police being sent in to reinforce the mining companies' own security.

**DVW:** Yes. Look, because the mining companies now have all the political heavyweights on their boards or shareholders or whatever, they think that the police force is their private security company. And so I feel very sorry for the policemen, I don't blame them. They are put in a very difficult situation where they have to protect private capital as if they are the private security company of the mine.

**A!:** Are the same problems evident in other mining sectors?

**DVW:** We're just about to conclude a big study on coal. And, boy oh, boy, huge problems. Gold mining, the same issue. And the interesting thing and we mention it in the study, you should look it, I visited Ngezi and Mimoso mine in Zimbabwe, that belongs to Impala, Platinum and Aquarius. They've got proper health and safety standards.

They've got no subcontracting; they've got no labour brokers. They built proper family houses for their employees and they are highly productive mines. And they don't have strikes, they don't have unrest, they don't have conflict. And they've got 100 percent literacy on those mines.

**A!:** Are the Zimbabwean elite not sitting on their boards?

**DVW:** It's not who's sitting on their boards. Who are they scared of? That's the question. And I can tell you they're scared of the Zimbabwean government, so they do everything by the book in Zimbabwe. Here they're not scared of anyone because they've got all the politicians in their pocket. Look, I am not saying that Zimbabwe is a wonderful place; their diamond mining is in complete chaos because you've got all the politicians involved. The state should regulate, enforce the law.

**A!:** We are sitting on 86 percent of the world's platinum. Is it really necessary to give it away quickly and under these conditions?

**DVW:** That is the other issue: there's a huge externalisation of the costs of mining. We have to pay for it; the tax-payer is having to pay for the acid drainage mess in Johannesburg, in Carolina. We have to pay for the mess which I think might probably even exceed the value of the resource if we carefully calculate the externalised costs. [Mining corporations] are getting away with minimal accountability. And we are not benefiting our economy.

**A!:** Is there a need for a special enquiry into labour brokering practices on the mines?

**DVW:** There's an important issue here. And for me, as an old communist, it's very difficult to admit this – but under apartheid labour brokering was not allowed. So why is it allowed now? And we see at Aquarius mine, out of 11 000 workers, 10 000 are subcontracted workers – and that is the mine that has very heavy political influence from the Sisulus and Mandelas, and also the Malibongwe Women's Trust, and so on. Now why is the ANC so resistant to act on this issue of labour brokering? Is it because they are making money from it? They have reduced the cost of mine labour even further. This cheap labour economy that we're having in this country is not sustainable; the gap between rich and poor is just growing wider and wider and it's just going to explode. But it seems like people are only concerned about profit.

**A!:** So you think that the mines can afford to pay a lot more?

**DVW:** If you increase the cost of mining towards society and towards workers – workers will become more productive. How can you be a productive worker if you're living in a tin shack and you don't have access to electricity and you don't have access to clean water? It is cooking in summer and its freezing cold in winter. And the corporate sector is not a patriotic sector because it's largely foreign owned. So they have no interest in the living conditions of South African people. They're only interested in getting this metal out of the country as quickly as possible.

**A!:** During the Truth and Reconciliation Commission none of the mining companies took any responsibility for their role during apartheid. If you were the President, how would you have phrased this enquiry?

**DVW:** The commission of enquiry should be very broad, it should look at the industry as a whole. What happened at Marikana is symptomatic. Marikana can happen anywhere and at any moment. And then we should use the answers from that commission of enquiry to restructure that industry so that this thing can't happen again.

**A!:** So we need a systemic enquiry?

**DVW:** Yes, it should be systemic. And it should be human-rights focused. And we should not worry about foreign investment, foreign investment, foreign investment. Zimbabwe indigenised the mining sector by demanding 51 percent ownership, etcetera. Did Anglo run, did Aquarius run? No, they didn't run. They simply, meekly agreed. So we can actually be much stronger because we have 80 percent of this mineral. No one else has this mineral – between us and Zimbabwe, we control this mineral.



**A!:** Exactly, we can do an OPEC.

**DVW:** Yes, we can do an OPEC . We can set the conditions for investment. We don't have to abide by their conditions.

READ MORE:

The Bench Marks Foundation Report, 2012. Communities in the platinum minefields: Policy gap 6.

[www.bench-marks.org.za/policy\\_gap\\_6.htm](http://www.bench-marks.org.za/policy_gap_6.htm)

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### **A mineworker's wage: The only argument against the R12 500 is greed**

Marikana has left the nation in shock. Everyone hopes that the judicial commission of enquiry set up by President Zuma will shed light on what led to the police killing of 34 workers on the 16 August 2012. Lest we forget, eight workers and two policemen were killed the week before.

The workers at Marikana are still on strike a week after the massacre and their core demand is a wage increase to R12 500 per month. While attempts at allocating blame, positioning to capture a political base or preventing a loss of institutional and management legitimacy have almost drowned the voice of workers, their steadfastness has ensured that the core issue remains alive. In fact, they are teaching South Africa a lesson and are prepared to sacrifice for it.

### **Cheap labour must end**

The lesson is that South Africa cannot continue to develop on the back of low wages, or, as we used to say, on cheap African labour. Marikana reveals in no uncertain terms that difficult choices and hard sacrifices are necessary to change this reality, which remains entrenched even if it is not spoken about. These brave workers are saying what nobody dares to say anymore – our democracy rests on a system of cheap African labour, whose time must also pass.

### **But is the demand of workers for R12 500 per month unreasonable?**

If it is, what can be said of the remuneration of CEOs in the sector? In the LRS Directors' Fees Survey, the average remuneration of mining CEOs during 2011 was R20.2 million per annum, or R55 000 a day.

To be sure, R12 500 a month is much higher than current pay levels, which vary from one commodity to another. The minimum wage for gold miners is R4 222 whereas coal mines

pay a minimum of R4 852. Platinum miners earn at least R5 396 and those in diamond mines can expect a minimum of R6 540. These low minimum wages across the board maintain mine workers in perpetual poverty.

However, it is argued that R12 500 is unaffordable and will lead to the collapse of companies and result in joblessness.

But the average profits made by the nine mining companies in the LRS company database, after all costs of operations were paid for, amount to almost R39 billion. There are about 520 000 people formally employed in mining (Stats SA, QES report), so the profits of just these nine companies could have employed more than 2.3 million people at R12 500 a month.

### **National minimum wage**

A wage of R12 500 is way above the current average minimum wage and that of other sectors. The median minimum wage finally reached R4 000 a month in 2012, with variations between sectors. The median in mining, as shown in the table below, is R4 743 a month, which is already higher than other sectors. The unions constantly call for centralised bargaining and a national minimum wage. Perhaps ears will now be more receptive to union calls for equity and fairness in the workplace.

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### **And what of the women of Marikana? | by Samantha Hargreaves**

More than two weeks have passed since the savage 16 August massacre at Marikana massacre and much has been said by government, the mine, the unions, and some civil society organisations. But we have heard little directly from the Marikana strikers, and almost nothing from the women of Marikana. We hear from those with power, visibility, and access to the media, and the women of Marikana enjoy little privilege on any of these fronts. But they are there – mobilising in their communities, choosing their delegations to court, raising the money to get there and demonstrating with passion and fearlessness against the police.

Ten days after the slaughter, women activists from various grassroots organisations and NGOs visited Wonderkop to be in solidarity with the women of Marikana. There, we heard of the nightly raids of police on their communities, and of the beating, arrest and abduction of other men. One woman told us: 'Our husbands, brothers and fathers have been killed like snakes'. The women are deeply fearful of the police, and rightly so after their murderous and brutal conduct. Some women may have experienced gender-specific violence by the criminal justice machinery, with a report trickling in some days back that women had been raped by the police. 'We are afraid of sleeping in our houses... we sleep outside to be safe,' said one woman, while another told us they were fearful of the police, who 'are like the criminals. They break down our doors and take us.'

In the informal settlements the women call 'home', they are now on the frontline, defending and protecting their families and communities. Just like in the anti-apartheid days, it is the women who keep a watchful eye on their families and neighbours, who track police movements, and report incidents of police brutality and harassment to the churches (seemingly the most constant 'outside' presence in Marikana) and other organs of civil society.

The majority of the Marikana strikers live in the informal settlements surrounding the Lonmin mine. These do not differ from those we see in any of our major cities, or small towns, but what does differentiate them is that they are starkly juxtaposed against the mine infrastructure and shafts: a very physical representation of the enormous wealth generated in the digging up of platinum, which is of little benefit to these communities.

In Wonderkop, one of a few such settlements in Marikana, sewerage literally does flow through the streets, water is bought from the few that can afford to install a standpipe, shacks sit at lopsided angles facing onto narrow allies or deeply eroded dirt roads, there are no health services, no electricity, and schools are at a distance away. The workers are employed by the world's third biggest platinum producer, which has benefited greatly in two separate waves of highly profitable returns on capital investment in the 2000s. The workers live under a democratic dispensation, and yet these are the desperate and deplorable circumstances of their existence. A deep and grave injustice is being done to the workers of Marikana, and their communities, and it is this reality, combined with exploitative wages, that gave rise to the strike action and that now ripples through the mining sector.

With a state that is completely absent and mining companies that plunder national resources with little investment in the local economy, the women of Marikana, because of the gendered division of labour, carry the burden of no or entirely inadequate public and social services. It is they (with the support of children) who on a daily basis reproduce the male workers: gathering firewood, negotiating for and carrying water, cook, cleaning and washing, and caring for the children. While their men also endure the hardship of life here, it is the women whose unpaid labour compensates for the failures of the state and the careless looting by Lonmin and other corporations.

The majority of Wonderkop women we met with are in-migrants (settlers). They do not appear to identify with Marikana as 'home', a position no doubt aided by the terrible inhospitality of this place. Poverty is severe, with an estimated 67 percent of households, many headed by women, earning R1 600 per month or less (Treasury, 2011 in Benchmarks Foundation, 2012). People are here for work and survival reasons only – the men to work or have a chance to labour on the mines, and the women either having followed their men, or coming there to work on the mines or to benefit from the presence of male workers, some of them alone and distant from their families. The men need goods and services, including sex and affection, which the women, in the absence of real livelihood alternatives, can and do provide. However, not all women are there out of choice with the Benchmarks report (2012) citing disturbing examples of women being 'imported' from Mozambique for the purpose of sex slavery.

The Benchmarks report (2012) highlights the abuse of another highly invisible group – working class women who work on the mines – both at the point of recruitment, when they are expected to trade sex for jobs, and on the job, when they are subject to sexual harassment and abuse by male bosses and peers (see also Benya, A, 2009). In conversation with the women of Wonderkop, the trading of sex for cash or other forms of support from men is common – both on the mines themselves and in the informal settlements that surround the mines. One woman from Wonderkop said: 'People point fingers at us saying we sell sex, but what option do we have? The only way we can survive is by selling our bodies.' Some of the women spoke passionately of the need for livelihood options specifically for support for working the land.

Some of the key demands of women in the midst of the Marikana crisis are for:

- A full and complete list of all of those that have died, been injured, and that are currently in detention to be made public immediately.
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- The police to get out of their communities now and to stop the ongoing harassment, arrests and torture. Specifically, for police units from outside of Marikana to be returned to their bases immediately.
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- The police who have killed, beaten and tortured the Marikana strikers to be charged.
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- A minimum wage of R12 500.
- 
- Health care services, electricity, proper housing and water.
- 
- Support for women's livelihoods, including local farming.
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The story of the women of Marikana is the story of women living in the very many thousands of informal settlements and mining affected communities across South Africa. It is for this reason that dozens of women's rights organisations and women have forged a Marikana Women's Solidarity Forum. If you would like information, wish to organise a solidarity event, or make a contribution to the work of the Forum please e-mail Samantha Hargreaves at [samyhargreaves@gmail.com](mailto:samyhargreaves@gmail.com) or Constance Mogale at [constance@lamosa.org.za](mailto:constance@lamosa.org.za).

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### **Interview with Gavin Capps on Platinum**

**Amandla (A!):** Is platinum the new gold for the South African economy and how has the global crisis impacted on the industry?

**GC:** Platinum has historically been a relatively marginal metal in the world economy. South Africa has 88 percent of the world's known reserves but until the 1990s there was comparatively little demand for it.

Since the late 1990s there has been an incredible turnaround in the global platinum market due to the use of platinum in catalytic converters for car exhaust emission systems. Increased demand resulted from good marketing by the major producers in the white-metal jewellery market, in a number of manufacturing applications, and it could explode if fuel-cell electricity technology becomes viable.

From the 1990s until the financial crisis of 2008, there was a massive surge in platinum's price. Consequently, in South Africa there was a huge expansion of the industry in North West and Limpopo. Platinum overtook gold as the biggest employer of mine labour and as mining's biggest component, also year-on-year in sales value. It has emerged as the most dynamic element of SA's post-apartheid minerals energy complex. In that sense, platinum has become absolutely the new 'gold'.

What this is leading to is that the ANC, after taking some time to develop its mineral policy, set in motion a process of opening the industry to BEE players, especially the platinum sector. The key measure was the Mineral and Petroleum Resources Development Act (MPRDA) of 2002, which essentially nationalised all privately-held mineral rights. This gave it considerable leverage to propel black mining entrepreneurs into platinum. It is largely through this process that Tokyo Sexwale, Patrice Motsepe and Cyril Ramaphosa established themselves in the industry.

With the Zuma administration's turn towards a minerals-led industrialisation strategy, platinum was recognised as central to our mining future. It is also in this context that discussions of a resources' rent tax have emerged.

Part of this strategy focuses on downstream industrialisation or beneficiation as a means of enhancing the economy. Government wishes to see more local manufacturing of catalytic converters and a technological push to develop fuel-cell technology. If it takes off in the automobile industry to the point where it replaces the internal combustion engine, it is no exaggeration to say platinum could be to SA what oil is to the Middle East.

All of this points to the critical strategic importance of platinum to the state's future economic calculations, especially since it may become central to future energy production. This is an important aspect of the backdrop to Marikana.

The second element is the platinum sector's short-term crisis. The impact of the global economic crisis on the car market, especially in Europe where demand is very low, pushed the platinum price downwards, placing a tight profit squeeze on the industry.

In this situation of over-supply, platinum producers have attempted to slow down production. Some of the smaller ones have even shut down. Others wait for prices to increase to resume their projects. This means that workers are paying for the current crisis: when mines are shut down, workers are laid off. In the depth of the financial crisis Angloplats laid off 19 800 workers.

We should also understand that new foreign players have entered the industry. China has come in through a partnership with Sizwe in the North West, Canadian and Australian companies are also moving in. So there is a lot of jockeying for position. This creates even more pressure in an industry facing profitability and cost squeezes.

**A!:** While it is one thing to recognise the strategic importance of platinum to the economy, is it fair to say that the government is in bed with the platinum mine owners?

**GC:** This is a complex question: in some ways they are and in others they're not. When the ANC introduced the MRPDA as a means of sourcing BEE players, there was an almighty fight with the mining houses, which were terrified of losing their monopoly rights. The tension was resolved through compromises and back-room deals that allowed producers to retain their position while letting in new players, particularly those aligned to the ANC.

There are differences within the ANC on how to relate to the platinum industry. The departments of mineral resources (DMR) and economic development (DED), have different approaches. The DED supports the State Intervention in the Mineral Sector (SIMS), which focuses on large scale beneficiation and means that more of the manufacturing should take place in South Africa. The DMR is close to the mining houses and will do as little as possible to undermine their profitability. For example, Minister Susan Shabangu is opposed to the resources rent tax, which is supported by others at a ministerial level. It is not monolithic. Essentially, the government works its best to create spaces for junior partners and to use the industry as a catalyst for other parts of the economy.

**A!:** Why have we seen militant worker struggles in an industry that is experiencing a slow-down?

**GC:** There have been various worker struggles in the platinum fields since 1994, with wild-cat strikes developing outside of the National Union of Mineworker's (NUM's) control. These were unprotected strikes led by workers themselves, leaving NUM to catch up. NUM has had to reassert itself as the main bargaining power between labour and capital. The current struggles haven't come out of nowhere. To understand the present it is necessary to look back historically at worker organisation in the platinum industry.

One of the biggest recognition struggles fought by NUM was at Impala's platinum mines in 1992/3, which was important because it showed the strength of worker initiative and the tradition of rank-and-file organisation. Impala operated in the Bophuthatswana Bantustan, where any attempt to organise mineworkers was ruthlessly crushed. Incredible state violence was used. (As an aside this is why the North West is so well geared up to crush strikes: it has the institutional capacity and knowledge to do so.)

Worker leaders from that period explained that before the Implats strikes, which involved stoppages by 40 000 workers, they had patiently built up rank-and-file organisation clandestinely. As a result of these massive stoppages and processes of self-organisation, Implats, desperate to restore stability, signed a recognition agreement with NUM.

So we should take account of this strong history of worker initiative on the mines. It is extraordinary that struggles have developed outside the NUM apparatus again, only a couple of years following this battle. The bureaucratisation of NUM, on one hand, and its loss of control over the workforce, on the other, are truly surprising.

One reason could be miners' incredibly harsh working conditions. It is no surprise to see a concentration of rock drill operators in the militant actions because their work conditions are simply appalling and the pay is very poor.

Even though wage levels have increased incrementally since 1994, compared with the rate of the expansion of the industry and the profits being made these increases are comparatively small.

**A!:** What has happened with NUM? It seems workers have rejected NUM to strike independently and join the rival union, AMCU.

**GC:** When I did field research in the industry in 2000/2001 in the Bafokeng area, I was struck by the degree of alienation of ordinary workers. In a relatively short time they had started feeling that NUM no longer represented them effectively. This could be attributed to three factors:

- After NUM's recognition struggles, the bosses employed various strategies to develop closer relations with the local union leadership. They realized that union incorporation was better with a force like NUM rather than facing autonomous worker action with which one cannot negotiate and reach compromises. For example, at Impala, the union office is right next to the manager's office. Management fostered strategies of socialising with NUM leaders (both organisers and senior shop-stewards) and this generated a feeling among workers that grievances were not being taken up.
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- NUM's structures were not built from the bottom up. NUM would often arrive after the outbreak of a struggle, organise big rallies and hand out membership forms.
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- NUM's immense role in the tripartite alliance and at NEDLAC shows that it wholly embraced corporatism and the social contract model. NUM accepts that capital, state and labour are equal stakeholders in the industry and that arrangements can be obtained around the table. However, once agreed to, these arrangements have to be enforced by all parties, including NUM.
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It would be wrong to say that NUM is part of the problem because of these reasons. NUM's importance for mineworkers is undeniable and one would want NUM workers to take on these contradictions and find common cause with other unions to defend worker interests.

**A!:** We have seen the formation of AMCU from disgruntled NUM members. What is AMCU's history?

**GC:** AMCU was established on the coal mines in Witbank, formed by shop-stewards who would not accept a particular NUM deal. There was a very militant struggle at that colliery, including underground occupations. NUM then disciplined these workers, even though its own investigation found no members had broken union rules. Direct intervention by Gwede Mantashe, who was NUM general secretary at the time, saw this group of members being expelled.

I don't believe that AMCU is an opportunist operation in the way that others have been. Precisely because of the distrust between the rank and file and the leadership, workers have been relatively open to other union formations that seem like they will represent their grievances more effectively.

There have been a number of opportunistic initiatives to take advantage of the distrust between workers and the NUM leadership. One was an outfit called Workers' Mouthpiece, whose intervention in a strike led to a number of workers being killed. It transpired that Workers' Mouthpiece was a scam run by whites wanting to get their hands on union dues.

There have been several of these opportunistic interventions. They happen frequently to exploit that gap between workers and the leadership.

In general, AMCU appears to be a lot closer to workers on the ground. However, it's not sufficient to cheer AMCU from the sidelines. I understand AMCU as the expression of the extreme bureaucratisation of NUM, on one hand, and the extreme exploitation of the workforce, on the other. It grew because of its stronger grassroots orientation and relative success. At Impala, for example, workers won a substantial pay rise after six weeks of struggle at the end of 2011, where 17 200 workers were sacked then rehired.

It is necessary to spend more time on the ground to be able to understand how far AMCU is moving in and able to exploit worker grievances, and how far it is growing more organically. To put it into perspective we should remember this is how NUM itself grew.

The problem with AMCU/NUM rivalry is that it allows management to develop divide and rule tactics. The great historic achievement of NUM was that it unified the workforce behind one union. And you could take the position that AMCU is having the effect that hard-won union recognition agreements (and they were hard won, costing many workers lives) are beginning to be ripped up. So, for example, the CCMA has come in at Impala to adjudicate NUM and AMCU's percentages of trade union membership. If NUM's membership falls below 51 percent, then all its existing recognition agreements will be torn up.

One could argue, if you saw this in isolation, that it's an incredible step backwards, threatening important rights and gains achieved in the mining sector. And it's certainly not in workers' interests to be involved in turf wars over membership.



So this is a serious dilemma, but one that is explained by the problems around NUM. AMCU does reflect a new kind of militancy and, if it is giving that an organised expression, another argument could be that AMCU's emergence is a positive development.

It will be incredibly complex and difficult to work out the best way forward from here. In the abstract we would argue for worker unity but there's no guarantee that this will happen. What we also see in Marikana and elsewhere is worker initiatives happening outside of both NUM and AMCU. This makes things even more complex.

*Gavin Capps is a member of the Land Reform and Democracy Unit at the University of Cape Town and is affiliated with the Department of Sociology. He is the leading academic expert on the platinum industry.*

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### **Lonmin workers reject R5,500 pay offer**

Wildcat strikers at Lonmin's Marikana mine have rejected a pay offer of R5,500 from the platinum miner, saying it is way below the R12,500 demanded.

Author: Mish Molakeng

Posted: Friday , 14 Sep 2012

MARIKANA, South Africa (Reuters) -

Wildcat strikers at Lonmin's Marikana mine rejected a pay offer on Friday, dashing any hope of ending five weeks of industrial action that has swept through South Africa's platinum sector and laid bare the power struggle in the ruling ANC.

Workers camped on a rocky outcrop at the mine, where police shot dead 34 protesters last month, dismissed the offer as way below the 12,500 rand (\$1,500) they have been demanding.

"We are not interested," striker representative Molifi Phele said as hundreds of stick-waving demonstrators chanted and danced around him on the sun-bleached grass in the heart of the 'platinum belt', 100km (60 miles) northwest of Johannesburg.

"What he is offering cannot buy you anything. All we want is 12,500."

The Aug. 16 "Marikana Massacre" has poisoned industrial relations across the mining sector and turned the spotlight on the alliance between big unions and the African National Congress (ANC) that has formed the basis of power since the end of white minority rule in 1994.

This year's rapid rise of the militant Association of Mining and Construction Workers (AMCU), based on a push for huge wage hikes, has presented an unprecedented threat to a status quo under which established unions ensure industrial stability with more modest wage increases for workers.

President Jacob Zuma, who faces an internal ANC leadership election in December, has vowed to crack down on anybody inciting further unrest, but his handling of the troubles has at times appeared flat-footed and wooden.

Meanwhile, ANC renegade and silver-tongued populist Julius Malema has seized on the crisis to promote himself as a champion of the millions of black South Africans whose lives have changed little since apartheid ended 18 years ago.

The Youth League leader, expelled from the ANC this year for ill-discipline, has emerged as the face of a de facto "Anyone but Zuma" campaign gathering steam as Nelson Mandela's 100-year-old liberation movement grinds towards its leadership conference at the end of the year near the central city of Bloemfontein.

"People who believe that Malema does not present a danger to South Africa have missed the point," said Richard Farber, a fixed income trader at Johannesburg brokerage Worldwide Capital.

"It is his ideology that presents the danger and that is gathering momentum."

In the face of unrest spiralling into gold mines near Johannesburg, Zuma told parliament on Thursday the government would crack down on anybody stirring up more labour trouble, but stopped short of explicitly naming Malema.

Besides Lonmin, several thousand men have downed tools at top world producer Anglo American Platinum, which was forced to close its four Rustenburg mines this week after they were targeted by columns of stick- and machete-waving marchers.

The price of platinum, a precious metal used in jewellery and vehicle catalytic converters, has spiked more than 20 percent since the Marikana shootings amid fears of prolonged disruption to supplies.

South Africa is home to 80 percent of known supplies.

Even though the wage offer - thought to be in the region of 5,500 rand a month - was rejected, Lonmin shares rose 5.5 percent on the back of another jump in the platinum price following the announcement of more U.S. economic stimulus.

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## **ANC battling to contain Malema**

by Stephen Grootes, 14 September 2012,

ON TUESDAY night Defence Minister Nosiviwe Mapisa-Nqokula announced that she had put military bases around the country on high alert for the first time since 1994 because former ANC Youth League Leader Julius Malema planned to speak to soldiers in Lenasia, South of Johannesburg.

It appears to be a decision that may have been sparked by panic, but has its roots in the deep-seated problems the defence force has with some soldiers.

It further appears to demonstrate that the ANC, and thus the government, is battling to contain Mr Malema as he visits areas of the country that are in conflict.

From a legal perspective, it appears it would be difficult to prevent Mr Malema from speaking to soldiers, so long as it was not on military property and the soldiers were off-duty.

So long as he did not incite violence, his comments would be protected. Thus, it would appear that Ms Mapisa-Nqokula may have made this decision based on fear of what his comments could provoke.

However, when she was asked whether she thought Mr Malema could provoke an army mutiny, she claimed that she "did not know what could happen", but stressed she was taking precautions. For his part, Mr Malema said he was "not planning any military coup" and that the minister "must take a chill pill". The minister was not amused by his advice.

It appears the main problem Ms Mapisa-Nqokula had to deal with was the after-effects of the march by 1,300 soldiers on the Union Buildings in 2009.

On Tuesday, the army confirmed that it would still proceed with charges against soldiers involved in that march despite a lengthy court battle over whether they could be fired and then reinstated. As a result of this, it appears the minister may have felt it possible that Mr Malema's presence outside a military base could spark some sort of reaction that would then be difficult to contain.

For political analyst Professor Sipho Seepe, this suggests that there are problems in the leadership of the South African National Defence Force and that they, perhaps, don't have full confidence in their soldiers. It begs the question, what advice is Ms Mapisa-Nqokula getting from her generals about the state of the military.

It also, however, points to an over-reaction to situations involving Mr Malema. He has toured around the country, visiting striking miners. His speech at a memorial service for those killed in Marikana sparked a walk-out by government ministers who were attending. It appears they still haven't worked out how to contain him.

Mr Seepe says this points to the ANC needing to jack up its leadership. "The fact Mr Malema seems to be attracting a number of voices speaks to his capability, but it also speaks to the incapability of other people to manage that space."

He says, in the final analysis, part of the problem is the "conflict within the ANC (over Mr Malema), which remains unresolved, which is not good for the country".

This could, however, also point to questions about President Jacob Zuma's wisdom in appointing Ms Mapisa-Nqakula to this office. She was widely criticised for how the Home Affairs Department functioned during her tenure there and did not appear to make much progress at Correctional Services.

Her political ability could be questioned as well. It was while she was leader of the ANC Women's League that the organisation decided to support Mr Zuma, having previously supported Thabo Mbeki. As someone who appeared to actively campaign for Mr Mbeki during that time, it could be an example of someone not entirely in touch with the grassroots members of the organisation.

*\* Grootes is an Eyewitness News Reporter*

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### **Housing must be made a priority at Marikana**

by Karen Heese and Kevin Allan, September 14 2012, 05:36 | 0 Comment(s)

IN THE wake of the Marikana tragedy, there has been surprisingly little attention paid to the role of housing and basic service provision in the area. While the chief demand of miners is for higher salaries, despite evidence that the current package of Marikana miners is above the median wage of the average employed South African, living conditions reinforce the sense of impoverishment.

What is different from the past, though, is there is an element of choice — Lonmin offers hostel accommodation or an allowance, which is often preferred by miners and used only partially for accommodation. Other expenses that take preference include the need to support families elsewhere and point to the first problem faced by municipalities such as Rustenburg, where Marikana is situated — migrant labour.

Significant backlogs in housing and basic service provision are already plaguing Rustenburg and North West. Should the co-ordination and planning for housing and the provision of free basic services to mine employees not permanently residing in the municipality be expected, especially when miners' incomes place them outside the income bracket for RDP housing and free basic services?

The conundrum is complicated. Many miners reside with new or second families in informal settlements and these members of the community who are permanently resident in the area should be catered for. In addition, the Chamber of Mines has argued that it has transferred funds to support development. Certainly the municipality, pocketing rates from mining activities, cannot shrug off responsibility for housing and services.

But is it realistic to assume that North West municipalities in mineral-rich areas are able to support mines' social and welfare needs in addition to addressing substantial existing backlogs and infrastructure provision for their permanent residents? Is it justifiable for mining companies to fall back on allowances for individuals and development funds when backlogs in housing are clearly so big, not only for miners, but for the poorest?

Lonmin recognises that housing is a major risk, estimating a North West backlog of 202,000 houses, with one third of the Bojanala Platinum district municipality residing in informal housing and half of the population in the settlements falling within a 15km radius of operations living in informal dwellings and lacking basic services. It has responded by building 1,149 houses and converting 60 hostel blocks to single and family units in furtherance of a goal to build 5,500 houses and convert 128 hostel blocks by 2014.

Critics have argued that for all Lonmin's award-winning support of local health initiatives and clinics, there are longer-term costs from mining, especially in relation to the environment, with the brunt being borne by communities.

But this may change. In a recent court ruling, the North Gauteng High Court found that the liability for environmental degradation cannot be sold on to new owners. In 2003, Harmony Gold acquired all the shares in African Rainbow Minerals Gold, which remained the owner of a property until January 2009, when ownership was transferred to Pamodzi. At this time, Harmony informed the Department of Water and Environmental Affairs that it was no longer responsible for the management, collection, treatment, use or disposal of subterranean water affecting current and future operations of mines.

The judgment, however, found that it was not only the current landholder who needed to undertake remediation, but also those who failed to comply with previous directives. The description of a "clear causal and moral link" between mining and environmental impact is important — environmental degradation cannot be transferred with property rights.

These issues of liability fuel demands for the nationalisation of mining — the call is to match returns from mining with the costs that are often picked up by local communities, be they social, environmental or other. But in a better incentivised world, mines would need to pick up the tab for their activities, and this is a cost that few taxpayers would want to be saddled with if nationalisation were to go ahead.

As the National Development Plan has made clear, the solution to many of our ills lies in a partnership between all players; in this case, mines, local communities, miners and local government. If housing is so fundamental to a sense of wellbeing, all stakeholders must treat it as a priority in this troubled area.

- Heese is Municipal IQ's economist and Allan is its MD.

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## **Marikana is a deep-seated problem**

by David Gleason, 14 September 2012, 05:36 | 2 Comments

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IN A recent column, (ANC the victim of its own success, April 11) I likened the problem of perceived failed service delivery faced by the African National Congress government to the biblical story of Moses being taken by God to see the Promised Land. Though he could look, he wasn't able to enjoy the benefits.

The Marikana saga is exactly this. It is a deep-seated sociological problem that has its origins as far back as the start of the mining industry in 1867, when Cecil John Rhodes arranged to impose the hut tax, so forcing black men onto the mines. This "arrangement" has been reinforced in different guises at varying intervals — job reservation, migrant labour, single-men-only accommodated in army-type barracks, devolving finally into the grant of a living-out allowance that actually leaves those receiving it worse off.

The living-out allowance was a method employed by the industry to avoid the expense of converting hostels into acceptable accommodation for single and married employees. So what do the men do? They build shanty huts outside the mine gates and they are joined by prostitutes, shebeen owners, taxi drivers and the unemployed. The mines say the problem is the municipalities'; the municipalities say it belongs to the mines; the police won't remove the shanty towns on mine property.

The result is a systemic problem of potentially stupefying proportions. The mining industry is the base of this country's economy, even now in its waning years. What it does, how it is treated and how it treats those who depend upon it, the government included, reverberates throughout the country. The frustration that has built up over decades is insisting on being noticed. Those "We demand R12,500" posters are simply a convenient rallying cry.

What needs to happen, and isn't, is for all the constituencies involved in the industry to engage in a meaningful manner to grasp the dimensions of the problem. The blame game won't work; recognising the problems and coming up with sensible solutions may succeed.

I have been struck by the silence that has characterised the Marikana tragedy. The premier of the North West has been conspicuously absent; Mining Minister Susan Shabangu just

keeps pointing fingers at the industry; Labour Minister Mildred Oliphant bangs on about employment equity and defending Woolies; the Chamber of Mines has been struck down with severe laryngitis.

SA is supposed to be a constitutional democracy. It follows, or it should, that no-one should be frightened to voice opinions, even if they run counter to conventional thinking. This is why dialogue is now of such paramount importance. The sooner the government, industry, labour, and civil society get together to speak directly and honestly to each other the better it will be.

Meanwhile, the platinum mines have a devilish problem to resolve. The owners and the government need to get the mines back to full output. But they can't, or shouldn't, negotiate with a phantasmagorical collection of thousands of apparently leaderless miners; they can't go outside the established labour framework because doing so would set the precedent of succumbing to wildcat strikes. This would spread across the economy like wildfire.

And the rate at which costs have risen across the platinum mines has been so significant that large portions of areas previously considered minable must now fall into the "unpay" category. Mining may have to be withdrawn from whole sections and some shafts may have to close.

The effect will be nothing short of disastrous. The first release of the findings from the initial efforts of the Mining Dialogues 360° initiatives revealed that every person employed on a mine subsidises 26 others. So, if 1,000 miners are retrenched, 26,000 people are immediately affected to a greater or lesser extent. Imagine the industry concluding that the only way to survive will be to retrench, say, between 8,000 and 12,000 workers.

Will the next government find it any easier to resolve the problem? No. It will be faced with a lower tax base, continuing balance of payments difficulties, a declining currency and mounting inflation. We are all on this bus. It is going downhill and the road bends and twists unexpectedly. The brakes have failed. Who is driving the bus? "The Mouth" Malema, and he doesn't have a driving licence. Someone had better take over — quickly.

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### **Mining a potential death trap worldwide**

by Tina Weavind, September 09 2012, 11:29 | 0 Comment(s)

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RELIEF COLUMN: Rescuers prepare for operations outside the entrance to the Xiaojiawan Coal Mine in China following an underground gas explosion that killed 37 miners. PICTURE: REUTERS

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#### 'Divide' between mining industry, workers — NUM chief

THE recent violence in the country's platinum sector has caused shockwaves. But mining is fraught with danger and discontent and deaths are relatively common.

Duncan Sloan, responsible for mining in sub-Saharan Africa at Accenture, says often in these situations vulnerable, desperate and uneducated people are taken advantage of, and there is a communication void between the workers and the managers.

Many communities feel they aren't getting a fair share of the wealth and they protest. Mining companies have found community relations increasingly important to their operational success in the past 10 years.

Unrest in the last three years has been driven by talks of super profits coming out of the resources boom, the spoils of which are not trickling down to the people who need them most.

The following are some of the more recent incidents of violent and accidental death at mines around the world.

In Indonesia, killings at Grasberg mine, an open-pit copper operation have been going on for years. The militant anti-government Free Papua Movement are believed to be behind the killings, which are often carried out with military- issue weapons. Most of the attacks occur along a jungle road leading to the Freeport-McMoRan-operated mine.



Resentment has built up in the community because of the perceived low share of profits going to local Papuans as well as environmental damage taking place.

Last year a three-month wage strike prompted the company to declare a force majeure because of lost production. During the strike, the mine was blockaded and a major pipeline to the port was sabotaged amid violent clashes between police, protesters and members of the Free Papua Movement. Two miners were shot dead and a third was burnt to death in a car.

Because of lawlessness in much of the Democratic Republic of Congo, not all mining deaths are recorded. Formal mining operations in the country ended with the civil war in the 1980s, and much of the work is now done by artisanal miners. David van Wyk, a researcher at the Bench Marks Foundation, said these small family groups operate in their tens of thousands, in open-pit areas with big mining companies sending in trucks at intervals to collect the hand-dug ore. Safety precautions are almost nonexistent and accidents are common. In addition, appalling living conditions abound and death from disease is rarely recorded.

Earlier this month more than 60 miners were killed 100m underground in a gold mine when the shaft they were in collapsed. The collapse was apparently caused by a landslide and the miners were working illegally - their shafts were deeper than the 30m limit required by the mining code for small-scale mining.

Efforts by rescue teams to reach the area were hampered by armed rebel group - Mai Mai Morgan - which operates in the area.

Four people were killed and 20 injured in Peru's northern Cajamarca region when protests at a gold mine turned violent in July.

Peruvian authorities imposed a state of emergency in three provinces, in response to the clashes which included civilians and security forces. Scores of arrests were made.

In Venezuela last month, an attack by a group of illegal Brazilian gold miners on a group of Yanomami tribespeople, left up to 80 people dead, campaign group Survival International told the BBC. The attack took place over access to the gold-rich land where communities of Yanomami people live.

The place the attack happened - near the border with Brazil - was in an area so remote it took those who discovered the bodies days to walk to the nearest settlement to report the incident.

Last month a wage riot at Chinese-owned Collum coal mine in Sinazongwe, southern Zambia, saw one person killed and several injured. The miners were protesting against the management's delay in implementing a newly revised minimum wage initiated by the government. Another Chinese manager and several Zambians were also injured.

The mine is in the same area, where two Chinese managers were accused of shooting dead at least 13 Zambian coal miners during a labour dispute in 2010.

Mining deaths in China are notoriously common, as safety rules are routinely ignored. Last year, 1973 miners were reported killed in coal mine accidents alone, down 19% from 2010. The country accounts for 40% of global coal output and 80% of mining deaths around the world each year, according to China Tungsten Online.

Recently a blast in the Xiaojiawan coal mine, in the southwestern province of Sichuan, resulted in at least 37 deaths, the worst in three years.

*\* This article was first published in Sunday Times: Business Times*

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### **No state of emergency – Radebe**

2012-09-14

The government will not declare a state of emergency but will “deal very swiftly” with illegal protests, Justice Minister Jeff Radebe said.

“This is not a state of emergency,” Radebe told reporters in Pretoria today.

However, those gathering illegally will be “dealt with”.

“We want to bring back public order in those areas so that the economy can continue to run normally.

“They are going to be dealt with very swiftly, without any further delay,” said Radebe.

“Our government will not tolerate these acts any further.”

### **Unrest undermines economy**

Finance Minister Pravin Gordhan added that labour unrest in the mining industry was extremely damaging to the economy.

“It undermines confidence in the South African economy, and if we undermine confidence, we undermine investment,” he told reporters.

- SAPA

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## **'Insulting' Lonmin wage offer rejected**

2012-09-14 11:33

Thousands of striking Lonmin mine workers marched to mining giant's near Rustenburg calling for all operations to stop. Picture: Lucky Nxumalo/City Press

Loyiso Sidimba

Striking Lonmin mine workers have rejected the company's R5 500 minimum wage offer, which they described as an insult.

The workers' representative committee will meet Lonmin management today to inform bosses of their colleagues' decision to reject the mining giant's offer.

Workers are demanding R12 500 and likened the company's offer to silence.

The workers' committee spokesperson at the negotiations, Molefi Phele, said Lonmin's offer was similar to what workers will receive in October following the three-year wage agreement signed last year.

Phele said Lonmin offered its lowest paid employees, general workers, a R986 increase.

Another member of the workers' committee, Zolisa Bodlani, said National Union of Mineworkers representatives objected to a workers' committee member because he was a contract worker at the company.

"We agreed that he would only be an observer during the talks," he said.

Phele warned that Lonmin's offer would be the same as the workers' current pay after deductions.

The workers' committee said worker operating a one-man machine underground would get a R750 increase while workers operating a two-man machine would get a R500 pay hike.

Workers have warned that if Lonmin does not pay R12 500 it must vacate its shafts for another company to take over.

They have also asked their representatives to end negotiations early as the talks are held at a lodge near a bushy area.

- City Press

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## **Mangaung massacre: Conditions ripe for revolution**

14 Sep 2012 00:00 - Andisiwe Makinana, Lisa Steyn, Rapule Tabane, Lynley Donnelly

Julius Malema is being helped to foment his "mining revolution" by ANC backers, according to senior youth league figures who continue to support him.

He also wants to create a "crisis for capital and President Jacob Zuma."

In Parliament, Zuma said on Thursday that the tragedy of Marikana was because of poverty, poor living conditions and the slow pace of transformation in the mining industry. But he condemned the "illegal strikes, the incitement and intimidation", saying it would not assist workers. He also warned that the government was watching the instigation of violence in the mines and would "act very soon".

The ANC national executive committee is meeting this weekend and is expected to discuss the crisis.

The nearly month-old "revolution", spearheaded by Malema, who is operating in what many believe is a political leadership vacuum, has been linked to upheavals at mines in North West and on the West Rand. It includes the operational stalemate at Lonmin's Marikana mine following last month's massacre of 34 striking workers, the shutting down of Anglo Platinum operations at its Thembelani mine in Rustenburg, the wildcat strike at Goldfields in Carletonville and the threat by mineworkers around Rustenburg to shut down the mines next week. Malema also found time to address disgruntled soldiers south of Johannesburg on Wednesday.

"There was a political vacuum and we occupied that space. If we failed to do that the wrong elements would have taken that space," Malema told the *Mail & Guardian*. "We took it while the leadership was indoors speaking to themselves."

### **Mining revolution**

Two youth league members said Malema was furthering a youth league project and that the league was fully behind him, although it could not support him financially because of its limited funds.

A youth league national working committee member said Malema had accelerated a youth league project because of his anger. "We were supposed to put systems in place first, but Julius went ahead after he was expelled from the ANC. We did not want it to happen the way it has. We wanted NUM [National Union of Mineworkers] to be partners in the mining revolution but developments have left the NUM behind.

"It is quite easy to start a revolution in South Africa. But we warned the ANC during the disciplinary process that it is impossible to control people once they are outside the movement. We hope they learn from this."

"We want the management to come down and declare that they will give people R12500 [a month]. If they don't do that, the workers will be resilient. They will carry on, even if it's for another six months."

Asked about the possibility of the mines being closed as a result, the youth league leader said it would be fine because the government would eventually take them over and "they can resell them to new investors from China".

### **Destabilising the country**

Both members said that ANC leaders believed Malema was being funded by Zimbabwe's Zanu-PF to weaken the ANC internally and to destabilise the country, but it was not true – it was "a distortion" to link Malema to Robert Mugabe, whom the ANC did not trust.

"ANC leaders can't get over Julius getting an audience with Mugabe, which they can't do ... and the fact that Mugabe gave Julius cattle."

The two insiders said Malema was being funded by ANC members, who wanted to see a leadership change at the ANC's elective conference in Mangaung in December.

Cosatu president Sdumo Dlamini told Business Day on Wednesday that "there have been certain individuals behind him who are funding this for their own political ambitions. Julius Malema may be the point person running at the front, but we know that there are big guns behind him.

"It makes Cosatu very angry that people are going to use the unsuspecting workers, sometimes leading [them] to their deaths ... just because people want to be president of the country or the ANC in future.

"This is a systematic, orchestrated, long-time plan that is unfolding now," Dlamini said.

"The ANC as the ruling party shouldn't be afraid to be bold, condemn and expose ... the ANC must continue to identify and deal with those who fund this chaos."

### **Ill-treatment**

Malema said he would visit Lephalale in Limpopo next week, where there have been violent strikes over the alleged ill-treatment of locals near Eskom's Medupi power station. The area is also home to Exxaro's Grootgeluk coalmine and the Matimba power station.

The mining revolution campaign is part of "the fight for economic freedom in our lifetime" launched by the league last year. It is being rolled out by an obscure structure called the Friends of the Youth League.

The labour issues that Malema has homed in on have taken on political overtones, which is making it difficult for mining companies to negotiate. Also the platform and airtime afforded to him has exposed the leadership vacuum in South Africa.

Platinum mining analyst at Cadiz solutions, Peter Major, said: "We need a real president, a real government."

Senior executive of transformation and stakeholder relations at the Chamber of Mines, Vusi Mabena, said there was great support for Zuma's initiative to set up an inter-ministerial committee following the Marikana massacre.

"We also all supported him when establishing a commission of inquiry, but where is it? In such a dire situation we may have needed to break some protocols to get things going quickly."

### **Initial unrest**

Bishop Paul Verryn, head of the Central Methodist Church in Johannesburg, said inequality in South Africa has reached the brink and other sectors would follow. "This is part of something bigger, of what's going on in this country, and there are other places which need to get their houses in order.

"Frankly, everybody [is at risk] – there is inequality in the church, in the public sector, in the army."

Some industry insiders believe that Malema's instigation occurred after the fact, and was not the cause of the initial unrest.

It may have started in December last year when rock drillers, believed to be from the Easter Cape and working at Impala Platinum, decided to strike. It was supposedly because of to unhappiness with the representation they were receiving from their shop stewards, and the need to look after their own interests.

Early this year, a wildcat strike brought Implats to its knees, but ultimately the company rehired many of the workers it had fired for the illegal action.

One source said the Marikana area was a large interrelated community, where many mineworkers shared family and social networks. So it was possible that the apparent success of the Implats workers was noted by this larger community, and contributed to the decision by Lonmin workers to down tools, which increased the likelihood that the strikes would spread.

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### **Gold Fields protesters hostile, swear at NUM**

2012-09-13 13:53

Strikers at Gold Fields' KDC West mine on the West Rand.

Swearing and hostility greeted an attempt by the National Union of Mineworkers to address striking mine workers at Gold Fields' KDC West mine on the West Rand.

After a march of about 3km to a field near the mine, mine workers carrying sharpened sticks, iron rods and knobkerries began shouting at an NUM official trying to address them.

"Voetsek! F\*k\*f!" (go! f\*\*k off!) shouted workers as he tried to speak.

As the shouting group, some wearing balaclavas, edged closer, the union man got into a Gold Fields armoured security vehicle.

Shouts of "Hamba!" (go) rang out as security tried to usher other NUM speakers away from the group.

The group formed a circle around those who urged them to give the NUM speakers a chance to address the group.

They responded by booing and shouting "voetsek" (get lost).

The NUM had hoped to address the strikers and the mine management in a bid to get workers back to their posts.

NUM spokesman Lesiba Seshoka earlier said: "We will meet Gold Fields and the workers today."

Attempts to do so failed yesterday.

"Yesterday was a miscommunication. We could not meet," said Seshoka.

The NUM official who took refuge in the Nyala, eventually spoke from inside the armoured vehicle, saying his union would assist the workers with their problems, but did not know about their grievances.

"We must get a solution to the situation," he said, as the crowd shouted at him to come out of the vehicle.

At that point, the group charged towards a bus parked about 500m away with some NUM delegates in it.

The bus drove off with Nyalas driving behind it.

Earlier, on their way to the meeting, a worker remarked: "Our problem is that NUM leaders came to us two years ago to promise us back pay and equalisation. We have a huge problem here."

Some complained about receiving duplicates, not originals, of payslips and others said there was no development at the mine.

"The leadership, they elect themselves," said a worker.

One worker said it took six months to save enough to visit home.

Another wore a T-shirt bearing the slogan "Better wages. Equalisation. R12 500. The hands must wash each other" in isiZulu.

"We don't promote violence. All we say to management is that we are hungry," said a worker.

On Tuesday, mine security guards fired tear gas at workers they said were intimidating and threatening those trying to get to work.

Today mine spokesman Sven Lunsche said operations at other Gold Fields mines were doing fine, with no disruptions at the KDC east or Beatrix mines.

The company had also sent a written response to a memorandum of demands handed to it by workers after a march on Monday.

- SAPA

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### **Manuel breaks his silence on Marikana**

September 14 2012 at 08:00am

By Nompumelelo Magwaza.

Comment on this story

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Minister in the Presidency Trevor Manuel is concerned that not even the CCMA was able to address Lonmin's wage dispute. Photo: Zanele Zulu.

Minister in the Presidency Trevor Manuel broke his silence yesterday about the tragedy at Lonmin's Marikana mine, saying that he was worried that not even the Commission for



Conciliation, Mediation and Arbitration (CCMA) was able to address the wage dispute between the mineworkers and employers.

Speaking in Durban at a Deloitte Annual Partner meeting, Manuel, who is the head of the National Planning Commission, said the issue of Marikana was very complex and the speed with which President Jacob Zuma had set up a commission of inquiry showed how serious the government was about finding a solution.

“I am quite concerned when an institution like the CCMA that has been attempting to convene the negotiations gives in. Because there is nothing beyond the CCMA when we have a crisis like that,” he said.

Earlier this week, the CCMA abandoned the negotiations after striking workers refused to return to work, which had been a prerequisite for wage talks to resume.

Manuel also raised a concern about the persistence of the informal migrant labour system that situations like the one in Marikana unveiled. “We must find solutions, not only for Marikana but for the industries that still rely on the informal migrant system.”

He was worried some workers were still being addressed as “amagoduka”, a Zulu name for migrant labourers.

The Marikana calamity needed a problem-solving approach, and he quickly pointed out that the solution would not come with opportunist leaders. “Those who try and fan the flames are not leaders, they are opportunists and demagogues. Leadership is not about doing nice things and shouting slogans, it is about getting down and solving problems,” Manuel said.

Although there were people better equipped to talk about the strikes in the mining industry, Manuel said he was personally hurt by the loss of so many lives at Marikana.

He believed that the commission of Judge Ian Farlam would answer many questions and provide foresight.

“It is a complex issue: the concerns of workers, the quality of the jobs and the burden of maintaining families.” Workers in Marikana faced many challenges, including poor living conditions, although this appeared to be a choice exercised by workers who received a housing allowance. Workers faced high levels of debt; too many relied on micro-loans, Manuel said, and deductions made before take-home pay left miners with little money.

Manuel said all these issues needed to be worked through and he personally would not judge anybody in this situation.

Deloitte’s chief executive, Lwazi Bam, agreed with Manuel that the Marikana tragedy needed a problem-solving approach, but added that South Africans should look beyond the tragedy and focus on the bigger issue: inequality.

“Addressing all these issues would be a balancing act because we have a national plan that seeks to attract investors and grow our economy based on the 2030 vision, but we must... make sure that this economy is fairly distributed,” Bam said.

This would prevent another Marikana in the near future, Bam said, adding that the solution should include sustainable mines and attract investors.

“The fact that those workers sacrificed their lives for a living wage should demonstrate the need to address these issues.”

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### **Miners pressure ANC with new strike call**

PRINT

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By: Reuters

13th September 2012

BLESBOK – The leader of a major protest by South African platinum miners called on Thursday for a national strike in the sector, deepening an industrial crisis that is evolving into the biggest threat to the ruling ANC since it came to power in 1994.

"On Sunday, we are starting with a general strike here in Rustenburg," demonstration leader **Mametlwe Sebei** told several thousand workers at a soccer stadium in the heart of the platinum belt near Rustenburg, 100 km northwest of Johannesburg.

The action was designed to "bring the mining companies to their knees", he said, to mild applause from the crowd, which was armed with sticks and machetes.

Despite the weapons, the strikers insisted their push for a sharp hike in wages was peaceful - even after the August 16 police shooting of 34 protesters at Lonmin's nearby Marikana platinum mine.

"There should be no blood," one placard read.

The wave of labour unrest rocking Africa's biggest economy kicked off with a violent strike at rival Impala Platinum in January and has since spiralled beyond the control of the government and unions into a grass-roots rebellion by blacks who have seen little improvement in their lives since apartheid ended 18 years ago.

Most men at the soccer stadium said they worked for top producer Anglo American Platinum, commonly known as Amplats, which had to suspend operations its four Rustenburg mines on Wednesday after they were blockaded by chanting marchers.

They also insisted they would not return to work until top management - including **Cynthia Carroll**, CEO of Amplats parent company Anglo American - came to listen to their gripes and introduced a basic pay hike to R12 500 a month.

"She must come to the workers," a 32-year-old worker called Kasigo told Reuters. "If they don't come, we won't work."

Neither Amplats nor Anglo American made any immediate comment.

The labour unrest began with a violent strike at Impala Platinum in January.

It stems from a challenge by the small but militant Association of Mineworkers and Construction Union (AMCU) to the dominance of the ANC-affiliated National Union of Mineworkers (NUM) and is also spreading into the gold sector.

World number four producer Gold Fields said NUM officials came under attack when they tried to address wildcat strikers at its KDC West mine near Johannesburg, where 15 000 men downed tools last week.

ANC renegade **Julius Malema** - the de facto face of an unofficial "Anyone but Zuma" rebellion in the ANC - has entered the fray, also calling for a national mining strike and accusing the polygamous Zuma of being more interested in arranging weddings than trying to clean up the mess.

On Wednesday, he lampooned a decision to issue a military alert to prevent him stirring up trouble by speaking to disgruntled soldiers near an army base south of Johannesburg.

"Since when are people who need to discuss their grievances a security threat in a democratic South Africa?" the 31-year-old told his audience of a few dozen people.

"What is it that is going right in this country? Everything is collapsing, people are losing confidence."

Ministers and NUM leaders have dismissed Malema as an irresponsible opportunist but the expelled ANC Youth League leader is becoming a star for the legions of South Africa's impoverished black majority.

Shares in Anglo American Platinum, fell as much 1.8% in early trade on top of a 4% decline the previous day. Platinum held steady near the five-month high it hit following Wednesday's Amplats shut-downs.

The rand fell more than one percent against the dollar on Thursday - compounding a dramatic 3% slide on Wednesday - as investors started to fret about the impact on wider economic growth.

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### **Plans afoot for raw minerals export levy**

by Paul Vecchiatto, September 13 2012

THE Department of Mineral Resources would approach the Treasury about imposing a levy on all raw mineral exports from South Africa in order to encourage domestic beneficiation, the department's director-general, Thibedi Ramontja, said on Wednesday.

Answering questions before Parliament's portfolio committee on mineral resources, Mr Ramontja said at present the only levy imposed was on diamonds. According to the South African Revenue Service the export levy is 5% on the total value of the diamonds exported.

Mr Ramontja said the matter had become urgent. "Sooner or later our mineral resources will run out and we can't have people saying that we never developed the vision to beneficiate our own minerals."

Energy department officials told the committee that the Cabinet had developed and approved two value chain specific implementation plans. The first was for an energy commodities value chain that included coal and possibly gas in the future, and the second was for iron and steel.

The final implementation plan under development would have all value chains as chapters. The plan was intended to provide a comprehensive set of interventions that would create an enabling environment.

Energy department officials said in their presentation the plan was an elaboration of the beneficiation policy adopted in June last year. The emphasis would be on synergies and integration of existing beneficiation interventions in order to maximise the development effect.

Further, the plan would introduce measures to enhance local and domestic markets, and take advantage of on Wednesday's membership of several economic trade blocs, including the Brazil, Russia, India, China, South Africa informal trade grouping.

African National Congress (ANC) MPs praised the plan, saying it was essential for the development of South Africa, and would create employment and alleviate poverty.

ANC MP and committee chairman Frederick Gona said it was important for the plan to be initiated as quickly as possible.

Another ANC MP, Christopher Gololo, said the plan was ambitious and wished the department well as it rolled it out. "We welcome it."

Inkatha Freedom Party MP Eric Lucas agreed the plan was needed. "I have been singing this song for many years that we export minerals only to import the finished goods. This is a step in the right direction."

But two Democratic Alliance MPs, Hendrick Schmidt and James Lorimer, expressed their concern about the plan. While South Africa had a comparative advantage due to its extensive reserves of raw materials, it did not have a competitive edge when compared with countries such as China. "The difference between beneficiation comparative advantage and competitive advantage is that while we have all the minerals in the world, labour productivity, electricity costs and distance from market are all issues. We have all the gold and platinum but that doesn't lead to competitive advantage," they said.

Mr Ramontja countered that the beneficiation plan took into account that South Africa would be competing with well-established countries and that the country would have to become competitive.

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Nationalise commodity sectors — UN

by Ntsakisi Maswanganyi , 13 September 2012, 08:58 | 1 Comments

COUNTRIES that derive a considerable amount of income from extractive industries such as mining and oil should either tax or nationalise the resources in those industries to distribute wealth and reduce inequality among citizens, a senior economics affairs officer with the United Nations (UN) Conference on Trade and Development, Alex Izurieta, said in an interview on Wednesday.

The body's trade and development report for this year, with a focus on policies for inclusive and balanced growth, was released on Wednesday.

Some of South Africa's youth under the African National Congress Youth League want the government to nationalise the country's mines, but the government has hastened to reassure investors that nationalisation is not its policy.

Mr Izurieta said while Unctad recommended nationalisation for some countries, it was not within its capacity to say whether or not this would work for South Africa.

"We are not in a capacity to say for South Africa that such or such is the recommendation, but in general our recommendations are either that we should consider nationalisation of extractive industries or we should consider serious ways to tax extractive industries," Mr Izurieta said.

He added that the reason behind the UN Conference on Trade and Development's support for nationalising or taxing extractive industries in some countries was so that "the society as a whole can benefit from the exploitation of resources which are on the ground".

The report advocates greater taxation of wealth as a potential source of public revenue that can be tapped into by many developed and developing countries to reduce inequality. Recommendations include taxes on real estate, large landholdings, luxury durable goods, and financial assets.

The report noted that these taxes could be an important source of revenue in countries with high income inequality and difficulty in distributing wealth.

"The taxes that should be increased should be on those sectors of society which are the richest, and there should be lower taxes for the poorer sector of the society. It helps to improve equality and it helps also to improve economic growth," Mr Izurieta said.

The report recommends that countries which rely strongly on exports should diversify both their export products and markets due to waning global demand, particularly in the biggest economies.

Expansion in international trade slowed to 5.5% last year and is expected to further decelerate this year amid expected lower growth rates in most countries.

Brendan Vickers, chief director for research and policy at the Department of Trade and Industry, welcomed the UN Conference on Trade and Development report and said the department was looking forward to discussing it within the government.

He noted that the report highlighted the importance of trade diversification and the emerging role of Africa globally.

But Mr Vickers cautioned that African countries were facing challenges such as a "very frail" development path and these challenges needed to be addressed through strategies for growth and development.

African countries could improve by adding value to exports and beneficiating, as opposed to only exporting raw materials.

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Zuma says government has the right to criticise Lonmin

by Paul Vecchiatto, 13 September 2012, 18:06 | 0 Comments

PRESIDENT Jacob Zuma has described the living and working conditions of Lonmin miners as "terrible", saying that he and the government have the right to criticise the company as it has lagged in its transformation.

Answering questions in the National Assembly on Thursday, Mr Zuma said the African National Congress (ANC)-led government could not be blamed for not delivering housing in the same way as the mining companies could.

He said the mines have been operating for centuries in such a manner and there were historical factors to address.

Mr Zuma said conditions on the mines were terrible, and that the previous government (the apartheid regime) also had a "horrible" housing policy for the black majority.

He said the ANC's housing programme aimed to address a legacy that had developed over centuries, and which could not be solved overnight.

The president said many mines had thus far implemented living and working conditions according to the Mining Charter — to convert single former hostels into family units — and many were starting to help mineworkers to own their own homes.

The Mining Charter has set 2014 as the year in which all mines must achieve this.

"Progress there (Lonmin) is not what it should have been. That is a fact. We have the right to criticise Lonmin," he told the National Assembly.

Lonmin's Marikana mine has been in the headlines after protests there turned deadly.

On Thursday, workers at Anglo American Platinum joined forces with Lonmin workers in Marikana to try to halt mining in Rustenburg.

The mine, however, denied its workers were on strike.

On Thursday, the leader of a major protest by platinum miners called for a national strike in the sector, which will deepen the industrial crisis that has spread across South Africa's mines.

"On Sunday, we are starting with a general strike here in Rustenburg," protest leader Mamehlwe Sebei told several thousand workers at a soccer stadium near Rustenburg.

The action was designed to "bring the mining companies to their knees", he said, to mild applause from the crowd, which was armed with sticks and machetes.

Meanwhile, trade union federation the Congress of South African Trade Unions (Cosatu) has lain the blame for the Marikana mayhem squarely at the feet of the ruling party, the ANC.

Cosatu president Sdumo Dlamini said the events unfolding at Lonmin's Marikana mine, and spreading throughout the mining sector, were the culmination of a "systematic,

orchestrated, long-time plan" by people within the ANC, with expelled youth league president Julius Malema as their front man.

ANC spokesman Keith Khoza said on Wednesday that Mr Malema was no longer a member of the party, which was unaware of "anyone who supports him in this current stance".

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Marikana miner's mysterious date with death

07 Sep 2012 00:00 - Simanga Mchunu, Heidi Swart

Official records state that Semi Johannes Jokanisi died on August 16 at the Marikana shootings on Wonderkop farm in North West. But a family friend who also works on the Marikana mines and knew Jokanisi well said he disappeared days before and believes he was killed by police two days before the reported shootings took place.

The Mail & Guardian investigated the circumstances under which Jokanisi disappeared and died.

Jokanisi's neighbour in Pondoland, who asked to be referred to only as Pat, became worried late in the afternoon of August 13 after Jokanisi failed to show up at his home at the Karee hostel in Marikana.

We visited Pat, a miner in his late 50s, in his one-room brick home in the Marikana township. We got hold of him through Jokanisi's father, Goodman, who also works on Lonmin's mines, but who was on leave in Pondoland in the week of the Marikana shootings. Pat was the one who first told Goodman that his son was dead. After searching for a week, Pat found Jokanisi's body in the Phokeng mortuary on August 17.

Jokanisi lived in the Karee hostel, sharing two bedrooms with his father and three other miners. He slept in a 5m-by-5m room with his father and worked as a winch operator at Lonmin's Karee 4 Belt shaft a few kilometres away.

No sign of Jokanisi

His housemate of the past two years, who asked to be referred to only by his first name, Tshikitsha, said Jokanisi was consistent in his behaviour: he slept at home every night and did not drink, smoke or have a girlfriend. When he last saw him on August 11, a Saturday morning, they were talking about soccer. Jokanisi then left for Marikana town to visit Pat. Tshikitsha never saw him again and neither did any of his other housemates.

Pat remembered Jokanisi's visit on the Saturday. "We were here in my room," said Pat. "I told him to go and post my money [to Pondoland]."

After Jokanisi left his house, Pat never saw him alive again.



By late Monday afternoon on August 13, Pat was worried because there was still no sign of Jokanisi. Pat had been on the Wonderkop koppie with the other strikers from 8am until late in the afternoon, but had not seen Jokanisi there. On Monday afternoon at the Wonderkop koppie, between 3pm or 4pm, Pat estimated, he and the other strikers had seen three police helicopters circling between Karee 3 shaft and Karee 4 shaft and had heard gunfire. He said that police in the helicopters were throwing teargas canisters and firing shots. What he saw later in the morgue convinced him that live ammunition was used.

Pat said he had contact with someone in that group of men and had heard they were marching from Karee 3 towards Karee 4 to join the strikers at Wonderkop. He said the police had tried to prevent them from reaching Wonderkop, which resulted in the shots fired by the police and the miners scattering.

Tshikitsha was inside their home at the Karee hostel a few kilometres away when he heard a series of shots. He saw three helicopters circling near Karee 4 shaft.

At Donkerhoek, a group of shacks housing no more than 100 people about a kilometre from Karee 4 shaft, residents had a better view of the events. Pat visited Donkerhoek to find out if Jokanisi was injured there. He took us there and introduced us to a friendly old man in a Basotho hat and carrying a cane. The old man would not give us his name.

Too close

He said residents had witnessed a group of miners crossing the field next to the settlement in the direction of the Karee 4 shaft. When they reached the gravel road leading past the Donkerhoek settlement, it was crawling with police vehicles. Police tried to stop the men, after which the strikers scattered into small groups.

Another man, who asked to be named as Steven, said that there were three helicopters circling directly overhead: "They were too close. I saw smoke come from the aeroplane [helicopter], I thought it was rubber bullets."

He couldn't say how many policemen there were. "There were so many [on foot] and police cars and hippos [armoured police vehicles]." Steven said the police on foot had used live ammunition and two of the miners were shot, one in the field right next to the settlement, the other in the settlement as he was trying to flee.

Steven and the old man took us to a shack where they said they saw the man fall. "He tried to open the door but collapsed," said Steven.

Makaliseng Motsebetsi was inside her home as the helicopters hovered overhead and shots were fired. She heard someone trying to open the door, then saw a man armed with a spear and knopkierie collapse outside her window. She said he was alive, but later died of a bullet wound to the inner thigh of his left leg.

The description of the fallen man was in part the reason why Pat was convinced this was Jokanisi. According to Steven and the old man, the man was dressed in khaki pants and a khaki jacket, as well as brown shoes. This, said Pat, was an outfit Jokanisi often wore and was wearing when he found him in the mortuary.

Motsebetsi showed us a hole in her shack that she said had been caused by a bullet. Afraid of armed policemen, she hid under her bed. She never found the bullet. The old man produced shell casings that he said they picked up after the incident.

### Shot

However, there are discrepancies between the residents' account of the incident and that of Pat and Tshikitsha. Motsebetsi estimated that the shooting took place at 2pm that Monday, whereas Pat estimated it to have happened closer to 4pm. Tshikitsha was not sure when it occurred, only that it happened in the afternoon. Residents said the man was shot in the leg, whereas Pat was convinced upon inspecting Jokansisi's body that he had been shot in the head.

On the Friday, with Jokanisi still missing, Pat went to the Phokeng mortuary to try to track him down. He asked to see the bodies of those miners killed on Thursday, but had no luck. He then asked to see any bodies brought in on Monday. It was then that he came across Jokanisi. Pat said that a part of the top of Jokanisi's skull was missing. He was buried on September 1.

At the time of going to print the Independent Police Investigative Directorate had not responded.

South African Police Service spokesperson Dennis Adriao said that police had reported the incident to the directorate and that eight people, none of whom were police officers, were arrested in connection with the 10 murders in the week prior to the Marikana shooting.

Pat remains convinced that Jokanisi did not die on the Thursday, but was shot on the Monday by police from the helicopter.

Heidi Swart is the Eugene Saldanha Fellow in social justice reporting, sponsored by the Charities Aid Foundation, Southern Africa

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### **Killer mayor Matthew Wolmarans still receives a salary**

14 Sep 2012 06:13 - Rapula Moatshe

North West party officials, who have been told to kick former Rustenburg mayor Matthew Wolmarans out, say they are still taking legal advice.

Wolmarans, who is serving a 20-year jail sentence for murdering a corruption whistleblower, is still being paid a salary by the Rustenburg municipality.

This was confirmed by the current mayor, Mpho Khunou. The Mail & Guardian has established that although Wolmarans stepped down as mayor, his contract as council speaker is still in force and he is being paid R35 000 a month – despite the ANC national executive committee instructing that his party membership be rescinded, which meant he could no longer be a councillor.

The ANC North West provincial executive committee, led by party chairperson Supra Mahumapelo, is responsible for executing the national executive committee's instruction.

Wolmarans was jailed in the Rooigrond Prison in Mahikeng after being convicted on July 16 of masterminding the murder of Moss Phakoe. Wolmarans's driver, Enoch Matshaba, received a life sentence for firing the fatal shot.

Phakoe was killed in the driveway of his home in Rustenburg Noord in March 2009, two days after handing the late minister of co-operative governance, Sicelo Shiceka, a dossier containing evidence implicating the mayor in corruption.

Phakoe also allegedly went to President Jacob Zuma's Nkandla homestead to hand him a copy of the document, although no action appears to have been taken. ANC secretary general Gwede Mantashe was also allegedly given a copy, but he has denied it.

Sources in the municipality said people loyal to Wolmarans were processing his wages. The M&G has seen minutes of a council meeting on August 28, in which acting speaker Welcome Dlungu refers to Wolmarans as a "councillor" and proposes that he should be formally congratulated on his birthday on September 13.

A councillor, who asked to remain anonymous, said the council's hands were tied because the ANC's provincial executive committee had not issued an order for Wolmarans to be removed as speaker.

Divided

An ANC source said Wolmarans was on the agenda of the committee's political caucus two weeks ago in Mahikeng. At the meeting, Mahumapelo allegedly undertook to visit Wolmarans in prison to persuade him to resign.

The issue has divided the North West ANC. His detractors accuse Mahumapelo of giving the ex-mayor "false hopes" – that he would be released soon because he was part of a faction in the province that supports Zuma for a second term as ANC leader.

There are also allegations that Matshaba is still receiving a salary from the municipality.

The M&G has a memorandum, dated July 2, written by the secretary of the local branch of the South African Municipal Workers' Union, Tshenolo Ramorula, to the provincial minister for local government, China Dodovu, asking him to investigate claims that Matshaba has been paid his salary and a bonus while in jail.

Dodovu said: "I referred all the matters regarding Matshaba and Wolmarans to the council to deal with. We have taken a decision to terminate Wolmarans's employment as speaker and stop paying his salary because that man is a killer. He must be removed from his position or else we will remove him."

Dodovu, also the North West ANC deputy chairperson, said a councillor's contact had to be terminated if he or she skipped three consecutive council meetings without a valid reason. Asked about the meeting at which Mahumapelo undertook to "persuade" Wolmarans to resign, Dodovu said: "I don't want to go there. My view is that we must not protect that man because he killed a fellow councillor."

Dodovu said he would ask Khunou why Wolmarans was still being paid and would propose at the provincial executive committee's next meeting that his party membership be terminated.

But Ramorula said the matter had already been raised with Khunou, who has been accused of using his influence to see that the two men are still paid.

#### Legal opinion

ANC sources said Khunou was head-hunted by Wolmarans's political supporters after the ANC national executive committee rejected a proposal that the latter should serve a second term as mayor, because he was facing murder charges.

Khunou's critics said his name was placed at the top of the list of candidates to replace Wolmarans as mayor, despite the fact that he was not on the list initially.

Approached for comment, Khunou said the council had sought legal opinion about how to resolve the Wolmarans issue, because the regulations pertaining to the criminal conviction of a councillor were "not clear". He could not explain why the municipality continued to pay Wolmarans, but said the council hoped to have obtained legal advice by the end of September.

Khunou admitted his name was not on the mayoral candidates' list initially because he "didn't have an interest to become a councillor". But the provincial executive committee had approached him after his name was put forward by the Bojanala regional executive committee.

He flatly denied putting pressure on officials to pay Wolmarans.

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***A leading player in this market is Ubank, which has the third-largest market share after African Bank and Capitec. The National Union of Mineworkers and the Chamber of Mines own Ubank***

www.mg.co.za

### **Marikana miners in debt sinkhole**

07 Sep 2012 00:00 - Lisa Steyn

High levels of credit may have contributed to the cocktail of factors that led to the bloody clashes between police and Lonmin strikers.

It is the last Friday of the month and the small town of Marikana has begun to shake off the shock of recent events. Locals wait patiently in long lines extending from First National Bank and Standard Bank ATMs and the many cash-loan outlets in town service a steady stream of customers.

But it is not business as usual today. Many of the clients working at Lonmin's platinum mine have not honoured their loan repayments following a continuing wildcat strike that cost at least 44 lives.

Miners say most Lonmin workers take full advantage of the promises of "quick and easy" cash on offer. Cash-loan outlets the *Mail & Guardian* visited said their clients, most of whom work for the mine, take out an average unsecured loan of R1 000 to R1 500 with 30 days to repay.

A leading player in this market is Ubank, which has the third-largest market share after African Bank and Capitec. The National Union of Mineworkers and the Chamber of Mines own Ubank (see "Mining customer base ensures Ubank's healthy bottom line").

The pool of workers, many of whom have moved into the area from as far afield as the Eastern Cape, has created a fertile breeding ground for microlenders and banks willing to offer unsecured amounts to individuals. There are at least a dozen operators, big and small, offering micro loans in Marikana.

Miners said they could access loans of up to 50% of the value of their net pay. The net pay for a rock drill operator after deductions is between R4500 and R7000.

### **Increase in unsecured lending**

Interest rates of 5% a month are charged, excluding a service charge of R50 a month and an initiation fee of a maximum of 15% on the value of the loan. Collection fees for defaulters also apply. These are the maximum rates of interest and fees the National Credit Act allows.

In accordance with the national credit regulations, a maximum of R1 257.50 in interest and fees can be charged on a short-term loan of R1 000 – that is more than 25% a month, or 300% if annualised.

Rajeen Devpruth, manager of statistics at the regulator, said short-term loans are intended to be once-off transactions and therefore not calculated on an annualised basis.

Miners told the *M&G* they settle outstanding amounts at the end of the year using their annual bonuses. Two miners said the high cost of finance did not worry them. One said he could afford it. Both said their issue was with Lonmin – they wanted a minimum wage of R12 500 a month.

During a meeting with the banking industry last week, Minister of Finance Pravin Gordhan noted the rapid increase in unsecured lending, especially to low-income households.

A pay slip or proof of employment is all that is required to secure a loan. "It's easy to get a cash loan if you work on the mines. They just check your pay slip from the previous month," one rock drill operator said, squatting under a tree in an attempt to avoid the searing midday sun.

"I don't think people go for cash loans because they are broke. It's the way they advertise themselves. It makes it seem so easy," another Lonmin employee said.

Don van Asperen, general manager for Tshelete, which owns three cash-loan stores in Marikana, says mine workers make up 90% of its clientele. These clients will often repay their debt and take out another loan immediately, or one to two weeks later.

"Some take two or three loans out each month. It's a sad, vicious cycle," Van Asperen admits. "But that's just the culture around the mines."

### **Arrangements**

African Bank is located inside the Marikana Ellerines store. At 3.30pm on a Friday afternoon, several couples are waiting for credit approval.

The rock drill operator told the *M&G* he takes home about R4 800 each month but his car repayments, owed to African Bank, exceed R2 000.

Johan Theron, head of personnel at the nearby Impala platinum mine, told the *M&G* its workers are also heavily indebted. He said pay slips featured two main deductions: garnishee orders and deductions for amounts owed to shops in the area.

What happens when the debtors do not pay?

"If you don't pay for one month, your next salary goes here," the rock drill operator said, pointing at a cash-loan shop a few metres away. The debtor must visit the cash-loan store to collect the difference, if there is any.

Some lenders have arrangements with mines to deduct repayments from pay slips, but Van Asperen said Tshelete did not have much of a relationship with the mine. When clients defaulted on repayments, the cash loan company had to go through formal court procedures to obtain a garnishee order. It was not too prevalent, Van Asperen said. About 5% of the customer base have garnishee orders against them.

Hennie Ferreira, chief executive of Micro Finance South Africa, a representative body of registered and legal microfinance credit providers, said microfinancing in South Africa typically referred to a lender that is not a bank, but increasingly banks are entering into this arena.

### **Money to survive**

"They are pushing unsecured and short-term loans ... since the recession; other products are not giving them what they want."

Devpruth said unsecured personal loans have tripled in rand value over the past five years. "The outstanding value of the gross debtors for unsecured credit in 2007 was R41-billion and for the period ended March 2012 was R121-billion," Devpruth said.

"Over these periods the loan sizes have increased to R230 000 and loan terms of 84 months." Consumers who earned less than R7 500 a month received 31% of unsecured loans based on the rand values of credit granted for the period ended March 2012.

In light of the continued strike, Ferreria said the miners, many of whom have not earned money since August 10 when the protest began, will soon do anything to get money to survive.

"First they will go to the employer, then they will go to the banks, which won't help them. Then they will go to the registered credit providers who probably won't be able to help [new customers] either."

The next and final stop will be to borrow from informal and unregulated lenders and workers may find themselves in a debt spiral that is virtually impossible to get out of.

### **Mining customer base ensures Ubank's healthy bottom line**

One of the biggest players in the microfinance market is the Chamber of Mines and the National Union of Mineworkers' Ubank.

The bank has 500 000 customers and is the third-largest player in this sector after African Bank and Capitec.

Formerly known as Teba Bank, Ubank is owned by a trust managed by the NUM and the chamber. It has entrenched itself in gold and platinum mining communities.

The NUM has been criticised for being out of touch with the needs of the workforce. Speaking at Lonmin's Marikana mine a few days after the massacre, expelled ANC Youth League president Julius Malema said the workers should not associate with those who have sold them out and that the NUM had no intention to defend the workers.

Sixty percent of Ubank's customers work in the mining industry and most of its branch network services the gold and platinum mining areas and the rural areas their customers call home.

Ubank said it was a unique banking institution driven by a social consciousness that underpinned all it does. "Responsible lending is paramount to Ubank because many of the consumers are overindebted," it said in a statement to the *M&G*.

For short-term loans, the average amount lent over a year to a Ubank customer is R1 870 and the average unsecured loan amount over a 12-month period is R13 800, taken over a loan period of between 12 and 36 months.

Currently, "our impairment ratio is well managed within our risk appetite," Ubank said.

It reported profits of R9.3-million for the six months ended August 2011 with assets of R3.5-billion.

Ubank made the news last year when its chief executive and chief financial officer stepped down following fraud charges laid against a senior employee who was dismissed after an internal investigation found she had allegedly inflated invoices. At the time, NUM general secretary Frans Baleni had said the amount exceeded R6-million. "This matter is being followed up with criminal charges," Ubank told the *M&G*.

The bank has since undertaken a general cross-organisational compliance review of the internal control environment and certain processes and procedures have been refined.

"Ubank has always been a savings-led bank and this will continue because we focus on providing holistic banking services to our market. We are proud of our rich history, proven sustainability and are very optimistic about our future growth."



The National Credit Act defines short-term credit transactions as those in which the deferred amount does not exceed R8000 and the whole amount is repayable within a period not exceeding six months.

Unsecured credit transactions are when the debt is not supported by a pledge or other right in property or suretyship, or any form of personal security other than credit insurance.

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*Business Day*

### **Could debt costs be behind miners' pay demands?**

by Ron Derby, 14 September 2012

A COLLEAGUE of mine got me thinking about just why miners have joined en masse in the illegal strikes across the country's platinum belt and even some gold operations. Miners aren't necessarily in the lowest pay bracket compared with other workers in the South African economy.

Could their demands for a minimum salary of R12,500 not be driven by debt and the ever-rising costs of servicing that debt?

While the South African economy is nowhere near returning to those heady days before the last global recession, we've witnessed unbridled growth in unsecured lending in the past couple of years. Data shows that the rand value of unsecured credit granted in the first quarter of this year rose to R21.9bn, from R16.7bn in the first quarter of last year.

The biggest local success story from this signature lending has been Capitec, whose shares on the JSE have more than tripled over the past 36 months.

African Bank has also been one of the bigger beneficiaries. The big three, Nedbank, Standard Bank and FirstRand, have also looked to become more aggressive in this space more recently.

But there have been some questions raised about the growth in unsecured lending. Last month, a report by the National Credit Regulator called for stricter regulations and tighter monitoring, saying it was concerned about low levels of disclosure of the full cost of unsecured credit.

Despite assurances by banks, consumers are becoming impoverished by the weight of loans and the associated administration costs.

At a meeting with bankers at the end of last month, Finance Minister Pravin Gordhan and his Treasury officials voiced their concern about the rapid rise in unsecured lending. They agreed that the poorer households were at risk of getting caught in an upward debt spiral.

The Treasury also highlighted the involvement of non-bank financial institutions, such as retailers, who could do more to ensure that they lent responsibly.

SA's listed general retailers' index has more than doubled over the past three years as foreigners pile into the shares due to growth rates above the UK and US's.

If you combine the effects of SA's high household indebtedness and soaring food prices (evidenced by a local maize price that rose as much as 33% this year) then you are possibly looking at a very unhappy mine worker.

Maize is SA's staple diet and feeds into the cost of poultry and red meat.

Some of these unhappy and financially strained workers have been taken advantage of by political opportunists. The first is a mining union looking to muscle in on the turf dominated by the 30-year-old National Union of Mineworkers, the other a Julius Malema aiming to remain relevant as we head into the ruling party's elective conference.

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### **'We'll bring mining companies to their knees'**

13 Sep 2012 14:41 - Sapa

A leader of a major protest by platinum miners has called for a national strike in the sector "to bring the mining companies to their knees".

"On Sunday, we are starting with a general strike here in Rustenburg," protest leader Mametlwe Sebei told a crowd of several thousand striking workers at a soccer stadium near Rustenburg in the heart of the platinum belt.

Striking Anglo American Platinum (Amplats) mineworkers demanded pay of R16 070 a month at Blesbok stadium on Thursday.

Gaddafi Ndoda, who described himself as a member of a newly formed workers' committee said: "To us, R12 500 is just a basic salary," he said, referring to the amount raised as a demand among many mineworkers over the past weeks.

"Anglo is the most-paying [sic] mine in the country, so our demand is different from other mineworkers," said Ndoda.

He said they wanted "nothing to do" with AngloPlats' Mageu beverage, and wanted their refreshment allowance to be R30 a day.

On Wednesday workers there complained about the quality of the Mageu, an energy drink made from fermented grains.

Ndoda said currently workers were not entitled to a safety and transport allowance.

"We want our transport allowance to be R60 daily and [our] safety allowance to be R1 500."

They also wanted the increase in their living-out allowance to be R2 000 – up from R1 700.

Song and dance

An "executive committee" of six members representing workers outside formal union forums had been formed and they were expected to take a memorandum to the mine's management in Klipfontein near the stadium, he said.

While heading towards the nearby offices, about half the workers who had been in the stadium accompanied the committee, singing and dancing, amid tight security.

As in the past week, the police had Nyalas stationed in the area and a helicopter overhead. Amplats security vehicles and security guards were also on alert, and a Netcare911 ambulance was on standby.

Workers carried knobkerries, sticks and whips. Some also carried umbrellas.

It appeared that a group of striking workers from Lonmin Platinum did not join them as hoped.

Amplats said it suspended operations on Wednesday out of concern for the safety of its employees and said there was no strike at the mine.

Chief executive officer Chris Griffith said the situation in the Rustenburg area was volatile and that people who wanted to go to work could not because of threats of violence.

"Anglo American Platinum has decided to suspend its operations in the Rustenburg area with immediate effect," he said.

"The suspension will continue until such time as operations can be safely resumed."

Peaceful resolution

Amplats' chairperson Cynthia Carroll said the company was in touch with authorities "at the highest level" to identify ways of working with government and the recognised labour unions to achieve a swift and peaceful resolution.

She said the company's Rustenburg platinum operations were already under financial pressure and the suspension of operations on Wednesday risked their long-term viability, the longer the situation lasted.

A strike at Lonmin entered its second month this week. Workers at Gold Fields' KDC West mine were also on strike on Thursday.

Meanwhile, the Association of Mineworkers and Construction Union (Amcu) has said it has been seeking an opportunity to engage with President Jacob Zuma and senior government officials to resolve the unrest in South Africa's mines.

President of Amcu, Joseph Mathunjwa, told reporters in Rustenburg that the union's formal requests were being considered.

"From day one of the [Marikana] massacres we are on record, asking for a meeting with the office of the president. They are still thinking of when they are going to meet us; they have acknowledged that our letter was received and said the president would respond soon," said Mathunjwa.

"We are still waiting. We have written to the Minister of Mineral Resources [Susan Shabangu, Police Minister Nathi [Mthethwa] and the Labour Minister [Mildred Oliphant]. We have done all that and have copies of the letters ... [as] proof," he said.

#### Mining indaba

The union called on Zuma to intervene and stop the ongoing unrest in the South African mining sector. Mathunjwa said Zuma had to convene an urgent, all-inclusive mining indaba.

"We believe that he is the high office in the country. We could share the direction on how to curb these sporadic work stoppages. It is in the interest of the country for him to intervene," said Mathunjwa.

He said the mooted indaba would have to deal with issues including minimum wages, housing, skills development and a mining victims fund for the sector.

Mathunjwa said Amcu had repeatedly denounced all the violent activity recently seen around the mines.

"As we have said in the past, Amcu denounces any violent conduct by any member, official or office bearers of the union. We have never encouraged our members to embark on any illegal or unprotected work stoppages," he said.

Amcu national treasurer Jimmy Gama said the ability to rectify the situation in the mining sector lay with Zuma.

"This seems to be an emergency situation where nobody seems to be winning the battle. In a country, the only person with power to summon everyone is the president. Hence Amcu is taking [the] initiative to request the president to deal with the matter," he said.

"It is high time that somebody speaks out and makes it loud and clear [to Zuma] to say 'president, this is time that you act'," said Gama.

Uninvited

Earlier, freelance journalists were told to leave the venue where Amcu was holding its "state of the mining industry" media briefing.

Before the briefing started, all journalists in the room were asked to introduce themselves and the media organisations for which they worked.

Gama, sitting next to Mathunjwa, told a cameraman who introduced himself as "a freelancer" to leave the premises because invites had been sent to media houses.

"We are not comfortable with a person who comes as a freelancer, because we haven't invited you. We would like you, sir, to excuse us," said Gama.

Two other journalists joined the cameraman as he walked out of the room.

Mathunjwa later said an Amcu media briefing at Melrose Arch, in Johannesburg, had once been "infiltrated by other [rival] unions". – Sapa

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## **ANC national strike call chimes with miners**

By **Errol Barnett**, CNN

September 13, 2012 -- Updated 1547 GMT (2347 HKT)

*Thokozanin Makhasi dedicated 18 years of his life to dangerous work underground for Gold Fields*

HIDE CAPTION

### **STORY HIGHLIGHTS**

- Anglo American, the world's top platinum producer, suspended operations in Rustenburg
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- Makhasi dedicated 18 years of his life to dangerous work underground for Gold Fields

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- Makhasi supports five children and his wife on 6,000 Rand or \$730 a month
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**South Africa (CNN)** -- Competing unions, worker dissatisfaction and multiple reports of violence threaten to weaken the stability of Africa's largest economy.

On Wednesday the world's top platinum producer, Anglo American, suspended all of its operations in Rustenburg, South Africa due to "intimidation" of its workers. Lonmin, which saw a week of strike-related violence at its Marikana mine end in 44 deaths in August, reports a meager 1.8% attendance rate at all of its platinum mines Wednesday. Meanwhile thousands of striking workers are halting operations at select gold mines as well. Currently there is no end or resolution in sight.

The mine violence explained

Fury over shootings tests Zuma

Exacerbating this crisis Tuesday, ousted ANC Youth League President Julius Malema announced to a crowd of striking workers at Gold Fields that, "There must be a national strike in all the mines," adding that for five days each month workers should walk off the job in protest and solidarity. He was preaching to workers like Thoko Zanin Makhasi. Makhasi dedicated 18 years of his life to dangerous work underground for Gold Fields. A team leader of five people, his thumb was once crushed by a falling rock -- only a small nub remains. His monthly pay is roughly 6,000 Rand or \$730. As the sole breadwinner in his household, his meager income supports his mother, wife, five children, and two of his sister's children. He says it's not enough and like thousands of other striking mineworkers is demanding a 12,500 Rand (\$1,500) monthly salary or \$18,000 for the year.

Union dissatisfaction lies at the heart of the growing and widening miner strike movement. Makhasi complains that his union, the National Union of Mineworkers (NUM), cares more about maintaining ties with the majority party -- the African National Congress (ANC) -- than representing the interests of its members. He says this is why his wages have remained so low.

Black South Africans were socially and economically liberated thanks to the efforts of Nelson Mandela's ANC and a coalition of unions. But 18 years later, striking miners feel that political elites and union heads are no longer looking out for the working man's interests.

The NUM breakaway entity, AMCU (Association of Mineworkers and Construction Union) is taking advantage of this sentiment, encouraging NUM members to change allegiances. Witnesses have characterized them as more militant and aggressive, carrying machetes and sticks during strike marches. This AMCU-NUM turf war has complicated matters for workers confused at who can deliver on their wage demands and also for mine operators wanting to negotiate with the legitimate groups.

Still, one aspect of this crisis is clear, Malema sees himself as playing a major role. During an interview with CNN's Christian Amanpour on Tuesday Malema stated, "We have now taken over the leadership of [this] struggle to make sure the mineral resources of this country benefit the people of this country."

It's a message is resonating with Makhasi. He says he likes what he hears from Malema and prefers the AMCU all because the leaders he trusted for so long have failed him. He pledges to stay off the job with thousands of others, until his wage demands are met.

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David Van Wyk

The average income of mining CEOs is R55 000 a day. The average income of an Australian Mineworker is A\$108 000 per annum (the Ausie dollar exchanges \$1.03 to the US\$). In ZAR terms the Ausie worker would be earning more than R800 000 per annum. The average wage of a South African mine worker is R88 000 per annum. The profit of the top nine mining companies in South Africa averages at R34 billion.

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### **SA miner threatens pressure ANC**

Sep 13 2012 17:47 Reuters

Rustenburg - Striking platinum miners delivered much higher pay demands on Thursday and threatened to spread industrial action further, deepening a crisis that is becoming the biggest threat to the ruling ANC since the end of apartheid.

In the face of the spiralling labour unrest in Africa's biggest economy, President Jacob Zuma said the government would crack down on anybody stirring up trouble.

"It is not just the miners striking. It also some people of some description who are going there to instigate miners," said Zuma, who faces an ANC leadership election in December. "We are going to be acting very soon," he told Parliament in Cape Town.

What began as an industrial dispute has evolved into a grass-roots rebellion by blacks who have seen little improvement in their lives since white minority rule ended 18 years ago.

At a soccer stadium in the heart of the platinum belt, thousands of workers heard a call from one protest leader for a national strike to "bring the mining companies to their knees".

"On Sunday, we are starting with a general strike here in Rustenburg," Mameatlwe Sebei, from a fringe Marxist political party, told the workers near the town which lies 100km northwest of Johannesburg.

He drew mild applause from the crowd, armed with sticks and pangas, and it was unclear if the strike call would be heeded.

Despite the weapons, the strikers insisted their push for a sharp hike in wages was peaceful - even after the 16 August police shooting of 34 protesters at Lonmin's nearby Marikana platinum mine.

"There should be no blood," one placard read.

As investors started to fret about the impact on wider economic growth, the rand fell more than one percent against the dollar - compounding a 3 percent slide on Wednesday.

Mining accounts for 6% of South Africa's output.

Most men at the soccer stadium said they worked for top producer Anglo American Platinum, commonly known as Amplats, which suspended operations at its four Rustenburg mines on Wednesday after they were blockaded by marchers.

Spreading challenge

A group of more than 100 chanting strikers, many waving sticks and "knobkerry" clubs, accompanied protest leaders as they delivered a written memorandum laying out their demands to Amplats management offices near the Bleskop stadium.

Police armoured vehicles kept the larger crowd of miners inside the stadium, within sight of a white clubhouse painted with Amplats corporate slogans such as "We value and care about each other" and "We are one team".

The demands were for an increase of basic pay and allowances to R16 000 a month - nearly three times their current salary and more than double per capita GDP in the continent's richest country.

As the stick-waving miners accompanied their leaders back to the stadium, they chanted: "We won't give up!"

They said they would not return to work until top management - including Cynthia Carroll, chief executive of Amplats parent company Anglo American - came to hear them out.

"She must come to the workers," a 32-year-old called Kasigo told Reuters. "If they don't come, we won't work."

Amplats confirmed it had received the demands and was monitoring the situation closely.

Malema "danger"



The labour unrest began with a violent six-week strike at Impala Platinum in January. It intensified in mid-August, sending platinum prices up 20 percent since then.

It stems from a challenge by the small but militant Association of Mineworkers and Construction Union (AMCU) to the dominance of the ANC-affiliated National Union of Mineworkers (NUM) and is also spreading into the gold sector.

World number four producer Gold Fields said NUM officials came under attack when they tried to address wildcat strikers at its KDC West mine near Johannesburg, where 15,000 men downed tools last week.

ANC renegade Julius Malema - the de facto face of an unofficial "Anyone but Zuma" rebellion in the ANC - has entered the fray, accusing the polygamous Zuma of being more interested in arranging weddings than trying to clean up the mess.

Ministers and NUM leaders have dismissed Malema as an irresponsible opportunist but the expelled Youth League leader is becoming a star for the legions of South Africa's impoverished black majority.

"People who believe that Malema does not present a danger to South Africa have missed the point," said Richard Faber, a fixed income trader at Johannesburg brokerage Worldwide Capital. "It is his ideology that presents the danger and that is gathering momentum."

The platinum price held steady on Thursday near the 5-month high it hit following the Amplats shut-downs.

Amplats shares fell as much 1.8% in early trade before bouncing to be up 1.3% by 14:00 GMT.

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### **Mine unrest: Zuma breaks the silence**

Sep 13 2012 17:01 AFP

Cape Town - President Jacob Zuma warned on Thursday that his government will act on the growing mining unrest hitting the platinum and gold sectors, which he said was "not acceptable".

South Africa has been hit by strike action at mines since a militant stayaway that has killed 45 people began at platinum giant Lonmin's [JSE:LON] Marikana mine on August 10.

"I have engaged with the ministers concerned to discuss how do we deal with this issue and very very soon we will be able to let the public know because it can no longer be accepted," Zuma told lawmakers.

It was Zuma's first official comment since the labour troubles spread to global giant Anglo Platinum [JSE:AMS] (Amplats), which shut down five mines on Wednesday, and Gold Fields [JSE:GFI], where 15 000 workers are striking.

Frustrations in the industry and shock over the bloodshed at Lonmin, where police shot dead 34 people, have proved ripe political ground for Zuma's enemies, such as firebrand Julius Malema, who was booted from the president's ruling African National Congress (ANC).

"You know that it is not just the miners striking, it is also some people of some description who are going there to instigate miners to operate in a particular way," Zuma said.

"It cannot be accepted, and therefore we are looking into that. We are going to be acting very soon."

Zuma did not mention Malema by name and gave no details on what actions would be taken.

After being expelled from the ANC earlier this year, Zuma's nemesis Malema has been criss-crossing troubled mines to fire up workers and urge them to hold monthly strikes.

The recent action has also seen workers move outside of formal labour relations structures to take their demands directly to mine bosses.

"The worker demands for better wages can and should be addressed within the country's labour relations framework," said Zuma, who has appointed a judicial commission of inquiry to probe the Marikana violence.

"The illegal strikes, the incitement and intimidation will not assist workers. Instead, it will make them and the country worse off."

Amplats said it suspended production after workers were intimidated with the threat of violence.

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### **Strike fever hits Anglo Platinum's Bleskop mine**

Sipho Hlongwane

South Africa

14 September 2012 02:33 (South Africa)

Workers of Anglo Platinum Ltd and other companies have gathered outside the Bleskop mine to demand a R16,000 wage package from the company. If it can't give it to them, they

say, then the government should nationalise it. And no, there is no connection to the Marikana strike at Lonmin, they claim. By SIPHO HLONGWANE.

The string of mining strikes that began earlier this year at Impala Platinum in Rustenburg has now spread as far as the East Rand and Westonaria. The centre of it all has been the Wonderkop or Nkaneng near the town of Marikana, where the police shot 112 miners on 16 August, and a stand-off between Lonmin PLC and striking miners has prevailed ever since. This week, another wildcat strike began at the Anglo American Platinum (Amplats) operation 20 kilometres east of Rustenburg and about 20 kilometres west of Wonderkop.

Depending on whom you asked, this new strike was either connected to Marikana and led by disgruntled Amplats workers, was a separate action, or was not a strike at all but rather a shut-down by the company to protect employees who were being threatened by other people on strike.

On Wednesday, Amplats released a statement saying it shut operations to protect night shift staff.

“Anglo American Platinum would like to report that its Rustenburg mine employees are not on strike. We are aware of widespread cases of intimidation which have been reported throughout the Rustenburg area. We confirm that yesterday, some of our employees were unable to clock in for night shift due to fear of intimidation and threats by unidentified individuals in and around our Rustenburg operations. To ensure the safety and security of our employees management took the decision to re-direct employees to a neutral place. Our priority is to ensure the safety of our people while we find solutions to address the situation. We will provide update information as it becomes available,” the statement said.

City Press reported that Marikana workers had formed a “war committee” with other striking miners in the area, which included those from the Bleskop operation.

A different picture emerged Thursday at the Bleskop stadium, however. Two machine operators and a team leader interviewed outside the stadium said their strike was unconnected to Marikana.

“No, that (the strike by Marikana workers) is a different one. We are from Anglo,” the team leader, who identified himself as Thulani, said.

He said they wanted a R16,000 pay from the company. The National Union of Mineworkers (NUM) and the Association of Mineworkers and Construction Union (Amcu) were not connected to this particular strike.

About 4,000 miners were gathered in the stadium, where some leaders spoke. There were a few police patrol vehicles in the area, and at least one armoured truck belonging to a private security company, but the atmosphere there was considerably less edgy than at Marikana. Random individuals gave interviews gladly; the fierce paranoia and tight control of whom the journalists could approach was absent. After the speeches, the crowd

dispersed quite rapidly, though most milled about both inside and outside the stadium. There were almost no traditional weapons to be seen, though a very small number carried sticks.

Sphamandla Makhanya, a winch operator, gave a breakdown of the wage package the workers demanded. He said they wanted a basic salary of R12,000, a R500 meal allowance, R500 "for working underground", R60 a day for transport and other benefits, which added to R16,070 per month.

"If the company cannot do that we want a minimum of R12,500 a month. If they fail this demand then Anglo must go back to America and the government must take over this mine," he said.

The crowd had people from Impala Platinum, Anglo Platinum, Lonmin, Murray & Roberts and some people who were contracted through other companies.

Makhanya said it was untrue that no Amplats workers were on strike. He and several other people in the small crowd gathered around him showed cards identifying them as employees of Amplats.

"Management told us if we don't go back to work we will be fired. We are prepared to be fired. We are not afraid of management, but we are afraid of being poor," he said.

The Commission for Conciliation, Mediation and Arbitration (CCMA) has reportedly tried to broker a deal between Amplats and the workers.

"CCMA has proof that we are Anglo workers," Makhanya said. "The company sent us a message to us to come back to work. Why would they ask us to work if we are not their workers?"

Company spokeswoman Mpumi Sithole said Thursday the company now knew that a small number of employees had joined the strike. She could not provide a percentage of the workforce that was on strike.

"The closure yesterday was due to information that came to the company about workers being intimidated. So the operation has been closed since then. We therefore can't tell you exactly how many are on strike," she said.

It was also not possible to determine where the intimidation was coming from.

Sithole confirmed that a negotiation was underway and that no unions were present. A hearing is scheduled for 25 September.

With the police seemingly happy to keep a small number of patrol vehicles in the area, they and the company were playing the waiting game. The strategy works here because of the

willingness by the miners to negotiate and the fact that Amplats reached out quickly with an offer to talk. These two conditions were missing at Marikana. DM

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### **Fedusa: Call state of emergency**

Sep 13 2012 17:52 Sapa

Johannesburg - President Jacob Zuma should declare a state of emergency in the mining sector, the Federation of Unions of SA (Fedusa) said on Thursday .

"The situation is totally out of control, resulting in anarchy being created in our mining sector, and could easily spill over to other sectors of our economy," it said in a statement, referring to unrest at Lonmin's Marikana mine and other mines.

Fedusa said it was unhappy with government's handling of the situation so far.

A state of emergency was necessary to restore peace, order and stability. Despite a peace accord signed by some parties, unrest and disruption was continuing. As a result, government revenue would decline, corporate profits were plummeting, and there was the risk of potential job losses.

The federation called on Zuma to show true leadership by convening a meeting with leaders of organised labour and business to bring the situation under control.

"Government must provide leadership in order to create a conducive environment for stability and peace," Fedusa said.

The State of Emergency Act, of 1997, provided for the declaration of a state of emergency and empowered the president to declare such a state.

A state of emergency may only be declared when the life of the nation was threatened by war, invasion, general insurrection, disorder, natural disaster or other public emergency.

Government should consider laying sedition charges against those guilty of inciting violence, said Fedusa.

Last month, 34 striking workers were shot dead by police at Lonmin's Marikana mine. Another 78 were injured.

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### **Shadow of Marikana hangs over Cosatu congress**

13 Sep 2012 15:04 - Gillian Jones

Analysts are predicting that events at Lonmin's mine in Marikana will heavily influence next week's Cosatu national congress.

"Marikana is going to overshadow the whole proceedings," said political author William Gumede.

Political analyst Stephen Friedman said Marikana should be a warning to the Congress of South African Trade Unions (Cosatu), which opens its four-day congress in Midrand on Monday.

"It's been through a period over the last few years where it was more concerned with trying to influence ANC elections than with building up support in the workplace," he said.

"Marikana is a warning. It should remind trade unions [that] unions get out of touch with their members, they become too complacent, as has happened in Cosatu."

Forty-five people have been killed in incidents relating to an illegal strike at Lonmin's platinum mine in Marikana, in North West, since August.

The ongoing strike has been partly blamed on rivalry between incumbent union, the National Union of Mineworkers (NUM) – a Cosatu affiliate – and a breakaway union, the Association of Mineworkers and Construction Union (Amcu).

NUM has been accused of losing touch with its members, which has allowed Amcu to gain influence.

Gumede said Cosatu needed to address its lack of responsiveness to workers' concerns.

"They have to deal with the perception that there is a deep divide between union members and leaders, who are seen as the new elite, while the rank and file, grassroots members are struggling."

#### Alliance relationship

Cosatu also needed to consider its relationship with the tripartite alliance of the ANC and the South African Communist Party.

"There is the feeling that the alliance is not giving them as much as they are putting into it ... The alliance for many ordinary members doesn't offer much protection or deliver material benefits," Gumede said.

Friedman said Cosatu needed to realise it had not benefited from influencing ANC leadership decisions.

"Cosatu leadership has relied on the idea that if you are able to get favourable ANC leadership, then all sorts of benefits would flow from that: you'd get pro-union decisions. Clearly that didn't work," Friedman said.

This was because decisions were not influenced by picking the leaders in the party but by showing that an organisation enjoyed broad support.

"People have to listen to you because you speak for many people."

Gumede said Cosatu's focus on ANC politics could threaten its stability.

"The very same fights and factionalism in the ANC, is now in Cosatu.

"This threatens the stability of the union ... They have allowed the ANC fights to take [up] their attention, which has nothing to do with [the] day-to-day life of union members."

Leadership battle

Gumede said the ANC leadership battle would "play out" at the congress.

The ANC will elect new leaders at Mangaung in December. Although the leadership contest officially opens in October, when ANC branches nominate their candidates, President Jacob Zuma is expected to stand for a second term.

"There is going to be a battle for those who want Zuma and those who want him out."

Gumede added: "What is happening now, is opponents of Zuma are using Marikana to show him as someone who cannot lead ... This is going to play out at the Cosatu congress."

Friedman said Cosatu should focus on building its strength in the workplace, and not on politics, at the congress.

He did not expect the congress to become a "mini-Mangaung" as has been suggested in some reports.

Friedman said Cosatu's internal democracy was "way ahead of the ANC", as it had been around for almost 30 years. The ANC, on the other hand, had only shifted from being a liberation movement to a governing party in the 1990s.

"If you look at the ANC ... nobody really wants to talk about the big issues, it's all about who is going to be the president. You saw this at the policy conference," Friedman said, referring to the ANC policy conference in July.

"The union movement has protections against this, which the ANC doesn't have ... people have developed various ways of doing things, of conducting themselves democratically," he said.

## Split

If Cosatu continued to focus on politics instead of its members, it could lead to fragmentation of the union movement in the medium to long-term, Gumede said.

"I don't think there will be a split [from the alliance], but affiliates will break away ... into splinter unions, like we see with the NUM at Marikana. That's going to be the trend."

Gumede warned that this could potential destabilise the labour market.

For this reason, the central bargaining system needed to be reformed to make it simpler and easier for a union to get recognition.

At the moment, a new union finds it very difficult to be registered and recognised.

"What often happens is that unions go on a long, protracted strike for recognition, or it turns into [a] clash between an established union and new union," Gumede said, adding that this led to Marikana-type problems.

Friedman suggested that Cosatu should also focus on people who fell outside the formal economy.

This was a major problem for unions around the world, as companies increasingly embraced technology and shed workers.

## Union growth

"What do you do about people who can't get into the job market at all ...? How do you organise those people?"

This affected trade union growth, as employers hired fewer people.

As a consequence, Cosatu's membership had grown more in the public sector than the private sector.

Cosatu's declared membership for 2012 is 2.2-million, of which 39% are in the public sector. In 1991, 7% of Cosatu's members worked in the public sector.

Friedman said increasing growth in the public sector was not sustainable. – Sapa

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## **Amplats workers now want R16 000**

Sep 13 2012 13:33 Sapa



## Amplats

Rustenburg - Striking Anglo Platinum [JSE:AMS] (Amplats) mineworkers demanded pay of R16 070 a month at a meeting at the Blesbok stadium in Rustenburg on Thursday.

This was according to Gaddafi Ndoda, who described himself as a member of a newly formed workers' committee.

"To us, R12 500 is just a basic salary," he said, referring to the amount raised as a demand among many mineworkers over the past weeks.

"Anglo is the most-paying (sic) mine in the country, so our demand is different from other mineworkers," said Ndoda.

He said they wanted "nothing to do" with Amplats' Mageu beverage, and wanted their refreshment allowance to be R30 a day.

On Wednesday workers there complained about the quality of the Mageu, an energy drink made from fermented grains.

He said currently workers were not entitled to a safety and transport allowance.

"We want our transport allowance to be R60 daily and (our) safety allowance to be R1 500."

They also wanted the increase in their living-out allowance to be R2 000 - up from R1 700.

An "executive committee" of six members representing workers outside formal union forums had been formed and they were expected to take a memorandum to the mine's management in Klipfontein near the stadium, he said.

While heading towards the nearby offices, about half the workers who had been in the stadium accompanied the committee, singing and dancing, amid tight security.

As in the past week, the police had Nyalas stationed in the area and a helicopter overhead. Amplats security vehicles and security guards were also on alert, and a Netcare911 ambulance was on standby.

Workers carried knobkerries, sticks and whips. Some also carried umbrellas.

It appeared that a group of striking workers from Lonmin [JSE:LON] did not join them as hoped.

Amplats said it suspended operations on Wednesday out of concern for the safety of its employees, and said there was no strike at the mine.

CEO Chris Griffith said the situation in the Rustenburg area was volatile, and that people who wanted to go to work could not because of threats of violence.

"Anglo American Platinum has decided to suspend its operations in the Rustenburg area with immediate effect," he said in a statement.

"The suspension will continue until such time as operations can be safely resumed."

Amplats' chairperson Cynthia Carroll said the company was in touch with authorities "at the highest level" to identify ways of working with government and the recognised labour unions to achieve a swift and peaceful resolution.

She said the company's Rustenburg platinum operations were already under financial pressure, and the suspension of operations on Wednesday risked their long-term viability, the longer the situation lasted.

A strike at Lonmin entered its second month this week. Workers at Gold Fields [JSE:GFI] KDC West mine were also on strike on Thursday.

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### **Strikers aim to shut down all NWest mines**

Sep 13 2012 13:05 Sapa

Rustenburg - Security was tight at Rustenburg's Blesbok stadium on Thursday when thousands of Anglo Platinum (Amplats) [JSE:AMS] mineworkers streamed in for a mass meeting.

The workers hoped mineworkers at Lonmin's [JSE:LON] nearby platinum mine would join them so they could halt work at all the mines in North West to show mine bosses how serious they were about their demand for a R12 500 monthly salary.

"We want workers in Lonmin to come and join us. It seems we are all underpaid," protester Mziyanda Mehlo said.

As has been the case the past week, the police had nyalas stationed in the area and a helicopter overhead. Amplats security vehicles and security guards were also on alert, and a Netcare911 ambulance was on standby.

Workers entered the stadium carrying knobkerries, sticks and whips. Some also carried umbrellas.

Amplats suspended operations on Wednesday out of concern for the safety of its employees. CEO Chris Griffith said the situation in the Rustenburg area was volatile, and that people who wanted to go to work could not because of threats of violence.

"Anglo American Platinum has decided to suspend its operations in the Rustenburg area with immediate effect," he said in a statement.

"The suspension will continue until such time as operations can be safely resumed."

Griffith denied that staff were on strike.

Amplats' chairperson Cynthia Carroll said: "We are in touch with the authorities at the highest level to identify how we can work together with our tripartite partners - government and the recognised labour unions - to achieve a swift and peaceful resolution to these illegal actions."

Carroll said the company's Rustenburg platinum operations were already under financial pressure, and the suspension of operations on Wednesday risked their long-term viability the longer the situation lasted.

A strike at Lonmin entered its second month this week. Workers at Gold Fields' KDC west mine were also on strike on Thursday.

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## **Red Alert**

### **Demagogues circling like vultures over the Marikana tragedy**

**By Jeremy Cronin, SACP 1st Deputy General Secretary**

Both before and after the Marikana tragedy on August 16th, the SACP has consistently sought to analyse and explain the brutally oppressive dynamics at play in the South African mining sector in general, and in the platinum sector in particular. It was the SACP, for instance, that first made the link between the demagogic calls for "nationalisation" of the mines and the over-exposure of BEE interests particularly in the platinum sector with the onset of the 2007 global economic crisis.

Underpinning the crisis is the super-exploitation of workers by major transnational mining companies like Anglo Platinum, Impala Platinum, and Lonmin, along with a host of increasingly indebted "junior" platinum miners. Over the past two decades, sitting on top of 86% of the world's platinum mineral group resources, these corporations have made super-profits out of perpetuating a semi-colonial extractive economy based on "cheap" labour - cheap, that is, for the capitalists.

This is the fundamental underlying reality, but layered on top of it are a host of other intersecting oppressive realities and legacies. Between one-third and a half of the work

force on the platinum mines is sub-contracted labour - the perpetuation of the migrant labour system in a new and often harsher form. Nor is it entirely fortuitous that the eye of the storm in the current troubles is located in ex-Bantustan territory. Along with the former Inkatha dominated KwaZulu, and Sebe's Ciskei, the Bophutatswana Bantustan was cultivated in the late 1980s and early 1990s as a base for an eventual counter-revolution. As a result of intense Bantustan repression, trade union organisation got off to a late start in the platinum sector, and still today there is no centralised bargaining for this sector.

The Bantustan legacy is also directly implicated in the awful squatter-camp conditions in which much of the platinum mines work-force is living. With the scaling down of the old mine hostels, the majority of workers have taken the R1,800 "living out allowance". This is insufficient, obviously, for a bank mortgaged home, and as wage-earners they don't qualify for RDP subsidised housing. The result has been a mushrooming of squalid shanty-towns around the mines. Much of this is on "communal land" under the control of traditional leaders. The traditional leaders regard this as their "tribal" land (which it is legally) and see the shanty-towns as invasions. As a result, they often refuse permission for basic sanitation and other social infrastructure to be erected, further exacerbating the misery of the work-force.

What we have then is the perpetuation of a brutal, century-long mining extractive economy pattern, but in a changed social reality in which, in many ways, the plight of the work-force has become even more desperate. It was the South African Marxist activist and academic Harold Wolpe who, back in the early 1970s, provided an incisive analysis of the nature of this extractive economy. The super-exploitation of the mine work-force, and the resultant super-profits for the mining companies, was based, he noted, on what he called the "articulation between two modes of production". On the one hand, there was a highly capitalised, technically advanced capitalist mining sector (still symbolised today by the impressive concrete towers, the head-gear that rises above the veld across the platinum belt). On the other hand, Wolpe argued, there was a subordinate communal/peasant subsistence "mode of production" based in the native reserves (later Bantustans) and impoverished neighbouring countries. The existence of this subordinate mode enabled the mining houses to transfer many of the costs of the social reproduction of mine labour onto these labour reserves under the "indirect rule" of "traditional" patriarchal domination. Costs of health-care, education, housing and the like, which are typically borne by the state (and therefore tax-payers) in developed capitalist societies, were largely displaced onto subordinated social structures in SA.

In simple terms, the cost of caring for and rearing children (the future mine-workers), the sick, the old, and the retrenched was displaced from the mainstream capitalist economy onto the impoverished reserve economies - and particularly onto women "subjects" of "tribal authorities". Law and order in these labour reserves was maintained through colonially hand-picked chiefs who collaborated with the mine-recruitment centres. This patriarchal control was also carried into the hostels through the "boss-boy" system, and the deliberate "tribalisation" of labour. It was this system that made mine-labour "cheap" and "disciplined", guaranteeing super-profits. And it was this system that lay at the heart of the

development of capitalism in SA, and the construction of a white minority system of colonialism of a special type.

At the time of his developing this analysis, Wolpe was aware that the underpinning "articulation" between a capitalist economy and labour-reserve economies was increasingly under strain - primarily because of the increasing collapse of the productive capacity of the reserves - due to overcrowding, over-grazing, and serious erosion. Now, in 2012, while the brutal shadow of this system is still present, it is present within a very different social, economic and political reality. The agrarian crisis and rural underdevelopment in places like Pondoland (from where the core of the Lonmin rock-drillers originate) has deepened. Since 1994 we have failed to embark on effective rural transformation in impoverished regions like the north-eastern Eastern Cape. Democracy and unionisation has also seen the downscaling of the hated mine-compound and single-sex hostel system. But (again particularly, but not only, in the case of platinum mining) it has not been replaced by effective housing for the work-force - whether supplied by the mines, or the local municipalities, or traditional authorities, or a combination of all three.

Instead, we have sprawling, unhealthy and often dangerous and crime-ridden informal settlements. The old patriarchal tribal chief and work-place boss-boy system has been displaced by a new lumpen-patriarchy (ethnic vigilante groups) that have seized control of these settlements through a mixture of violence and patronage.

It is impossible to understand the tragedy at Marikana and the continuing turbulence in the mining sector without understanding all of this. None of this is asserted in order to displace responsibility from all of us in the ANC-led alliance. We all need to learn lessons from these events. Have the established unions, operating under tough conditions, sufficiently adapted to the new social realities on the mines? Has the democratic state failed to provide basic daily safety and security to these mining communities? Has the absence of democratic authority created the space in which vigilantism and demagoguery has gained a foot-hold?

But the possibility of thinking honestly and soberly about these matters is bedevilled by the way in which the mainstream media and even some who should know much better seek to frame the Marikana tragedy and the events surrounding it. Prior to August 16th the dominant interpretation of what was unfolding at Lonmin was that it was just "union rivalry" (note how this exempted the role of the mining corporations, and how it established a supposed equivalence between NUM and a pseudo-union originally funded by BHP Billiton and reliant entirely on demagoguery, violence and intimidation). After the August 16 tragedy the dominant framing in the mainstream media was that we were dealing with an "authoritarian", "Sharpeville-era" state on the one hand, and "civil society" on the other.

These ways of reading the events have become so entrenched in the media despite a great deal of evidence to show that we are dealing with a much more complex reality than simply "union rivalry" or serious (and they were serious and tragic ) "crowd control" blunders by the police. Take for instance the sub-headline in New Age last week. New Age carried cde Solly Mapaila's "Umsebenzi Online" piece from last week (the "Marikana story that isn't being told"), conveying voices of NUM shop-stewards and terrorised local community

members at Marikana. We appreciate the fact that New Age re-published the story - but what was the sub-headline they gave it? It was: "Union rivalry or an authoritarian state?" - as if these were not exactly the simple alternative explanations that cde Mapaila was seeking to debunk.

Or take The Times of Wednesday September 12. On page two it has story about an "unidentified body of a man in black clothes, found in the Nkananeng informal settlement...lying face down, with two deep cuts in the back of the neck." Next to the story is a photo of heavily armed striking miners, in the foreground one is licking a sword. And what is the headline to the story? It is: "Death no deterrent to strikers". As if the only source of the violence were an "authoritarian state", and the "heroic" strikers were undeterred by this state!

It would be wrong to demonise the strikers who, no doubt, find themselves in a desperate situation. But contrariwise demonising the democratic state (whatever its mistakes and serious shortcomings), or the NUM (whatever its challenges) is an even more serious blunder that plays straight into the hands of the many demagogues circling like vultures over the tragedy of Marikana.

### **Asikhulume!!**

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### **'The SACP has become a vanguard of ANC power factionalism'**

*South Africa's ANC president Jacob Zuma (right) dances with SACP general secretary Blade Nzimande.*

By **Dale T. McKinley**

September 10, 2012 -- South African Civil Society Information Service -- If ever we needed to be reminded of Milan Kundera's famous axiom that, "the struggle ... against power is the struggle of memory against forgetting", then it is in respect of the post-apartheid history of the South African Communist Party (SACP).

Why? Because it is a history that shows us, in so many different ways, how and why the SACP has gradually but systematically become a vanguard of African National Congress (ANC) factionalist politics as opposed to its self-proclaimed role as an independent, progressive force representing and leading the "national democratic, anti-capitalist struggle" of the working class.

Have we forgotten how after Chris Hani's assassination in 1993, much of the SACP leadership rushed to embrace the very politics and perks of new governmental power that Hani had so clearly warned against and then vigorously helped implement the anti-working class policies that the SACP purported to oppose? Or the SACP's 1998 congress, when the newly elected leadership (which included the still incumbent Blade Nzimande as general

secretary and Jeremy Cronin as deputy general secretary) cut insider deals with ANC leaders that killed off any stated desire that the majority of the SACP membership had for a clear political and organisational independence from the ANC?

Have we forgotten how over the last decade or so, the SACP has gotten rid of and/or marginalised all of its critically minded intellectuals and leader-activists who dared stand up for a working-class politics independent of the ANC's deracialised capitalism and speak out against the increasing centralisation of power by the party's national leadership as well as the budding cult of personality around its general secretary? And, how this "radical and progressive" party whose constitutional "guiding principles" include combating "tribalism, sex discrimination, regionalism, chauvinism and all forms of narrow nationalism" gave its full political and organisational backing to and then joyously celebrated (as a "victory for the working class and all progressive forces") the rise to power of an ANC leader – Jacob Zuma – who has consistently embraced homophobic, misogynist, chauvinistic national-regional, ethnically oriented and anti-worker ideas and practices?

Have we forgotten how a few years back, in direct violation of the party's own constitution, which stated that the general secretary must be a full-time employee of the SACP, Nzimande accepted his appointment as an inister in Zuma's cabinet and then, over time, managed to out-manoeuvre any opposition such that the SACP's constitution was changed accordingly at the recently held 13th national congress? And how, no sooner had Nzimande settled into his ministerial position with a salary package in excess of R2 million per annum (now also enjoyed by the six other SACP leaders who occupy ministerial positions) than he authorised the use of over R1 million of public money to purchase a luxury vehicle for himself while simultaneously berating others in the ANC, in the corporate sector and South African society as a whole for being "out of touch with the workers and poor" and engaging in "excessive, conspicuous consumption"?

Have we forgotten the increasingly close organisational, ideological and "business" ties that the SACP has developed over the last several years with the Communist Party of China, a party which provides "world class" examples of political authoritarianism, corrupt bureaucratism and commandist capitalism masquerading as socialism, while the SACP simultaneously preaches about anti-capitalism, workers' rights, freedom of expression and the contemporary building of socialism in South Africa? Or, how the SACP always has a lot to say about "tenderpreneurs" [those who get rich through links with government] and the need for accountability and transparency of public representatives/institutions as well as non-governmental organisations but consistently refuses to entertain any discussion of the extent to which its own members -- who are ANC politicians and government officials -- are caught up in corruption and mismanagement or to divulge the party's own sources of funding and support, domestic and foreign?

Have we forgotten how earlier this year the SACP launched a scathing public attack on the 'independence, impartiality and dignity' of the Public Protector for (horror of all horrors) attending a Women's Day event organised by an opposition political party while it has remained completely silent in the face of countless examples of institutions and officials

unabashed *toenadering* with and political support of, the ANC and more specifically with the Zuma faction?

And, what about the SACP's labelling of all those opposing the Zuma-securocrat backed Protection of State Information Bill (aka the "Secrecy Bill") as "anti-majoritarian liberals" controlled by "foreigners" in a domestic and global context in which the anti-whistleblower and securitised cover-up measures contained in the Secrecy Bill flow from the very (foreign-based) elitist, neoliberal and imperialist sources that the SACP purports to oppose in the name of the working class?

Have we forgotten that in its 2012 May Day message, the SACP (as it has for years on end now) called for a "focus on the organisation of vulnerable workers" as part of "strengthening" trade unions "in the workplace" and yet when it finally came out with more than a cursory public response to the August 16, 2012, Marikana massacre, it was predominately aimed at delegitimising those union and community "actors" (not associated with the ANC-led Alliance and/or government) who had actually organised and assisted vulnerable workers? And, if that wasn't hypocritical enough in the context of the factional, blame-pointing, post-massacre environment, then how about the SACP's parallel call for "a united and effective trade union movement linked to local progressive civic structures"?

Have we forgotten that even though the SACP bases its entire political program on "leading a defence of the national democratic revolution" through "being at the centre of state power" and thus providing the best possible means for "advancing the interests of the poor and working class", the practical results of its more recent co-governance of the state with Zuma's ANC faction has seen worsening inequality, intensified social conflict, seriously compromised public educational and health systems, a militarised police service and a crisis-ridden local government? Or what of the oceanic gap between the SACP's professed embrace and pursuit of "unity" among the "forces of liberation" (read: the ANC-SACP-COSATU Tri-partite Alliance) and the ever-widening reality of utter disunity and open factional conflict, increasingly waged with the weapons of state power, patronage and positionality, all of which the SACP "possesses" more of than ever before?

While Blade Nzimande, Jeremy Cronin and the rest of the SACP will no doubt be apoplectic at this exercise in memory "recovery" they would do well not to forget one thing in particular: that those with/in power in our contemporary capitalist-dominated world, no matter how long their history of struggle or how politically and organisationally mature they think they are, can never hope to speak for and represent the poor and working class, let alone lead an anti-capitalist revolution, as long as that power continues to reside predominately with a self-proclaimed vanguard and not with the majority to whom it belongs.

[Dale McKinley is an South African writer, researcher, lecturer and political activist.]

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Weekly Worker September 13 2012

<http://www.cpgb.org.uk/home/weekly-worker/929/police-slaughter-apologetics>

Police slaughter and apologetics

The Morning Star has come unstuck with its uncritical support for the ANC, writes Peter Manson

The police massacre of 34 striking miners in South Africa on August 16 has left the Morning Star's Communist Party of Britain highly embarrassed at having to defend the appalling apologetics of its South African Communist Party ally.

Let us be clear: what happened in Marikana was cold-blooded murder. Police penned in, tear-gassed and then gunned down workers who had gathered for ongoing protests - as they were attempting to flee. It seems indisputable that many were shot in the back. Sporadic shooting continued for half an hour, as police on horseback or in helicopters hunted down individuals desperately trying to get away. At least a dozen were picked off in this way, some as they were trying to surrender.

Survivors tell of being hunted down by officers yelling, "Ja, you cop killers, you cop killers. You are in the shit. We are going to kill you here."<sup>1</sup> The police were seeking vengeance for the deaths of two of their colleagues, who were among the 10 people killed in violent incidents over the previous few weeks. The South African Broadcasting Company (SABC) televised an interview with a police spokesperson the day before the massacre, who stated categorically that the "illegal protests" would be ended the next day. She did not elaborate on how that would happen, but made it very clear that ruthless measures were to be undertaken.

The strikers were, of course, members or supporters of a newly formed breakaway from one of the country's most important trade unions, the National Union of Mineworkers. Those who flocked to join the Association of Mineworkers and Construction Union (Amcu) were evidently dissatisfied by the apparent inability of the NUM to win a substantial rise in their poverty wages and improvements in their working conditions. The NUM, led by SACP members, is a key affiliate of the Congress of South African Trade Unions (Cosatu), which, along with the SACP itself, forms the tripartite alliance in support of the ruling African National Congress.

There is footage readily available - not least the news coverage provided by Al Jazeera - showing the moment the police opened fire. Contrary to official reports, the strikers were not attacking the police, but attempting to escape. The footage shows the workers moving from right to left, in a direction that is at right angles to police lines. However, the version shown by the SABC - and, incidentally, both the BBC and ITV too - omitted the first few seconds of the footage that includes the workers in the background, showing only the police opening fire and being ordered to stop shooting.

The reaction of the SACP and Cosatu was abhorrent, confirming yet again that they are totally subservient to the bourgeois ANC. President Jacob Zuma expressed profound regret at the loss of life and announced the setting up of an enquiry - the standard means of ruling classes everywhere of deflecting criticism and riding out a crisis. Cosatu president Sidumo Dlamini said: "We will refuse to play the blame game and we will patiently await the outcomes of the judicial commission of enquiry." The idea that we should refuse to "blame" those who murdered members of our class engaged in struggle is truly nauseating.

For its part, the SACP leadership could not bring itself to make any statement at all for three whole days. But the SACP North West region did issue a statement the day after the massacre, headlined: "Arrest Mathunjwa and Steve Kholekile" - the two leaders of the Amcu breakaway. It began: "The SACP NW joins all South Africans in mourning and passing our deep condolences to all mineworkers killed in the platinum mines in Rustenburg as the result of anarchic, violent intimidation, murder of workers and NUM shop stewards." It referred to "this barbaric act coordinated and deliberately organised by Amcu leader Mr Mathunjwa and Steve Kholekile, who both are former NUM members expelled because of anarchy."

No, you have not misread the statement. These 'comrades' are stating that only Amcu is culpable for the deaths (not that they want to "play the blame game", of course) - as though Mathunjwa and Kholekile had shot dead their own members.

After the first meeting of its new central committee on August 19, the SACP leadership eventually got round to issuing a statement "expressing condolences to all those who have lost family members and colleagues" and "our well wishes to those who have been injured, workers and police". It too welcomed the announcement of a commission of inquiry and urged it to "consider the pattern of violence associated with the pseudo-trade union, Amcu".

Clearly for the SACP and Cosatu the shooting dead of 34 workers and wounding of scores of others pales into insignificance when compared to the crime of splitting from the NUM and leading workers away from SACP influence. Of course, it is very rarely correct to walk away from one union - however, rightwing, corrupt and incompetent its leaders - in order to set up a rival. The fight must be fought within existing bodies. But, at the end of the day, Amcu is a working class body, not a tool of the class enemy, as the SACP and Cosatu pretend.

Then there is this disgraceful sentence from the central committee: "SACP members from the area confirm newspaper reports today that the armed workers who gathered on the hill were misled into believing they would be invulnerable to police bullets because they had used [the 'herbal medicine'] intelezi ..."

These could be the words of an apartheid-era racist - it is disturbing enough that such stories can still be spread by the press, let alone by so-called workers' leaders. No doubt some of the strikers believe in 'tribal remedies', but does the SACP seriously believe that they considered themselves "invulnerable to police bullets"? Why then were they trying to escape those bullets? But the SACP wants us to believe that these workers, who were

indeed carrying traditional spears and sticks, left the police with no choice but to open fire in self-defence.

One notorious SACP hack, Dominic Tweedie, went much further - no doubt to the extreme displeasure of the party leadership. He is quoted by rightwing journalist RW Johnson as saying: "This was no massacre: this was a battle. The police used their weapons in exactly the way they were supposed to. That's what they have them for. The people they shot didn't look like workers to me. We should be happy. The police were admirable."<sup>2</sup>

Tweedie has since said that he was "misquoted", but refuses to explain how these words came to appear in a web article. My experience of him as the moderator of several SACP-influenced internet discussion lists tells me that he is more than capable of coming out with such shocking language - and the quoted words are certainly reminiscent of Tweedie's style of written expression.

#### Uncritical

True to form, the reaction of the Morning Star was to uncritically adopt the line of its 'official communist' allies. The day after the massacre, its report was headlined: "NUM: rival union 'may have planned' mine violence". It read: "National Union of Mineworkers (NUM) secretary general Frans Baleni ... blamed the unrest on the rival Association of Mineworkers and Construction Union making promises which could never be delivered and, in the process, organising an illegal action which led to the loss of lives."<sup>3</sup>

However, by the time it came to write an editorial on the subject three days later, the Star seemed to realise that perhaps it was stretching things a bit to place the entire blame on Amcu. In a piece titled 'Hard questions for SA police', editor Richard Bagley stated: "There can never be justification for a massacre of striking workers and it is essential that the committee of enquiry set up by Jacob Zuma to examine the tragic events at Marikana makes this a central conclusion." It went on: "The South African Police Service must explain why its officers were armed with automatic weapons when an order was issued last year banning the use even of rubber bullets during public protests."

But then the editorial goes on to slate Amcu in terms the SACP would be proud of. It noted that the NUM "accuses one company, BHP Billiton, of initially funding the Association of Mineworkers and Construction Union ... whose recruitment efforts across the platinum industry have common features. These include systematic violence, extravagant demands - such as a near trebling of pay at Marikana - and collaboration from the mining companies."

It concludes: "None of this excuses police commanders of their responsibility for arming their officers to the hilt and ordering them to open fire with automatic rifles. But it should give some people pause for thought before they repeat erroneous allegations that NUM is a sell-out union or that president Zuma ordered the slaughter."<sup>4</sup>

So at one and the same time Amcu demands the “trebling of pay” and enjoys “collaboration from the mining companies”. Don’t you think you’ve got your lines crossed there, comrades? But why does the Star consider such pay demands “extravagant”?

For a taste of the lifestyle of the Lonmin workers (monthly pay: 4,200 rands, or just over £300), I can do no better than to quote the South African online newspaper, the Daily Maverick: “The workers gathered at Marikana live in shacks they have built for themselves, or rent from shacklords. Their tin rooms lack insulation, water, toilets or electricity. Others live in the hostel compounds the mine provides. Callers to a radio show told a Lonmin spokesperson that the hostels are squalid and not even waterproof. Indeed, from the outside one can see the roofs are rusted through.

“The miners in the shacks choose not to invest in their Marikana dwellings. They want to use the majority of their earnings to support their families back home, whether in the Eastern Cape, Lesotho or Mozambique. They know their time at the mines will not be long - they age quickly, mostly from silicosis and other dust-related diseases that enfeeble these once strong men. They live and work under conditions of grave institutional violence.”<sup>5</sup>

But we cannot contemplate their pay being increased to £900 a month, can we? If that happened some of them might even be able to move out of their shacks and perhaps take their families just above the poverty line.

As for the NUM being a “sell-out union”, its leadership, like those of all unions in all countries, naturally tends towards compromise. Its bureaucracy has its own separate interests which do not coincide with those of the membership. In South Africa this contradiction is complicated by the domination of the SACP, which tries to balance the rival interests of workers and bureaucrats with those of the capitalist state.

What about the allegation that “president Zuma ordered the slaughter”? We cannot know the exact details of communications between police and government, and it is highly improbable that Zuma would have wanted such a bloody outcome. But it also seems unlikely that he would have been completely ignorant of police tactics and decisions - including the decision to arm its elite force so lethally. We can also say that he is hardly rushing to bring the killers in uniform and their commanders to book.

### Blame the victims

All this was evident even to some loyal Star readers, a couple of whom voiced their discontent at the paper’s coverage of the story. One letter-writer said he was “dismayed and disappointed at the lack of outrage shown”.<sup>6</sup> But “lack of outrage” continued to be a feature - for example, when the authorities arrested hundreds of miners (those who were still alive, of course), and threatened to charge them with the deaths of their own comrades!

If ever there was a cause for “outrage”, here it was. But the Star slipped this piece of vital information halfway down a report headlined: “Miners stay away, as crisis talks continue”.

It told readers: "But the prospects for peace were not enhanced when it emerged that, under the South African legal system's doctrine of 'common purpose', all 270 workers detained after the police massacred 34 miners would be tried for murder."<sup>7</sup>

The following day, however, the Star was forced to change its tune in view of the "outraged" reaction by the general secretary of the NUM in Britain, Chris Kitchen, who asked: "How can you be charged with murder when running for your life? It's deplorable."<sup>8</sup> The paper also reported the reaction of South African justice minister Jeff Radebe to the decision of the National Prosecuting Authority (NPA) to charge the miners. Under the constitution the justice minister - ie, himself - "must exercise final responsibility over the prosecuting authority" and so he had asked the NPA for an "explanation of the rationale behind such a decision".<sup>9</sup>

Both the SACP and Cosatu quickly came out against the proposed murder charges and so the Star was able to criticise the decision too. But note the mealy-mouthed terms of that criticism from justice minister Radebe - his main concern seemed to be that correct procedures had not been adhered to, although he also opposed the actual decision to press charges (it goes without saying that the Star did not inform its readers that Radebe is a member of the SACP central committee). Cosatu spokesperson Patrick Craven also opposed the decision on technical grounds: the NPA "should have waited for the findings of the judicial commission of enquiry ... before jumping the gun and laying such charges".

In the face of such powerful opposition from within the alliance, the decision to charge the miners was quickly reversed. But not before many of them were subject to brutal mistreatment amounting to torture at the hands of the police. Neither the SACP, Cosatu nor the Morning Star have called for charges to be pressed against the actual perpetrators of the killings - both individual police officers and those who ordered them to shoot.

The Star's line reminds me of its fawning attitude to those who ruled the roost in the former Soviet Union and eastern Europe. When the Polish 'communist' authorities gunned down more than 40 workers in Gdynia in 1970, British 'official communists', while regretting the 'tragedy' and criticising the 'mistakes' of the Polish United Workers Party, remained loyal to its comrades in high office.

And that is the way it is today when it comes to the SACP - some 'solidarity'. Instead of following every twist and turn of the class-collaborationist SACP leadership, the Star and its CPB should demand an immediate ending of the cross-class alliance and the adoption by the SACP and Cosatu of independent working class policies. Unless this happens, Cosatu unions will continue to lose ground to rival breakaways and more workers will look for solutions in the politics of black nationalism.

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Notes

1. <http://dailymaverick.co.za/article/2012-09-10-marikana-murders-the-world-now-believes>.
2. [www.politicsweb.co.za/politicsweb/view/politicsweb/en/page72308?oid=320136&sn=Marketingweb+detail&pid=90389](http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page72308?oid=320136&sn=Marketingweb+detail&pid=90389).
3. Morning Star August 17.
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5. <http://dailymaverick.co.za/article/2012-09-10-marikana-murders-the-world-now-believes>.
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9. Ibid.

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### **A possible way out of the Marikana stand-off?**

Sipho Hlongwane

South Africa

13 September 2012 01:49 (South Africa)

Lonmin management and the striking Marikana workers agreed Wednesday to sit down and negotiate. Not a moment too soon either, as the strikes have spread to Anglo Platinum and the discovery of a new dead body ratcheted the tensions up considerably. By SIPHO HLONGWANE.

Previous efforts to bring an end to the stand-off between striking miners and Lonmin PLC were failures – the company kept insisting that people go back to work, and the miners were having none of it as long as there was no wage negotiation put on the table. A peace accord between the company, workers and union was a flop because the workers didn't sign it.

Now, a representative of the workers said they wanted the company to put a figure on the table, even if it is not the R12,500 previously demanded.

A meeting between Lonmin and representatives of the striking miners has been scheduled for Thursday morning at 10:00. It will be an opportunity for the company to find closure by wrestling the demanded figure down to a level that is acceptable for all concerned. Worker representative Zolisa Bodlani said a wage negotiation had to be prioritised on the agenda of the meeting, and not the peace accord.

Workers are demanding that Police Minister Nathi Mthethwa, National Police Commissioner Mangwashi Phiyega and North West Police Commissioner Zukiswa Mbombo be present during negotiations on the peace accord, according to City Press.

The possible break came after a body was discovered near the place where the miners meet. On Tuesday, after marching to the nearby Andrew Saffy Memorial Hospital, the returning men discovered the body. According to an eyewitness who saw it, it was of a middle-aged man with two lacerations to the neck. There was no blood at the spot where the body was found, the person said to Daily Maverick. "The body was still very fresh when it was found," he said.

On Wednesday, the miners marched to a nearby smelting operation belonging to Anglo American Platinum (Amplats) to demand it close. Earlier, leaders of the strike promised that by Monday, there would not be a single functioning operation in the Rustenburg area as workers from other companies would join the Marikana strike.

Amplats did announce the temporary closure of its Rustenburg operations, but only to protect the workers who were reporting for duty.

Some news outlets had reported Amplats workers were on strike, but Chris Griffith, the company's CEO, said in a statement, "Our employees are not on strike. However, in light of the current volatile situation in the Rustenburg area, where our employees, who want to go to work, are being prevented from doing so and are being intimidated by the threat of violence, Anglo American Platinum has decided to suspend its operations in the Rustenburg area with immediate effect. The suspension will continue until such time as operations can be safely resumed."

Amplats Chairwoman Cynthia Carroll said the company was speaking to the government and recognised unions to resolve the situation as soon as possible.

"We have taken this decision to suspend our operations in order to help ensure the safety of our employees – our absolute priority," she said. "Our people want to work and it is unacceptable that they are not able to go to work safely and instead are facing considerable intimidation."

The miners have promised to go back to work by midday Thursday if Lonmin made an acceptable offer to them. The meeting could still prove fruitless, as the company announced back when the wildcat strike began that it wasn't on the firmest of financial grounds, which could mean that the offer put on the table may be far too short of R12,500. But the miners will be aware of the fact that some of them could lose their jobs if they insist on a very high

figure, forcing the company to shrink the size of the workforce. Hopefully the unity they've shown for almost a month now will prevail on the negotiation table, so that they ensure that as few people as possible end up losing their jobs.

If too many people get sacked, it will simply keep the outrage going in Marikana. Nothing would have been solved. DM

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### **Three mines at a standstill**

<http://www.fin24.com/Companies/Mining/Three-mines-at-a-standstill-20120912-2>

Johannesburg - Three of South Africa's biggest mines were at a standstill on Wednesday, with thousands of workers reiterating a growing call for a pay increase to R12 500.

A strike at Lonmin [JSE:LON] Platinum in Rustenburg went into its second month, with the company reporting an average 1.8% attendance at all its shafts on Wednesday.

Further afield, near Carletonville, security guards fired tear gas at strikers at Gold Fields' KDC west gold mine.

The company said they had been intimidating and threatening contractors, people at a training centre, and had rushed towards a train.

85% of the workforce there did not heed a call to return to work, in spite of an interdict by the Labour Court declaring their strike unprotected.

Anglo Platinum [JSE:AMS], also in Rustenburg, said it had to "redirect" its staff from their premises for their own safety, and that large groups gathered nearby were not their workers, as claimed.

Workers angrily denied this with one saying: "If it were not for this industrial action, most of us would be deep inside shafts, sweating for Anglo Platinum. Do not be tricked by them," said protester Themba Ngaba.

In a statement, Lonmin said it was saddened after a body was discovered near the area where strikers gathered on Tuesday.

"We strongly condemn the on-going violence and again urge all parties to actively work towards restoring peace and stability within our operations," the company said.

This brings the death toll associated with the Lonmin strike to 45 since August 10.

Ten people, including police and security guards, died in the week before police fired on protesters, killing 34 on August 16.



The strikers have said they will go back to work only if their salaries are increased to R12 500.

Other issues have also been raised.

At Gold Fields [JSE:GFI], workers wanted the branch leadership of the National Union of Mineworkers (Num) removed, and pay equalisation.

At Amplats, workers complained about the quality of an energy drink provided for them.

The call for R12 500 has been supported by expelled ANC Youth League leader Julius Malema, who visited the Gold Fields workers on Tuesday.

He also demanded the resignation of the Num's leaders, a call which was dismissed by the union, and a national mining strike for five days a month.

Meanwhile, a meeting between clergy, traditional leaders, and worker representatives was taking place parallel to efforts by the Commission for Conciliation, Mediation, and Arbitration (CCMA) to restart pay negotiations at Lonmin.

The Num was on site at Gold Fields to try and get workers to return to their posts, but workers there said the union was too late.

Num regional secretary Mbuyiseli Hibana said: "We want them to go back to work."

Nandi Nompuzolo, a miner for five years, asked: "How can they talk about the crisis when they were not here? We are their people. Now this morning we must come and meet them at the stadium, so the people didn't want to go to them."

A leader of striking workers at Amplats said they were threatening to halt all mining operations around Rustenburg within a week if their employers did not accede to the R12 500 pay rise demand.

"We want to assure you that by Monday next week there will be no mining operation in Rustenburg," said strike leader Evans Ramokga.

United Democratic Movement leader Bantu Holomisa expressed concern over the amount of time it was taking to resolve the Lonmin situation, in spite of the support and resources directed at a resolution.

He suggested that Cyril Ramaphosa, a Lonmin director, "who has a wealth of experience in resolving labour disputes, to help resolve this long-drawn-out industrial dispute".

Ramaphosa, who is now a businessman, was instrumental in the early organisation of the Num.

Recruitment company Manpower SA expressed concern at the economic impact of the disruptions.

Regardless of the price of platinum surging in light of the issues, the strike meant mines were not meeting their contractual obligations or paying debtors.

"Not only will this lead to further job losses as well as investor uncertainty in South African mines, but it will no doubt lead to changes in mine processes that could lead to less dependence on high workforce numbers in an attempt to curb the crippling effects strikes have on their operations," said managing director Lyndy van den Barselaar.

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### **Marikana miners form 'war committee'**

2012-09-12 12:36

Loyiso Sidimba, City Press

Johannesburg - Striking Lonmin mineworkers have formed a "war committee" with other North West platinum mineworkers.

Workers from Anglo Platinum's Bleskop mine are part of the war committee which includes the striking Lonmin miners.

The miners announced at their usual gathering spot near Nkaneng informal settlement in Marikana that a "war committee" with other North West platinum mineworkers has been formed.

Marikana miners have vowed to intensify their five-week long wildcat strike as it spreads to other mines.

The miners have also pleaded with those living with their wives to ask them to return to their rural homes in the Eastern Cape, Lesotho, Mozambique and Swaziland.

One of the workers' leaders, known only as Bob, asked the men to allow their wives and children to leave.

"Kuza indlala, mabagoduswe oomama (Hunger is approaching, women must leave)," Bob said, referring to the fact that the workers have not been paid their August salaries and now have no food.

This morning, Bob said some journalists sympathised with the workers while others were spies.

"But we must allow all of them to work," he said.

Another worker had earlier complained that journalists cornered individual workers and interviewed them.

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### **Security fires teargas at Gold Fields protesters**

12 Sep 2012 13:17 - Staff Reporter, Sapa

Security guards have fired teargas at protesters at the Gold Fields KDC West mine near Carletonville, where workers have been on strike since Sunday.

Mfanayedwa Themba, who witnessed incident, said some of the thousands of protesters who gathered on Wednesday had wanted to stop a train "because the train is a part of the mine. It is a part of us." When they went onto the railway tracks, guards started firing teargas at them, he said.

The workers then ran to a stream where they washed their eyes, while security guards wearing gasmasks sat in vehicles.

Massive veld fires started after the gas was fired, and large clouds of smoke floated over the roads.

Workers from Gold Fields have been on strike since September 9, the latest in a series of wildcat strikes since the unrest at Marikana mine that left 44 people dead.

Earlier on Wednesday morning, National Union of Mineworkers (NUM) leaders spoke at the stadium, with some of them wearing T-shirts with "Hands off NUM. Hands off Cosatu" printed on the back.

### **'Hogwash'**

On Tuesday, expelled ANC Youth League leader Julius Malema called for the resignation of the NUM's leadership, including its general secretary Frans Baleni.

Malema told about 15 000 striking workers at Goldfields the NUM's leaders did not listen to workers' needs.

NUM dismissed this, calling it "hogwash".

On Wednesday, some of the group wore balaclavas and carried sharpened sticks and planks.

NUM regional secretary Mbuyiseli Hibana said they were going to address members soon. "We want them to go back to work."

As Hibana told strikers their wage issue was something they needed to address with their employer, teargas was fired.

Armed guards from Gold Fields, both on foot and in armoured vehicles, were stationed around the mine. – Additional reporting by Sapa

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### **Teargas fired as miners try to stop a train**

2012-09-12 13:22

Johannesburg - Teargas was fired at protesters at Gold Fields' KDC West mine, near Carletonville, on Wednesday.

Thousands of workers ran to a stream, where they washed their eyes, while security guards wearing gasmasks sat in vehicles.

Mfanayedwa Themba said protesters had wanted to stop a train, "because the train is a part of the mine. It is a part of us".

It was when they went onto the railway tracks that guards started firing teargas at them, he said.

Massive veld fires started after the gas was fired, and large clouds of smoke floated over the roads.

Earlier, National Union of Mineworkers (NUM) leaders spoke at the stadium.

Some of those gathered wore T-shirts with "Hands off NUM. Hands off Cosatu" printed on the back.

On Tuesday, expelled African National Congress Youth League leader Julius Malema called for the resignation of the NUM's leadership, including general secretary Frans Baleni.

NUM dismissed this, calling it "hogwash".

On Wednesday, some of the group wore balaclavas and carried sharpened sticks and planks.

NUM regional secretary Mbuyiseli Hibana said they were going to address members soon. "We want them to go back to work."

He was telling them that their wage issue was something they needed to address with their employer, when the firing of the teargas was heard.

Armed guards from Gold Fields, both on foot and in armoured vehicles, were stationed around the mine.

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### **Amplats mineworkers demand R12 500 salary**

12 Sep 2012 15:15 - Sapa

Agitated protesters said they were indeed employed by the giant platinum producer at different mine shafts in Rustenburg. "If it were not for this industrial action, most of us would be deep inside shafts, sweating for Anglo Platinum. Do not be tricked by them," said protester Themba Ngaba.

He and dozens of other protesters showed their Amplats identification cards.

"I am a rock driller for them. Among other things, workers are angered by the sub-standard mageu [fermented mealie-meal energy drink] provided by the company," he said. Ngaba said he had worked for Amplats for seven years.

The protesters are demanding a monthly salary of R12 500.

Another employee, Johannes Molefe, said the mineworkers were struggling to fend for their families. "I am paid R5 900 per month. Imagine how a family man can survive on such a low salary," he said.

He said he had worked for Anglo American Platinum for the past five years. "We are always hungry at work. They give us nothing but sub-standard mageu," said Molefe.

Another protester, Xolisa Ntwana, said the workers were disappointed that Amplats had suggested they were not its employees.

Intimidation fears

On Wednesday, Amplats insisted protesters gathered near its Thembelani mine in Rustenburg did not work for the mine. "The facts are, our employees are not on strike. The people who are chanting around the mines are from neighbouring communities and we cannot identify who they are," said Amplats spokesperson Mpumi Sithole.

National Union of Mineworkers spokesperson Lesiba Seshoka said most staff members had been prevented from going to work due to intimidation by those who were now protesting outside the mine.

"I don't know whether you want to call that a strike, when workers are prevented from going to work and some are protesting," Seshoka said.

A large group of protesters, carrying traditional weapons, gathered at a Thembelani mine shaft on Wednesday morning with police keeping watch.

Five police nyalas and a water cannon were at the scene. A police helicopter hovered overhead. Most of the protesters sat in a field under a scorching sun.

Small groups, clutching sticks and clubs, marched, sang and danced. Some men arrived at the scene wearing ANC Youth League regalia. They joined the protesters but declined to speak to the media about their role in the strike.

Sithole said no memorandum of demands for a wage increase had been given to management by staff members. – Sapa

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MEDIA RELEASE, issued by COSATU Lephalale Local Secretary, Kushca Tlhoaela

### **Eskom must account on Medupi strikes**

COSATU and its affiliates are fully committed to holding lawful, peaceful and orderly marches, protest and strikes, in which all those involved obey the law and refrain from any violence, theft or damage to property; every effort is made to get this message across to all participants.

We call all the affiliates to ensure that these principles are enforced and take actions against those who refuse to comply. If union's members are proved to have been the offenders they must be educated and be disciplined.

We call on government to address the following urgently:

1. 17,000 workers who are mostly organized under our affiliates are to be or are retrenched by the sub-contractors of Eskom in the next months.
2. The scale of the retrenchment which is the largest single retrenchment in the post apartheid South Africa.
3. The political and labour volatility in Lephalale and surrounding areas which is high.

4. The probability of controlling the violence and unrest during this retrenchments or demobilisation.

While we welcome the project which forms part of the Medupi Legacy Programme, which is intended to empower the communities of Lephalale and surroundings, our questions remain unanswered:

1. Why are you not engaging the same people you are retrenching or demobilising to work that project until the end of the year?
2. Is the yearend bonus a big question?
3. Are you still busy widening the gap between the rich and the poor?

As COSATU we call an urgent job summit to be called by ESKOM to deal with this matter.

083 750 8483

Kindly receive this important communiqué.

You are cordially invited to the COSATU meeting that is scheduled as follows:-

**Venue: NUM Office (Marapong)**

**Time: 16h30**

**Date: 13<sup>th</sup> September 2012 (Thursday)**

We request affiliates to encourage their secretaries and chairpersons to attend this important gathering.

Thanking you in advance

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**Kushca Tlhoaela, Secretary**

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**'Malema is agitating SANDF'**

Wed, 12 Sep 2012 11:52 AM

EmailMore

Expelled ANC Youth League leader Julius Malema seemed bent on turning soldiers against the state, Defence Minister Nosiviwe Mapisa-Nqakula said in an SABC radio interview broadcast on Wednesday morning.

"You can't just go on and on and on, and be going around mobilising funeral gatherings and agitating people to become ungovernable," she said.

She was reacting to Malema's plans to address members of the SA National Defence Force in Lenasia, Johannesburg on Wednesday.

"What are the consequences? - I wish I knew. What I do know is that any responsible citizen in South Africa cannot associate him or herself with a person who wants to agitate and mobilise members of the SANDF against the state because they have concerns," said Mapisa-Nqakula.

SANDF members should use the current structures in place if they wanted to raise concerns.

She said it was not clear in what capacity Malema would address soldiers.

"I do not know and I don't see what value he is going to add in trying to resolve their problems. I don't see in what way he can do that."

The minister said Malema had been "instigating people" in the past few weeks, in an apparent reference to his address to mineworkers at the volatile Lonmin Platinum mine in Rustenburg, and, more recently, his call to Gold Fields miners to strike until National Union of Mineworkers leaders step down.

Forty-five people have died at Lonmin mine in Marikana in labour unrest in the past month.

"It cannot be allowed to happen in the SANDF," said the minister.

"It cannot be that we allow an ordinary citizen to stand up and want to instigate and want to agitate members of the SANDF, which is what has happened in Marikana, which is what has happened in the mining industry amongst those workers.

"It's not acceptable, it is wrong, it is incorrect and it is not going to be right. My view is that they are all traits... they are all indications that this is counter-revolutionary, I'm sorry," said Mapisa-Nqakula.

She warned soldiers attending the Malema address that there would be consequences if they did not report for work on Wednesday.

"Our memory is very short and we would probably have forgotten where we come from. People died for this freedom... people died for this country, it's been very, very costly.



"I think it is too risky for anyone who wants to agitate members of SANDF to turn against their own government because they have concerns - because effectively that is what it means.

"Judging by what he has been saying in the past few weeks, that is exactly what it means, that people are going into a meeting to agitate members of the SANDF and I'm saying no, it can't be correct."

The Friends of the Youth League said Malema would address the soldiers after being invited by them to listen to their grievances.

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### **Top cop in Marikana brutality claim**

07 Sep 2012 00:00 - Glynnis Underhill The Independent Police Investigative Directorate is investigating accusations of apartheid-style intimidation against one of SA's top cops.

North West police deputy commissioner Lieutenant General William Mpembe has been accused of being present when some Lonmin miners were assaulted in custody.

The *Mail & Guardian* has been reliably informed that Mpembe is one of 10 police officers accused of visiting police stations where the miners were held after the massacre at Marikana last month. The group was accused of assaulting the miners after visiting them in their cells, allegedly to search them.

The *M&G* has learnt that the miners claimed the group tried to persuade them not to lay complaints against the police for the shootings at Marikana, and had tried to intimidate them to get confessions.

Official comment from the police watchdog, the Independent Police Investigative Directorate, which is undertaking the investigation into the assaults at five police stations, and the police about Mpembe's involvement were not forthcoming.

About 94 cases of assault have been opened against police, although many more affidavits have been taken. In some cases, the alleged victims were beaten so badly that they were unable to open their eyes.

The details of what happened in cells at police stations in and around Rustenburg in North West emerged last week when Police Minister Nathi Mthethwa released a statement saying he had received a preliminary report about police officers who were alleged to have assaulted some of the detainees linked to the Marikana incident.

### **Abuse of power**

The directorate made arrangements for the victims to get medical attention, Mthethwa said. Officers who did not uphold the law, abused their powers and assaulted detainees did not have a place in the police, he said.

About 194 affidavits have been taken by directorate investigators on how miners were allegedly beaten.

Cases of assault with intent to do grievous bodily harm and attempted murder have been opened.

"They arrested miners with no evidence, and were trying to extract confessions by assaulting them," said a senior source in the criminal justice system. "It is the same old apartheid trick."

The directorate has confirmed that the miners would appear as witnesses in cases brought against the police, but an identity parade earlier this week was called off because of the large media presence outside the Brits police station.

Brigadier Thulani Ngubane, police spokesperson for the North West, recently disclosed the involvement of the police. He told *City Press* there was "an instruction that members must go to police station cells and search the accused for cellphones they were not supposed to have".

Mpembe was the senior officer at the joint operations centre, which was co-ordinating activities relating to the massacre, Ngubane told the newspaper.

### **Considering legislation**

Ngubane also confirmed that the joint operations centre issued the order for the arrested miners to be searched.

ANC MP Annelize van Wyk, the acting chairperson of Parliament's portfolio committee on police, said recently she would call for North West provincial commissioner Lieutenant General Zukiswa Mbombo to appear before the committee. Mbombo is Mpembe's senior officer in the province.

The claims that arrested miners were assaulted come at a time when South Africa is still considering legislation to make torture a crime.

The Prevention and Combating of Torture of Persons Bill, now before Parliament, is expected to address the issue. At present, the courts treat cases of torture as assault or attempts to do grievous bodily harm.

Mpembe was accused in July of being present when North West traffic officer Stephen Phoko was allegedly beaten up by Mpembe's bodyguard who broke Phoko's leg and dislocated his shoulder.

Sunday World ran the story under the headline, "Cops broke my bones as deputy chief watched".

"His own bodyguard, in his presence, broke my leg and dislocated my shoulder," Phoko claimed.

Mpembe was hauled before the provincial legislature to explain his role in the matter, the report stated.

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Marikana: Road forward littered with mines  
07 Sep 2012 06:31 - Charles Molele, Matuma Letsoalo, Phillip De Wet

Is South Africa facing a widespread mining revolution capable of disrupting an industry vital to everything from job creation to foreign exchange?

The short answer is probably not, or at least not yet. But even if the current danger passes, mines and their workers can expect several tough years and the politics engulfing them will not help.

Floyd Shivambu, suspended ANC Youth League spokesperson and now campaign leader for the Friends of the Youth League, told the Mail & Guardian this week that the campaign would be intensified in the coming months and at some stage there would be national mass action to bring the mining industry to a halt.

"This is part of our push for economic transformation in this country," said Shivambu. "What is happening now in mines is not separated from the struggle for economic freedom ... The immediate goal is improving the living condition of ordinary miners. Linked to that will be state ownership of mines."

Speaking to the M&G this week, expelled youth league leader Julius Malema said the mining revolution was not a call to arms, but industrial action on a massive scale.

"When you say ungovernable, we are saying workers must put their tools down," said Malema. "Stopping of production will mean that. We are not calling for violence. The plan is to conscientise our people about the growing inequality."

Three weeks after the last gun fell silent at Marikana, there are still questions about when the Lonmin platinum mine will be able to restart production – and whether the company will survive the year. This week saw labour trouble at two gold mines and violence at one of them, as well as promises of further agitation. One Cabinet minister is trying to reassure investors in London that all is stable in the mining sector, whereas another is condemning "statements that incite violence and causes unwarranted instability".

### Militant unions

Officially, and barring Lonmin, the mines are not worried that their production could be affected by newly militant unions making rash promises to members or Malema's call to make the mines ungovernable. But behind the scenes their security and intelligence operations are growing increasingly concerned about the potential for violence.

"We don't have any of the elements that you saw at Marikana, but now any spark can catch fire," said one security head. "If people get angry about anything, it could escalate."

Driving those fears among investors, managers and security staff alike is Malema, who has visited three mines in the past few days in his campaign to radicalise miners.

Some find his reassurances of no violence unconvincing. One mining chief executive this week said off the record that his company considered Malema a serious external threat, but could not afford the political exposure of any attempt to stop him from spreading his message. Trade union Solidarity has no such qualms, however.

"We have workers in mining who are directly affected by these things, who are directly threatened," said Solidarity's Johan Kruger, shortly after helping to lay a criminal complaint of incitement to public violence and intimidation against Malema on Wednesday.

Among those who would be happy to see Malema silenced, or at least reined in, will be Minister in the Presidency Collins Chabane and the interministerial committee on Marikana, which this week strongly condemned provocative statements and populist rhetoric with only a superficial attempt to avoid direct references to Malema. The National Union of Mineworkers (NUM) has also continued to criticise the Malema approach strongly.

But the fact that such powerful groups condemn, whereas only a minor player like Solidarity attempts any action, will not be lost on those who control the money.

"Actions speak louder than words," said Peter Major, who heads the mining division at Cadiz Corporate Solutions and started his mining career in the United States.

### Government fractured

"They [investors] are seeing that anyone can say anything and there are no consequences ... They're seeing the government fractured, the unions not disciplining members, the ANC taking the side of the workers and they're saying: 'Who is protecting my rights? If they're not protecting my rights now, will they be doing it a month or in a year?' So their money goes elsewhere."

That new-found lack of confidence in the government is almost identical to sentiments on the possibility of mine nationalisation: constant official denials that there is a threat are simply not believed by those whose money would be at risk.

As a result, foreign money, although not avoiding South Africa entirely, will now even more likely seek out investments that offer an immediate return: existing mines with reserves

that are relatively cheap to extract. Or, to put it another way, the exact opposite of the long-term, massive greenfields investments that would be required to create significant numbers of new jobs.

This comes on the back of what shows every sign of being lean years ahead, especially in precious-metals mining and particularly in terms of saving jobs.

Platinum was a poor business to be in before 1997, according to a recent analysis by David Holland and Brian Kantor, but it "became one of the most profitable businesses in the world" between 2006 and 2008. Then came the recession of 2009 and profitability plummeted below a level at which capital investment could be justified. And there is little hope for the immediate future.

"There is no hint of a return to superior profitability in the share prices of platinum miners," wrote Kantor and Holland. "It looks highly unlikely that platinum miners will be able to satisfy the wants of their stakeholders. All parties should focus on what is realistically possible and economically feasible."

#### Labour

Much the same holds true for gold mining, which is in dire need of what SBG Securities's David Dennis has for some time referred to, a little euphemistically, as a "restructuring".

"There are things that can be fixed – technological innovation so you can mine below 4 000m and ways to improve the lifespan of mines," Dennis said this week. "But unless you start mining a different reef, you aren't going to see any change in the decline in [gold] production. That decline is embedded in the system, unless economic conditions change dramatically and, certainly, labour unrest will not help ... I don't think the government is fully aware of the impact the decline is going to have on labour."

There is little hope that the world economy will suddenly recover, or that the price of platinum will shoot through the roof. However, there are tantalising hints that Marikana may, indeed, have been a unique event rather than a harbinger of things to come.

When national leaders of the NUM intervened in the wildcat strike at a Gold Fields mine this week, 95% of workers reported for their shift just hours later – on Wednesday night – and attendance on Thursday morning was 92%, at an operation where a 7% rate of absenteeism is considered normal.

At Gold One's East Modder shaft, workers – some of them rehired after applying for jobs they were fired from for an earlier unprotected strike – braved an angry and sometimes violent crowd to make their way to work and operations went ahead.

#### Dependable partner

The NUM, a union that some mine owners and investors describe as a dependable partner, if a mean negotiator when it comes to wages, clearly still has power. And at least some miners are clearly determined to keep their jobs – jobs that have become safer and better

paying throughout the industry in recent years, with above-inflation increases the norm, regardless of metal prices or exchange rates.

But many mine workers are unhappy with their pay and political operators other than Malema are unhappy with the structure of the industry. Irvin Jim, general secretary of Cosatu's powerful metal and engineering union, Numsa, said despite the government's well-intentioned reforms of mining and mining rights, miners were the most exploited workers, earned very little and still lived in squalor, whereas the mining bosses were reaping billions of dollars from the country's minerals.

"Numsa is convinced that unless the mineral wealth of our country is returned to the people as a whole, mining will continue to be characterised by violence against the working class – either through dangerous working conditions, or from the bullets of the police in defence of the profits of the mining bosses," said Jim this week.

He does not hold with the industry pleading poverty. The combined operating profits of Lonmin, Implats and Anglo Platinum over the past five years could have built millions of RDP houses, he said. "The mining bosses are not fit to control the mineral wealth of our country."

The government has also expressed unhappiness over transformation in the industry and Mining Minister Susan Shabangu has lambasted it for the slow delivery of better housing. A study by her department also showed that black ownership of mines was below a tenth, far less than the 26% that was meant to be in black hands by 2014 under the mining charter.

But the Chamber of Mines has defended the mining companies. Bheki Sibiyi, chief executive of the Chamber of Mines, said black ownership by its members had, on average, already surpassed the 26% target and the reality was closer to 28%.

"We cannot play with the future of the country by using and quoting stale statistics. The report which [the department of mineral resources] is using has no standing in my view," Sibiyi said in an interview.

#### Rousing speeches

If the NUM can maintain its control on most mines and count on the historic loyalty of its members, it will be a counterforce to a worker rebellion, those in politics and business agree.

Similarly, if workers realise that their jobs are under threat, both by economic conditions and the large number of unemployed willing to replace them, rousing speeches alone will not get them to down tools.

Not that the underlying anger will go away.

"The fact is that the mining industry has a hundred years of baggage that it has never paid for," a mining industry executive said this week.

"It originated with the migrant labour system and it was built on cheap black labour. The industry and the entire country will still have to face up to that, or we'll always have trouble."

Malema extracts maximum political mileage

Julius Malema's mining revolution arrives either in his pitch-black Mercedes Vito or a snow-white Range Rover.

When the expelled ANC Youth League leader emerges from one of these vehicles, donning his now trademark black beret, he plays to his audience, many hanging on to his every word.

"The democratic government has turned on its people," Malema told the people gathered at the memorial for the slain Marikana miners a week after the tragic shooting.

He received rapturous applause before the memorial eventually degenerated into a political rally where Malema decried the government's role in the incident.

"Our leaders have lost their way and have been co-opted by mine owners and fed profits. They don't care about you," Malema told workers at Grootvlei mine in the East Rand exactly a week later.

His chant of "phansi, Zuma, phansi [down with Zuma]," were met with enthusiastic replies from the workers, who relayed to him their anger with the government and the ruling ANC. Goldfields's Kloof mine in Westonaria was Malema's next point of call.

He waded into an industrial dispute at the mine, in which workers accused the NUM of representing them without their authority. They disputed the signing of a R69 funeral policy, claiming it was undertaken without their consent. Malema used the occasion to call for workers to take over the mining sector and claim what was rightfully theirs.

Malema's points of involvement seem well chosen.

Although Marikana was like manna from heaven for a man who was slowly but surely sliding out of the political picture, Grootvlei and Goldfields were shrewd choices.

The debacle surrounding Grootvlei is well documented.

Workers were left unpaid shortly after the mine was taken over by Aurora Empowerment Systems, a company partly owned by President Jacob Zuma's nephew, Khulubuse Zuma, and Nelson Mandela's grandson, Zondwa Mandela.

Goldfields gave Malema the opportunity to pronounce on tripartite-alliance politics.

Not only did he label local representatives of the NUM as sell-outs for proceeding on a matter without authority from the workers, he also claimed Cosatu secretary general Zwelinzima Vavi was under attack by “counter-revolutionaries” within the alliance.

Malema may claim to be fighting for the rights of workers and swears that he is defending the defenceless, but all signs indicate a politician attempting to stay relevant – and workers tend to agree at times.

“I am not for Malema, but I know when he talks, you guys [the media] come,” Sabelo Fafetine said during Malema’s visit to Goldfields.

“That’s the only way people listen to us – if the media is here.”

At Garankuwa Magistrate’s Court on September 3, Elijah Mogale (21) looked five years younger after his brother Thomas, one of the striking Marikana miners, was released from police custody following the National Prosecuting Authority’s dropping of murder charges against the 267 miners arrested following August 16’s massacre.

“They would not be free now if it wasn’t for Julius Malema and his lawyers,” said Mogale, beaming. “My family still wouldn’t know whether my brother was dead or alive or where he was.”

Behind him, the first batch of miners was singing and toyi-toying in front of a fleet of minibus taxis that the Friends of the Youth League had laid on to transport the miners back to Marikana.

Hours earlier, Mogale had waited in the court with no knowledge of his brother’s welfare since the massacre a week and a half ago: “We didn’t know if he was dead, missing or arrested.”

According to Mogale, who is unemployed, part of his brother’s salary was sent home to Polokwane every month to subsidise his family’s day-to-day existence.

Malema and his Friends of the Youth League supporters have undoubtedly stepped into – and are capitalising from – the vacuum created by an inert government and mainstream progressive political parties such as the ANC and South African Communist Party.

Yet they remain far from having captured the imaginations of all the striking miners in Marikana. In a sea of silence from politicians, there is appreciation for his recognition of their struggle, but for every striking miner who feels Malema has helped them, there is one who believes his presence is detracting from their struggle.

“Malema is here because December is around the corner; he is here because of Mangaung,” said one miner, who preferred to remain anonymous.



On the march to Lonmin's number three shaft on September 5, several miners confirmed to the M&G that the Friends of the Youth League had been working hard at lobbying communities and ANC members in the area in an anti-Zuma drive.

The Marikana massacre gives Malema the opportunity to regain a foothold in politics. But it will also prove another watershed in his political career: whether he can mobilise from the ground up to build organic support, or whether his impulses will continue to be wedded to the narrow ones of self interest and power within the ruling party.

At this stage, perhaps the best indicator about this coalescence of strikers and Malema is a response by a Friends of the Youth League member outside the Garankuwa Magistrate's Court to the question of whether the strikers would achieve the outcomes they wished for. "That will depend on Mangaung," said the organiser. – Nickolaus Bauer & Niren Tolsi

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Powerful new pics of the ongoing protests from Azad Essa -  
<http://www.aljazeera.com/indepth/inpictures/2012/09/201295213312598353.html>

Marikana\*

Ari Sitas

The digital images fold as the TV screen tires

The cops, rifles in cabinet, past their third beer are edging towards bed

The night is quiet as the smelter has been closed,

the only music is of the wind on razor wire

the ears are too shut to hear the ancestral thuds on goatskin

humanity has somehow died in Marikana

who said what to whom remains a detailed trifle

the fury of the day has to congeal, the blood has to congeal

I reverse the footage bringing the miners back to life

in vain, the footage surges back and the first bullet

reappears and the next and the next and the next

and I reverse the footage in vain, again and again in vain

The image of the man in the green shroud endures

Who wove the blanket and what was his name?

There are no subtitles under the clump of bodies, no names

stapled on their unformed skull

A mist of ignorance also endures, a winter fog

woven into the fabric of the kill

The loom endures too, the weaver is asleep

The land of the high winds will receive the man naked

The earth will eat the stitch back to a thread

What will remain is the image and I in vain

Reversing him back to life to lead the hill to song

In vain, the footage surges back  
 another Mpondo, another Nquza Hill, another Wonder Hill  
 the shooting quietens: another anthill  
 My love, did I not gift you a necklace with a wondrous bird  
 pure royal platinum to mark our bond?- was it not the work of the  
 most reckless angel of craft and ingenuity? Was it not pretty?  
 Didn't the bird have an enticing beak of orange with green tint?  
 Throw it away quickly, tonight it will turn nasty and gouge  
 a shaft into your slender neck  
 And it will hurt because our metals are the hardest- gold, pig iron, manganese  
 yes, platinum  
 Humanity has somehow died in Marikana  
 What is that uMzimu staring back at us tonight?  
 Darken the mirrors  
 Switch off the moon  
 Asphalt the lakes

At dawn, the driveway to the Master's mansion  
 Is aflame with flower, so radiant from the superphosphates  
 of bone  
 of surplus oxygen and cash,  
 such flames, such a raw sun  
 such mourning by the shacks that squat in sulphur's bracken  
 and I wait for the storm, the torrent, the lava of restitution  
 the avenger spirits that blunt the helicopter blades in vain  
 these also endure: the game and trout fishing of their elective chores  
 the auctions of diamond, art and share  
 the prized stallions of their dreams  
 their supple fingers fingering oriental skins and their silver crystals  
 counting the scalps of politicians in their vault  
 The meerkat paces through the scent of blood  
 I want it to pace through the scent of blood,  
 she is the mascot, the living totem  
 of the mine's deep rock,  
 the one who guards the clans from the night's devil  
 she is there as the restless ghosts of ancestors  
 by the rock-face  
 feeding her sinew and pap  
 goading her on:  
 the women who have loved the dead alive  
 the homesteads that have earned their sweat and glands  
 impassive nature that has heard their songs  
 the miners of our daily wealth that still defy  
 the harsh landscape of new furies  
 the meerkat endures-  
 torn certainties of class endure

the weaver also endures: there-  
 green blankets of our shrouded dreams  
 humanity has died in Marikana  
 The strike is over  
 The dead must return  
 to work

\*(after a tough two weeks and seeing Pitika's miner sculpture with the green corrugated iron blanket)

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**Post-apartheid South Africa kills its miners**  
 by rahnuma ahmed

The unspeakable humiliation of mine workers being regularly inspected by a medical doctor in the diamond mines of South Africa during the apartheid regime for the "theft" of precious stones. 1968 ©Peter Magubane

The first photograph, taken by Peter Magubane, the renowned black South African photographer whose visual documentation of apartheid earned him the tribute of being a "one man truth squad" — had shocked me.

I saw it first in Drik's 2004 calendar. The picture was accompanied by the words of another South African, the internationally acclaimed, award winning playwright and poet Sindiwe Magona. As many of her readers know, Sindiwe had worked as a domestic before earning a graduate degree from Columbia University,

"Father worked in the gold mines of Johannesburg before I was born. I was in my thirties when I first laid eyes on Peter Magubane's book of photos of "mine boys". That book angered and disgusted me. But it wasn't till I came to the corresponding part of my father's life that a mule kicked me full in the belly. All this time, more than two decades after, the despicable things those photos depicted: grown men "naked as unpodded beans... dusted with sprayings of "DDT" and forced to show their anuses, regular inspection against theft of precious stones" — the vicious truth never penetrated my defences.

Father worked in the mines. Mine bosses did such things to mine boys. But that such things were done to Father never occurred to me. How do you look at the man you have known all your life as "Protector, Provider, Soother of spirits bruised" and admit to yourself he suffered unimaginable violation, endured unspeakable humiliation? How does a child love and respect a father and know that that man has been treated in a manner no animal ever suffered and know that there are many who saw him as less than human? How do you swallow a father's bitter impotence?

I wept. When the realization hit me. When I could no longer deny that my father underwent such brutality, a sorrow so intense overcame me. And, I wept. For my father.

For all the men who had to leave their wives and their children, every year, for eleven months of the year, to go...

*to a place of shadows, of dreams, of promises false.*

*Where lives are slighted, wasted, ill-used and squandered;*

*sacrificed to greed and need, real and manufactured.*

*Where rich men dream of richer riches;*

*and poor men die clawing at stones.”*

– “In Your Own Words”

Peter Magubane’s photo of the “mine boys” belonged to the apartheid era as did Magona’s words — or so, I’d vaguely thought, until news of the massacre of 34 protesting mine workers on August 17 made the headlines (see pic 2), and raised questions the world over, more insistently, about the nature of the post-apartheid state in South Africa. About class inequality and workers struggles. About economic and social injustice as being integral to capitalism. About betrayals by national liberation leaders. About how *a luta continua*, Portuguese for ‘the struggle continues’ — the rallying cry for Mozambique’s war of independence — has increasingly been adopted by South African activists. *Shongram cholcche, cholbei.*

The Marikana mine workers had worked not at a diamond one, as Magona’s father had, but at a platinum one. However, as Nigel Gibson reminds us, South Africa was built on mining, specifically on cheap African labour — a truth which survives the abolishment of statutory racial apartheid. In other words, what was true for the colonial period when a white minority had ruled South Africa, is true for post-apartheid South Africa now, ruled by a black minority.

The massacre of workers at the Lonmin-owned mine demonstrates that the lives of “mine boys” are no better off in post-apartheid South Africa. That the African National Congress’ (ANC) promise of liberating black Africans, particularly the poor, from “political and economic bondage” is a *false promise*. That eighteen years on, lives are still *being slighted, wasted, ill-used and squandered*. That Nelson Mandela’s long walk to freedom has stalled, has been *sacrificed to greed and need, real and manufactured*.

That racial apartheid has been replaced by class apartheid, by the “systemic underdevelopment and segregation of the oppressed majority through structured economic, political, legal, and cultural practices” (Patrick Bond).

Armed policeman looking at the bodies of miners, shot outside a South African mine in Rustenburg, northwest of Johannesburg, August 16, 2012. ©AFP

That Frantz Fanon's prophetic caution rings ever more true in today's post-apartheid South Africa,

***Before independence, the leader generally embodies the aspirations of the people for independence, political liberty, and national dignity. But as soon as independence is declared, far from embodying in concrete form the needs of the people in what touches bread, land, and the restoration of the country to the sacred hands of the people, the leader will reveal his inner purpose... In spite of his frequently honest conduct and his sincere declarations, the leader as seen objectively is the fierce defender of these interests, today combined, of the national bourgeoisie and the ex-colonial companies...He therefore knowingly becomes the aider and abettor of the young bourgeoisie which is plunging into the mire of corruption and pleasure. (The Wretched of the Earth, 1961).***

The Bench Marks Foundation, an independent South African faith-based organisation, which promotes corporate social responsibility, released a report in 2007, *The Policy Gap — A Review of the Corporate Social Responsibility Programmes of the Platinum Industry in the North West Province*. The study, which researched the impact of the platinum boom on the 350,000 people living in the platinum mining areas of the North West, concluded thus,

***much needs to be done in terms of the environment, housing, health, labour, waste management, energy and water management, clean air and geological issues. The report demonstrates huge negative impacts on surrounding communities and goes contrary to the popular myth that the benefits from mining trickle down to local communities.***

Its conclusion was in stark contrast to the IFC's report a year earlier (Investor Finance Corporation, the World Bank's private sector arm), which had applauded Lonmin for its environmental, health, labor, and safety records, for its "robust community development framework."

A followup study by Bench Marks, released only two days before the massacre near the Marikana shaft drew attention to the "appalling" housing conditions of Lonmin's workers. It wrote of open sewers, of rampant diseases, and an "unacceptable" level of fatal accidents. Of asbestos found in school buildings supported by Lonmin, of unguarded railroad crossings, and environmental degradation. Of the use of local tribal authorities to recruit workers (leading to favoritism and sexual exploitation), and an over-reliance on sub-contracted migrant workers, most of whom lived in crime-ridden informal settlements (Alex Lichtenstein, *What Went Wrong At Marikana?* September 1, 2012).

The 2012 report concluded, "Overall, we have seen very little improvement in the performance of the companies surveyed on corporate social responsibility [since 2007]." A press release which accompanied the followup said, communities are hardly ever consulted about their frustrations over the impact of mining on their lives, the situation remains unchanged since the initial Bench Marks study conducted five years ago, and, that mine-

owners are obsessed with cost-cutting, undertaken invariably at the “expense of the environment, labour and communities.”

After the Marikana massacre, Bench Mark Foundation’s chairman Jo Seoka, refuted mainstream media reports which portrayed the protests and ensuing violence as caused by inter-union rivalry, by “turf battles” between the National Union of Mineworkers (NUM), allied to the ANC, and the more militant independent union, the Association of Mineworkers and Construction Union (AMCU), which, as reports indicate had been unable to contain the militancy of the workers (Bill van Auken, WSWS, August 18, 2012).

It had everything to do with low wages, insists Seoka. With the disintegration of social ties, crime, murder, rape and prostitution, with unemployment and poverty which has “created an incubator rife for worker and community discontent.” (Business Report, August 17, 2012).

After eighteen years of democracy, a mineworker earns only 3,000 [South African Rand, approximately \$360]. The workers are demanding a 300% pay hike, i.e., monthly salaries of R 12,500.

Understandable, given that it is the workers who risk their lives and health to extract riches from beneath their feet, riches which make their way into the pockets of bosses and senior management of Lonmin. Understandable, given that the Lonmin platinum mine is the third richest in the world.

As Thandubuntu Simelane, a miner told South Africa’s Mail and Guardian daily, “It’s better to die than to work for that shit ... I am not going to stop striking. We are going to protest until we get what we want. They have said nothing to us. Police can try and kill us but we won’t move.”

Seoka says, when he’d met Marikana’s workers before the massacre, they’d been “peaceful.” They’d just wanted the management to engage with them.

Two days after the massacre, Lonmin’s response? It issued an ultimatum, despite those killed having not yet been identified. Despite family and friends still struggling to deal with the horror of what had happened. If the workers did not return to work on Monday, August 20, they could be fired summarily, said the company statement.

The government’s response? The 270 miners who’d been arrested for protesting, were charged with the murder of their 34 colleagues, shot dead by the police. The murder charge, brought by the national prosecuting authority under an obscure Roman Dutch law, had previously been used by the apartheid government against the ANC (the charge was later withdrawn). Initially, Lonmin had threatened to sack the striking workers. But only 8% showed up for work, protests have now spread to other Lonmin mines as well.

The police commissioner general Riah Phiyega, a political appointee, insists that the police had acted in self-defense, that the miners had surrounded and attacked the police but

postmortem examinations reveal that most miners had been shot in the back. An academic reconstruction, done by a University of Johannesburg professor who'd gone to the site and interviewed workers and witnesses, reveals that the police had surrounded the workers, had put up barbed wire fence, leaving only a very narrow opening for the workers. While a lot of the media coverage shows that the workers are rushing towards the police who seem to be retreating, says Vishwas Satgar, the workers were actually running toward the opening. At least ten were gunned down at the opening.

In post-apartheid South Africa, rich men who dream of *richer riches* now includes blacks such as, Cyril Ramaphosa, the former NUM president who has become one of South Africa's richest millionaires, who has a seat on the board of directors of Lonmin. Who, besides mining, has interests in the financial sector, advertising, information technology, property, telecoms and retail.

In post-apartheid South Africa, poor men still *die clawing at stones*. Their struggle for freedom from economic and political bondage continues, as does that of workers the world over. *A luta continua. Shongram cholcche, cholbei*.

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Published in New Age, Monday, September 10, 2012

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There's something else amiss at Marikana  
Mike Hanna

Mike Hanna is an award-winning correspondent with more than 30 years' experience.  
September 11, 2012

At the informal settlement of Wonderkop hundreds of men are sitting around in the bright spring sunshine. Goats walk past as the men listen intently to a speech being made on a makeshift public address system

These are the striking miners of the Marikana Platinum Mine, and they have been sitting here for much of the past five weeks the industrial action has been ongoing.

The reason for the strike is simple - they are demanding a wage increase. Management says it will not negotiate until they return to work, the miners insist they will not return to work until their demand is met.

It's a scenario repeatedly played out in South Africa's mining industry - a cycle of strike, negotiation, settlement and return to work. But there are many reasons why the country's attention has been focused sharply on what is happening here.

Firstly the extreme violence that broke out - in the space of a week more than 40 people were killed, most of them when police opened fire with live rounds claiming they were under attack.

The TV footage resonated strongly in a country that still remembers similar scenes involving the police of an apartheid state that was dismantled nearly two decades ago.

Then the country's National Prosecuting Authority raised hackles even further by charging more than 200 of the striking miners for involvement in the murder of their fellow strikers. The legal basis for this action was what is known as "the common purpose doctrine". Essentially this means the state does not have to prove direct action - it is enough that the people charged were in the vicinity of the killings.

It was precisely this doctrine that was used repeatedly by the previous regime against anti-apartheid activists. Following a national uproar the charges were provisionally withdrawn, but the image of a supposedly democratic government prepared to use similar measures to the one it replaced remained firmly in the public consciousness.

Then there is another issue that has been highlighted in the events at Marikana - the appalling conditions in which the miners like hundreds of thousands of other South Africans are forced to live.

Wonderkop is referred to as "an informal settlement" - a collection of shacks erected by the residents themselves near the mine at which they were employed. The mine does provide accommodation in what are called "hostels" - but then charges the miner rent equivalent to about a third of their monthly salary for a room in which they live with seven others. The alternative is to build their own housing.

But there is no running water, no sanitation facilities of any kind, no form of health care, no schools in the vicinity and no sign that the local government is concerned about providing any of these. The lack of service delivery is an issue that has led to deep public criticism of an African National Congress (ANC) government that had pledged to care for its people.

President Jacob Zuma insists, "the apartheid legacy is hampering delivery". He also produces the following figures: that since the ANC came to power in 1994, more than 2.5 million houses have been built providing shelter for over two million people, that six million people have been provided with access to clean water, and that electricity has been connected to almost five million houses.

Yet this has bypassed the thousands of miners who live in Wonderkop, and the millions of other black South Africans who live in similar conditions in various parts of the country. They feel marginalised and even deserted by a government that they helped put into power.

They also felt abandoned by the National Union of Mineworkers affiliated to the Congress of South African Trade Unions, which for decades has been a close ally of the ANC. Many



joined a new union not associated with COSATU or by extension the ANC - and it is The Association of Mineworkers and Construction Union (AMCU) that has spearheaded the current strike.

The mass killing ensured that events at Marikana would not be seen as just one of many labour actions, and in the public glare something else has emerged - that after nearly two decades of ANC rule the promise of democracy has not been fully realised.

And for those living in Wonderkop it is not just the bosses of the Lonmin Group they hold accountable for their fate. It is also the government that they believe has broken its covenant with the people.

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Q&A: Understanding the Marikana strikes

What wider implications will ongoing strikes after the "Marikana massacre" have for South African politics?

Last Modified: 09 Sep 2012

Feedback

Workers continue to strike in Marikana, demanding a 300 per cent wage hike [Reuters] **Johannesburg, South Africa** - The town of Marikana in the North West province of South Africa made international headlines on August 16, when police opened fired and killed 34 miners engaged in a protracted strike action outside the Lonmin platinum mine.

The killing sparked international outrage and a national commission of enquiry was set up to investigate what has become known as the "Marikana massacre".

Meanwhile the strike itself has continued unabated, as workers have remained resolute on their demands for a 300 per cent wage hike that experts say the industry will not be able to afford. But the protracted strike has revealed severe tears within the labour movement. The violent rivalry between National Union of Mineworkers (NUM) and Association of Mineworkers and Construction Union (AMCU) has raised hard questions over the labour movement's ability to represent workers adequately during a time of rising worker insecurity, unemployment and economic strife.

With NUM traditionally seen as the vanguard of the well being of miners, developments in Marikana suggest that biggest union in South Africa might be in a midst of a crisis that signal a shift in industrial relations in the country.

Al Jazeera's Azad Essa speaks to Crispin Chinguno, a researcher of Industrial and Economic Sociology at the University of the Witwatersrand in Johannesburg about the multiple layers of the strike action that could have wider implications for South African politics.

**Azad Essa:** Miners have been striking for the past four weeks over poor pay and living conditions. But what are the wider issues at play here?

**Crispen Chinguno:** The hostel type accommodation [developed under apartheid] has been phased out since 1994 and now the majority of miners live in informal settlements, in shacks or *mkhukus* as they refer to them here. In these settlements there are no roads, electricity, water or proper sanitation ... there are virtually no services. The workers in the mines have become too fragmented when compared to the era before 1994.

There are those who directly work for the mines and some of these live in better conditions but most are in squalid conditions. But their proportion is fast diminishing as employers prefer subcontractors. The proportion of workers in the mining industry hired by subcontractors is growing. Some of them earn as low as R1800 a month (\$220). These are the miners who are hardest hit.

**Crispen  
Chinguno**

Mining companies are increasingly using subcontractors, as they attempt to reduce the number of permanent staff and reduce costs and many miners are now hired as temporary or casual labour, including the rock drillers.

At some mines, there can be as many as 40 subcontractors and labour brokers employing miners on behalf of the company. Take the case of the Impala platinum mine for example, at least 42 per cent are working through sub contractors. This has affected the unions ability to organise and as a result it has become difficult to build worker collective solidarity. Thus violence becomes the tool to forge worker collective solidarity.

**AE:** There are many questions over the 300 per cent salary hike demanded by workers especially during a time where mining industry has slowed due to the global recession. Is this fair criticism?

**CC:** This is not surprising. Journalists are not taking much time and care to understand the connection between the communities where these mine workers live and their workplace. What happens at the workplace and the community are inextricably connected. The miners live precarious lives both at home and work. Most informal settlements are illegal and they know they can be moved out at any time. Their conditions are so bad such that they can hardly send their kids to school. They can hardly feed their families.

It is imperative that we connect the two worlds, then understanding their demands for a 300 per cent wage hike will suddenly not appear as 'unreasonable' or 'outrageous' as has been reported. Miners are challenging a system that is based on exploitation and inequality that persisted for the 150 years history of the mining industry in South Africa; an unequal and absurd model of sharing surplus. If they win in this struggle it may extricate them from the trap of poverty and inequality. Workers know that the mines are making huge profits.

**AE:** But why now? What has happened for miners to have become so resolute about their demands?

**CC:** I think they have now realised NUM - which helped fight against apartheid in the workplace and in society - is no longer on their side. They feel the union has been co-opted and compromised. As a result, they have lost confidence in it. They see the union as

captured by management.

This is a common problem with trade unions. As they grow bigger they go through what Lister calls goal displacement, in other words, they move closer towards articulation of the interests of management and at the same time drift away from the interests of their membership.

**AE:** What role is the rival union, the Association of Mineworkers and Construction Union (AMCU), playing in this dispute?

**CC:** It is a union that has existed since 1998 - and for all these years - it has tried to make a breakthrough towards organising workers in the mining industry and was facing formidable challenges. They made a breakthrough at Lonmin Karee in 2011 and then at Impala where they now represent thousands and NUM has almost been dislodged. This situation [in Marikana] was an opportunity for them to make a breakthrough in an industry and in an environment where it is difficult for new unions to make an impact in the workplace because of a collective bargaining agreement and labour relations regime that protect hegemonic trade unions. To get full recognition, unions need to have a membership of at least 50 per cent. This closes room for small trade unions and avoids trade union competition. This is designed to promote big trade unions. So AMCU seized this opportunity and you cannot blame them.

**AE:** Is it significant that AMCU has able to make a breakthrough in the mining sector?

**CC:** If you want to understand the socio, economic and political order of South Africa, you have to understand the mining industry. What this tells us now is that we might be experiencing a shift in the labour relations regime in the country. We may be moving away from the hegemonic trade union regime, to a new era where there can be more than one big union in an industry - representing black workers on the shop floor.

This is a direct challenge to COSATU's principle of 'one union one industry' - and this is why we have had this violence in Marikana. Of course you have these small former white unions still existing. They are a legacy of the past and now usually represent the more skilled workforce. They do not appeal to the shop floor black working class. To have a big union not affiliated to COSATU and appealing to ordinary black shop floor workers especially in mining sector is something new.

**AE:** The big question then is if these developments pave the way toward a break from labour and the governing African National Congress (ANC)?

**People know that that the government grossly miss handled this case and it has opened the way for political opportunists and [President] Zuma opponents to capitalise on it.**

**CC:** In way it is the big question that many trade unions in Africa have faced. How should the trade union relate to the ruling political movement? Should it forge an alliance or be independent? In the African context, this is a question that has been asked in Ghana, Zambia, Zimbabwe and many others. It often pops up now and then. Some argue that the South African model of alliance is best way to influence the political system. However, others argue that the union lose independence and become less critical. And I have been asking workers in my research if they would still vote for the ANC - and most of them say

they will continue to do so.

They remain overwhelmingly ANC supporters. As it stands it seems many are, not connecting the shop floor issues with the national politics. This however, may change in future and may be the beginning marking the erosion of ANC hegemony in South African politics. This is not to say that the events of Marikana won't influence what happens at the ANC policy conference in December. People know that that the government grossly miss handled this case and it has opened the way for political opportunists and [President] Zuma opponents to capitalise on it.

**AE:** Finally, how do you see this labour dispute being resolved?

**CC:** The parties are still bargaining through other means. I mean through non conventional means. It is a question of power at play here, that is, between the workers and their employers. The way this event unfolded has somehow strengthened workers. It has emboldened them. They have gained sympathy. It has consolidated their solidarity and militancy. It has created martyrs. This situation cannot be resolved by signing peace accords. The peace accord signed by Lonmin, NUM, Solidarity and UASA is not going to make any change to this impasse. It's an accord that has the wrong people on the table. This situation can only be resolved by a compromise by the workers and the employers. But in this equation the employer has to concede more. The employer need to understand that the problem is a challenge to the industrial relations system and cannot be resolved by the current regulations.

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### **Marikana exposes South Africa's disconnect**

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Azad Essa

September 7, 2012

Photo by AFP

One need not engage experts, textbooks or fortune-tellers to gather the disconnect of the struggles of Marikana from Johannesburg, the bleeding economic heart of South Africa.

A mere drive from the wide roads of the flamboyant OR Tambo airport, selling another life on its billboards, to the vibrant streets of the inner city – with its African migrants pawning Chinese goods - and on to the dizzy dilapidation of the Hillbrow precinct, the scale of South Africa's wealth gap is made abundantly clear.

Journey to Marikana and the divide seems complete.

The road is beset with fancy tourist resorts, African cultural villages (hire a Zulu to dress up and dance for you), the dry but plush Pecan Wood golf estate, well-tended roads that hold you to its bosom en route to the biggest apartheid relic of them all: Sol Kerzer's Sun City.

But inside Marikana – between the huge electricity pylons, the smelting chimney of the mines, and the courteous safety signs of the mining company – the workers who risk their

lives underground live in tin shacks, without running water or electricity, along dirt roads overrun in parts by cattle, and dung.

While Johannesburg's streets remain frenetic machines spawning kingmakers and debt-ridden losers alike, it is the country's mines – gold, diamonds and platinum – that have traditionally made South Africa one of the engines of the continent.

Despite this fact, miners, working in often appalling conditions - covered in lime and drenched in carbon monoxide – have endured harsh and unsung lives for their part in the journey of the mineral – from discovery to export.

Until now, it would seem. But don't be fooled.

The killing of 34 miners by police in Marikana last month might have cast a light over this hidden segment of the population, but the story has already moved beyond these nameless cogs in the grand machine.

Mining is historically synonymous with tragedy in the country and it would appear South Africans have a short memory.

In 1956, 816 miners died in accidents in South African mines, 732 miners lost their lives in 1959, while in 1960, 435 miners were killed in one day alone in what became known as the "Coalbrook" mine disaster.

While safety has improved drastically in South African mines, with the onset of deeper excavation and tighter budgets, real, predictable safety in such an industry is really a cuss word.

Last year, 123 miners perished in the country's mines without eliciting even a whimper from anyone.

But predictably, local and national public outrage over the deaths of the 34 men has dwarfed the outrage of the everyday random deaths of men – who don't make it up the shaft at the end of their shift.

And now, as questions swirl over police brutality, of disingenuous methods of crowd control, of allegations of point blank shootings in the small koppie boulders area (which the community use as a toilet), and of the draconian apartheid-style tactics of arrest and torture of striking miners – an intriguing narrative of a failed leadership, and a selfish elite profiting from the political transformation has been cultivated.

Granted that the scale of this particular tale of violence and unrest is indeed a novel event in the history of post-Apartheid South Africa, none of it is altogether new.

The fact is, the miners of Marikana, like miners across the country, have always lived lives vastly disconnected to the wealth around them, have always suffered the violence of anonymous, silent deaths underground.

Only this time, some of the ghastly violence meted out on August 16 involved guns, bullets and real-time death within shot of television crews - the type of violence that would prompt outrage from even the most sensitised of publics.

And so the daily travails of miners living in Marikana – of unhealthy living, poor hygiene and ugly deaths become the focus of yet more TV cameras, prowling reporters and documentary filmmakers - crawling around the maze of shacks in the informal settlements to tell 'the story'.

And yet, it's a story we've known all along.

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Archie Palane points finger at NUM failings  
Jan De Lange, Miningmx, 10 September 2012

[miningmx.com] -- CENTRAL bargaining, now regarded as the answer to the huge problems at South Africa's platinum mines, would have been instituted years ago if Archie Palane had become the general secretary of the National Union of Mineworkers (NUM) in 2006.

On Friday, the former deputy secretary, in his first frank interview since he left NUM in 2006, explained calmly and clearly how his efforts to bring stability and create a playing field of common interest between employers and employees in the platinum industry had been systematically nullified under the leadership of Frans Baleni, the current general secretary.

Palane had been the driving force behind negotiations to set up a bargaining council for the mining industry.

He had even spearheaded a strike held simultaneously at Anglo American Platinum (Amplats) and Impala Platinum (Implats) in 2004 to consolidate service conditions in such a way that wage negotiations could in future be held centrally between these two platinum giants.

“After I left, they tried to redo everything at Impala,” said Palane. “They also wanted to amend the recognition agreement with Amplats and include in it a recognition clause of 50% plus 1.

“This made the union officials uneasy – I think that was the time that union officials realised that the union’s new leaders wanted to undo what had been achieved.”

The recognition agreement at Implats negotiated by Palane was amended in 2005 to create a recognition threshold of 50% plus 1, which excluded all minority unions at Implats.

“We could have excluded the minorities with thresholds of 30%, which are usually set in recognition agreements, because we have enough members, but then NUM would have had to perform, offering service to its members,” Palane said.

The recognition threshold and the entrenched position that it would give NUM is today regarded as the most important reason for the devastating six-week strike earlier this year at Implats, which led to the loss of 200,000 ounces of platinum.

Two weeks ago, Implats stated that it would never again conclude such a recognition agreement. Similar agreements entered into at De Beers, inter alia regarding profit sharing and share deals, have been questioned by union officials.

Certain leaders within NUM responded by saying that they needed to be in reverse gear to make progress. This later became a slogan used by officials to express sarcasm about the approach to collective bargaining under Baleni's leadership.

"I told union officials asking me for advice that they'd had training in negotiations – and that they themselves should drive the process forward.

"In these types of situations, however, union officials become marginalised. They are gagged and dare not mention my name," said Palane.

One of the incidents that has worried Palane the most was last year's unprotected strike by 9,000 workers at Lonmin's Karee mine, which arose out of a leadership battle within NUM's local structures. NUM tried to end the strike but failed, after which Baleni publicly advised Lonmin to fire the workers.

Lonmin did so and later rehired 7,000, and those workers today are all members of Amcu, the competing union in the platinum industry.

"It's absolutely shocking – completely unheard of that a union advises an employer to fire workers.

"No matter what your differences or what they did, this should simply not happen. It gives the impression that you just don't care. How can you ever expect those workers to trust you to represent them in any negotiations?

"I find this very strange. If you really have no solution, you can even ask Cosatu to intervene between the parties and help," said Palane.

"The events at Marikana mean that the conditions that arose around service delivery demonstrations have now moved over to the realm of labour relations. There is an honest demand for a wage of R12,500 a month.

"Why must people arm themselves for a simple wage demand? Does this say that the demand that we put on the table cannot be reached by any means other than violence?

"A serious leadership gap has serious implications. It's time for the leadership corps to stand up and restore confidence. If they don't do so, we will soon be living in a lawless society."

Another issue that bothers Palane is the way in which NUM union leaders provide members feedback. They give feedback on matters that they want workers to hear but keep quiet about failures.

There is also a widening breach between union officials and ordinary members, partly because union officials come from among the higher job categories.

Union officials are now expected to have qualifications such as a certain number of years of service.

“The most unfortunate part of the community in which we live, however, means that it’s not qualifications that make you a union leader – it’s your ability to articulate issues and problems in the interest of members.

“That’s the basis on which people elect you to a leadership position. It’s the unions’ responsibility to develop that ability further,” he said.

- Sake24

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### **Marikana accountability a must to avoid revenge**

By: Martin Creamer

10th September 2012

JOHANNESBURG (miningweekly.com) – It was tremendously important that the perpetrators of the Marikana murders were held accountable to avoid ending up with a Sicilian-type pattern of revenge killings, Business Leadership South Africa chairperson **Bobby Godsell** said on Monday.

Godsell, who took part in an Insights into Marikana forum hosted by the Gordon Institute of Business Science (Gibs), said that violent conflicts in a Constitutional democracy like South Africa’s were completely outrageous.

“It’s very important that South Africans register this,” the former AngloGold Ashanti CEO and one of the country’s current national planning commissioners said.

“People must be held accountable for those deaths. It’s tremendously important that they are held accountable, because if we don’t actually hold people accountable for murder, the murder goes on and on and we end up with a kind of Sicilian revenge killing pattern.

“First ten people were brutally killed. They included trade union activists, company security personnel and South African Police and two days later, 34 people were killed. We’ve got to make that sort of violence impossible,” he added during the Gibs debate in which International Labour Organisation director **Vic van Vuuren**, Pan-African CE Dr **Iraj Abedian**, Chamber of Mines CEO **Bheki Sibiyi**, Anglo American Platinum executive **Vishnu Pillay**, National Union of Mineworkers (NUM) representative **Eddie Majadiboda** and Helen Suzman Foundation research fellow **Aubrey Matshiqi** also took part. Godsell told the panel, chaired by Gibs head **Nick Binedell**, that the failing Marikana negotiations had to be made to work.

“We’ve got to make the negotiations work,” he said.

To do that, there had to be inclusivity, recalling that the Chamber of Mines had opted to bargain with NUM in 1983 even though it represented a very small number of workers at that time, on the basis that it was better to talk to somebody than to talk to nobody. The negotiating process had to be inclusive and had to deliver broadly acceptable outcomes.

“The choice is between that and fighting each other and when South Africans fight, they die,” he added.



Police support was needed and it was crucial that unions accepted that their right to strike went together with the right of those workers who choose not to strike, to work.

"We signed such an agreement with NUM after the mother of all strikes in 1987 and that agreement affirmed the right of workers who wanted to go to work to exercise that choice. "This is not an academic debate because if you deny workers the right to work, killing will result," he said.

The third aspect was that the South African mining industry had to return to growth.

"We should be building new mines and creating new jobs," he said, adding that the platinum, gold and coal sectors should be growing at a rate of 6% a year.

"As a nation, we should resolve to turn this industry to growth. We can talk ourselves into a disastrous future or different groups in society can say, hell no, that's not the kind of country we want to build and we are going to do it differently. We have that choice.

"This is a moment when South Africans must choose to be patriots or go down the drain. The choice is simple," Godsell said.

It was "completely crazy" to say that mining was ordained to pay unfair wages.

The minimum wages and the average wages in mining were higher than other industrial sectors.

"In a real world you cannot take out of an economic process more than you put in. If we want a non-racial society, we need a non-racial job structure.

"We need a 16-year-old who can come and lash and grow and become a rock-drill operator and then become a shift boss and a section manager and then become the CEO. That's the society we want.

"The way to lift wages over time is through improved technology in order to improve the efficiency and productivity of both capital and labour," Godsell said.

While the gold mining industry had done relatively well in the last 20 years, the platinum industry had done less well in that costs had risen more rapidly than metal prices over the last ten years.

Van Vuuren also criticised the lack of inclusivity in the negotiations. "Somehow a space at the table must be made," he said, adding that South Africa's National Economic and Development Council (Nedlac) had let South Africa down.

The leaders were no longer attending Nedlac, which was now made up of unmandated practitioners, who were taking ages to get to the next step.

Sibiya said that mining was a microcosm of South Africa's problems and that social unrest had been merged with industrial relations at Marikana, evidenced by the fact that 133 of the 270 people arrested were not Lonmin employees.

"Let's hang our heads in shame and fix the problems," Sibiya said, adding that Nedlac had become a waste of time because government officials who were supposed to make it a success had decided not to attend.

"We have structures that look excellent on paper, but functionally, they're useless," he said.

Abedian said that the disconnect between the formal values and the informal values of South Africans had created a political environment that was neither constructive nor hopeful.

He expressed amazement that in 2012, business and union leaders were still talking as if capital was capable of achieving without labour and labour capable of creating prosperity without capital.

"The basic facts of economics have to be recognised; that these two factors of production are inseparable. The day that the unionists talk about the indispensability of capital and the capitalists sit around the table and talk about the absolute indispensability of worker welfare, South Africa will stop having two values of saying one thing and doing something else," Abedian added.

Matshiqi said that a climate of populism had been imposed on the mining sector, which might be destructive in the absence of leadership.

"Unless we deal with the breakdown in trust, we are not going to see peace in places like Marikana," Matshiqi added.

Pillay said that the fragmented approach in which mining houses were addressing the socioeconomic challenges was not fulfilling the needs of near-mine communities.

"It's going to take a lot more than what we are currently doing because social responsibility is not at the centre but at the periphery of the mining business and that will have to change," Pillay said.

Mining houses had failed their workers, the regulatory authorities had failed and union leadership had to bear some of the responsibility for what had happened, he added.

Majadibodu said the problem of Marikana had begun at Impala Platinum in January where people were killed and many injured.

The difference now was that the environment had worsened by becoming politically polarised and poisoned.

"Many don't want to go back to work because they don't know who to listen to. The situation could take longer than many people think because there are those who are linking this to Mangaung, which is still three months away," Majadibodu added.

Webber Wentzel mining lawyer **Peter Leon**, speaking from the floor, suggested that an inclusive new deal was required in view of comments by the panel, which indicated that social labour plans for the mining industry were not working.

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### **'Double' pay hike shock for Impala Platinum**

by Monde Maoto , 11 September 2012,

National Union of Mineworkers spokesman Lesiba Seshoka. Picture: FINANCIAL MAIL

WORKERS at Impala Platinum's (Implats') Rustenburg mine want their pay to be raised for a second time this year, the world's second-largest producer of platinum said on Monday, as strikes in the mining sector continued to spread.

The surprise demand was made as wage talks at Lonmin's Marikana mine faltered, and Gold Fields went to court to obtain an interdict to end a wildcat strike at its Kloof Driefontein Complex (KDC) mine on the West Rand.

Implats lost 120,000 ounces of platinum during a strike in February and March, which wiped out R2.4bn in revenue. It capitulated and offered an increase, which many have suggested was a catalyst for the wildcat strike that hit the Marikana mine last month and led to the deaths of 44 people.

Implats spokesman Bob Gilmour said the mine's workers on Monday tabled a demand for increases of 10% for category A workers, 9% for category B and 8% for category C workers.

These increases had been due to take effect in July in terms of a two-year wage agreement in place, but had been brought forward to April after the six-week strike.

"The demand relates to the reinstatement of the July 1 increase — as per our wage agreement — which was implemented in April as part of the post-strike settlement," Mr Gilmour said.

National Union of Mineworkers (NUM) spokesman Lesiba Seshoka was adamant that the April increase was "a new one", and was not part of the initial wage agreement.

Labour expert Ivan Israelstam said unless an amendment to the April agreement was not signed by worker representatives, there was little prospect of them succeeding with their latest demand.

Wage negotiations between Lonmin and unions are at risk of collapsing. A splinter group of about 3,000 strikers has been given 24 hours to join talks at Marikana or the negotiators will withdraw, union Solidarity said.

Secretary-general Gideon du Plessis said representatives of Solidarity, the NUM, Uasa and the Association of Mineworkers and Construction Union arrived at Monday's scheduled wage negotiations to represent the bargaining unit of 23,000 workers out of a workforce 28,000. Lonmin was represented at the talks. However, the splinter group, which wanted separate representation for its quest for a salary increase to R12,500, did not arrive.

The negotiations were to have been facilitated by the Commission for Conciliation, Mediation and Arbitration. A condition laid down for the talks was that employees returned to work after a month of striking. On Monday, just more than 6% of workers turned up.

Gold Fields on Monday obtained a court interdict to end the wildcat strike at KDC, where about 12,000 of the 15,000 workforce had downed tools.

Spokesman Sven Lunsche said about 400 NUM members had gone around the mine intimidating other employees into joining the illegal strike.

Production was disrupted at KDC East on August 31, but the workers ended their strike after the NUM intervened and promised to sort out their problems with their union leadership.

Mr Lunsche said the KDC West workers were demanding the removal of the NUM's representatives at the mine, and salaries of R12,500 a month. They were also demanding that tax deductions from their wages be lowered, and the reinstatement of workers previously suspended.

"We are now operating on the principle of no work, no pay, until the workers return to work," Mr Lunsche said.

With Sapa

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### **Reporter's notebook: A day in Marikana's theatre of the absurd**

- Siphon Hlongwane
- South Africa
- 11 September 2012 02:52 (South Africa)

On Monday, the striking miners at Marikana went to operations were work continued to demand that all workers down tools. Back at home, the Gift of the Givers tended to the forgotten people of the ongoing tragedy: the women and children who live in the

Wonderkop squatter camp, and have had little or nothing to eat for weeks now. By SIPHO HLONGWANE.

The usual meeting spot for the striking miners at Wonderkop, near Marikana, was unrecognisable on Monday to anyone who hadn't been there over the weekend. Where the area was usually laid bare for the men to sit around a sound system, a large truck now stood, and tape had been set up to show people how to line up so they could receive hot meals or food parcels. The Gift of the Givers was clearly very welcome and had been allowed to set up a kitchen in the area that had been associated with strife in the last three weeks.

It was particularly surprising because intervention offers by Lonmin PLC, the government and the police had been rejected by the miners.

The striking miners themselves were at the Eastern Platinum operation of Lonmin to try and force the workers who had reported for duty to down tools, but back near their homes, the women and children of the community were waiting for a midday meal. There weren't more than 200 of them there in total, and they were easily outnumbered by the number of men who had gathered there daily since the second week of August, but they, too, were suffering thanks to the strike. Last week, some women told me of going for days without food because the only breadwinner in the family was in prison or in hospital.

Most of the arrested miners are now free, but the strike continues, and so there is no source of cash to buy food. Some days ago, the group did a collection and bought supplies, but that didn't last. The miners have consistently refused any outside help – from their employer, the government or the police – believing the food they might get that way would be poisoned. You don't need to spend much time talking to the people involved to realise that rank suspicion and distrust is a common feature.

What helped give Gift of the Givers entry was that they announced from the very beginning that they were friends to nobody, and had no political leanings, says the founder and chairman Dr. Imtiaz Sooliman.

"When we came in this morning, it was a bit tense because the men were marching and carrying their weapons. After they left, the people gathered here peacefully, waiting for meal time. In three days we have not seen any violence. The people are peaceful," he told Daily Maverick.

The scale of the humanitarian tragedy meant that the food brought on Saturday wasn't enough. At midday, another truck appeared with more supplies; some of them blankets and toys, so that the children could be both fed and entertained.

The plan was to provide one meal a day, but that was clearly not enough. A small morning meal is given now, along with another in the afternoon. Imtiaz said that the children were given a nutritious porridge of soya and maize, along with biscuits and juice. Inside the truck where we discreetly conducted the interview, we were surrounded by sacks of all the types of food your mother told you to eat as a child.

Having had food for three days, the women were ecstatic.

"Sometimes we had nothing but water for days. We are so happy now," one said.

Another, wearing a green t-shirt identifying her as a member of the Association of Mineworkers and Construction Union, interjected: “But we still want R12,500. We want it and we will not turn back.”

Meanwhile, the men had set off in the general direction of Karee mine to demand that the operation be shut down, but were headed off by the police. Instead of returning home, they went to Eastern Platinum. The police were hopelessly outnumbered, but things didn’t get out of hand. The miners made their point and then marched on to the next Lonmin operation, and the next.

Where they did not go was the meeting arranged by the Commission for Conciliation, Mediation and Arbitration (CCMA) on Monday afternoon so that a negotiation process between Lonmin and the workers could start. The meeting was called as an aftermath of the peace accord (signed on Thursday by all concerned parties, except for AMCU and the striking workers), but demanded that people report for duty so that it could go ahead. Obviously, it didn’t, because Lonmin reported that only 6.3% of the total workforce reported for duty. And not a few of those who didn’t show up for work were outside the EastPlats operation, demanding that those who did should down tools. The CCMA meeting was eventually cancelled.

The CCMA has rather ludicrously said that if the workers don’t return to work on Monday, as per the peace accord which they didn’t sign, the negotiation process won’t go ahead. The events that took place on the day shouldn’t give the commissioners hope that their conditions for negotiation are going to be met anytime soon. The miners are more than happy to stay out of the negotiations for as long as their demands aren’t met. **DM**

Plotting SA's post-Marikana scenarios: grim pictures dominate

- Khadija Patel

KHADIJA PATEL spoke to Kofi Kouakou, a scenario planner at the University of the Witwatersrand, about mapping future scenarios for the mining industry in South Africa, as well as the ripple effects of continuing standoff in Marikana on the rest of the country. The emerging picture is not pretty, with ramifications looming in other mines, other industries, and all the way to Mangaung.

When Zhou Enlai, Premier of the People’s Republic of China from 1949 to 1976, was asked about the historical impact of the French Revolution of 1789, he is said to have remarked, “It is too soon to say”.

After the killings of 34 mine workers by police on August 12 in Marikana, questions abound about what impact the massacre will have on the mining industry, the South African economy and the political playground. But we have no clear idea yet – and it’s likely we won’t for some time.

Even before Marikana, the state of the South African mining industry contrasted sharply to flourishing mining industries in the rest of the world. During the 2000s, investment in the mining industry in Australia is reported to have advanced by 24%, while in South Africa the average investment growth was 7%. The question, then, of how Marikana is likely to impact the trajectory of the mining industry here – and with it, the rest of the South African economy – cannot be dismissed. Mines employ some 500,000 workers directly, and a further 500,000 indirectly. The legacy of Marikana will be felt far beyond the platinum belt;

and preparation for the change it may bring will be essential to government and the mining industry alike.

In our current state of affairs, we simply cannot afford to shrug and say we don't know; there has to be some kind of strategic approach to our immediate future. As Lawrence Wilkinson of Global Business Network, a leading network of scenario planners, was quoted as saying by the South African presidency: "Scenario planning derives from the observation that, given the impossibility of knowing precisely how the future will play out, a good decision or strategy to adopt is one that plays out well across several possible futures." Kofi Kouakou, a scenario planner at the University of the Witwatersrand, says that in July already there was a sense of something insidious brewing in mining. "Already there was an eerie sense that something was about to happen, but people prefer to be positive so anything that's bound to take place, if it's a nasty thing they don't want to hear it," he told *The Daily Maverick*. So in the spirit of keeping eyes open wider in the future, here follows his take on the impact of Marikana.

**Daily Maverick (DM): What are the possible scenarios for the industry, and the country, as the situation currently stands?**

Kofi Kouakou (Kouakou): The key thing that emerged from the Mining Dialogues 360 in July was that the current impasse could be seen coming. Moreover, it was clear that the future of mining in South Africa, and across the continent, is social – which means if you don't address social issues, the driving forces for tomorrow, there will be trouble. And if that happens then you're moving to a "low road" or worst-case scenario.

**DM: What is the worst-case scenario then?**

Kouakou: Because of the nature of the poor social conditions that miners are living in and worst of all, the fact that 34 people were killed, waiting for four months to get a report back from government on what actually happened is a disaster. Everybody will be waiting to get the report and in that vacuum, someone will have to fill it for information and speculation. And that's already happening. Everybody's trying to speculate now. By the time that report comes out, it's beyond Mangaung. It will be a worthless report – it will lose any sense of urgency.

People will be unhappy and it could lead to something worse – something I call 'Marikana 2.0' which means there will be a contagion of what is happening in Marikana. As much as we don't see it yet, the potential for flaming is there. There will be more protests, more strikes. And if that happens, the consequences will be very bad again.

People are still trying to tone [Marikana] down but the underlying conditions are terrible. The people's morale is down. And in the meantime the leadership vacuum is increasing.

**DM: And the best-case scenario?**

Kouakou: Lonmin will have to realise that they have to accede to the demands of the strikers. However, if they do that, they will be perceived to have given in and across the board, all across the industry, other miners may demand similar raises. And many people are not ready to give such raises, but Lonmin is not losing anything. If they give the raise, they calm people down. Obviously if this happens, the National Union of Mineworkers loses face because AMCU, who are not even a recognised union at Lonmin, would have outweighed them – and this could have effects on NUM within Cosatu and its alliance partners. Still, the best-case scenario would be for Lonmin to give the raises, calm the people down and control the contagion of the strike. The longer it goes on, the potential for escalation is greater, but Lonmin can afford this raise.

But also government, labourers and the industry have to come together to figure out a way to reduce most of these social ills [plaguing the communities] and not just talk about it, but pay people what they deserve. Workers don't want the same salaries as executives, but they want at least to work in decent social conditions – decent housing, safe places to live with their families. This is the only “high-road” scenario. It is tied to the social conditions of the workers. So here, mining has a social future.

**DM: What needs to change structurally to stop the spreading of the strike to other industries?**

Kouakou: The link between all these things brewing up is [the state of] social conditions. Being in the mining sector, or telecoms, or you have monopolies in the banking system, or in the transport sector with the possibility of e-tolling – people are just struggling, socially and economically. They are not making it. So even though all these sectors don't appear linked when you have a burning fire in the mining sector and nobody is putting it out, it will spread, because the conditions there are present elsewhere. I think one sector that is about to flare up is energy, with increasing fuel prices, but I anticipate a riot against Eskom. It's not a revolution, but there is a contagion that is going to balloon across the board.

**DM: Is there any sense yet of which of the two scenarios we are about to see take place?**

Kouakou: We can already see that the low road scenario is plausible all the way through to the Mangaung conference.

**DM: So Marikana is set to influence Mangaung strongly?**

Kouakou: I was in Mangaung a few weeks ago to look at the sign posts, to speak to people, to see how things are shaping up, and there's an eerie feeling there that something big is going to happen. Posters have not been put up yet and people are going about their own business, but you know something big is going to happen. I don't usually make predictions, but I predict [that] Jacob Zuma will not be re-elected as the ANC leader in Mangaung. **DM**

### **As Gold Fields simmers, Marikana roils**

11 Sep 2012 06:41 - Phillip De Wet

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With talks at Marikana at an impasse, and concerns about violence mounting, even unions are puzzled about the cause of a new strike at Gold Fields.

### **Special Focus**

#### **Marikana: Platinum mines in chaos**

Real negotiations that could lead to a return to normality at Marikana are unlikely to take place on Tuesday, various groups involved say, and barring a significant change there is no reason to believe a deal could be struck this week. Instead, concerns about violence are once again mounting.

Police sources say a close eye will be held on striking workers in the area on Tuesday, but some members aren't convinced that the situation can be managed, and events on Monday seemed to back some fears. On Monday, as on Friday, police initially attempted to steer and

block marchers armed with weapons, including pangas, but eventually did little more than escort the group.

"The threats and intimidation went up today [Monday]," said National Union of Mineworkers (NUM) spokesperson Lesiba Seshoka on Monday night. "They want to stop people working, and there is nothing the police can do. If they act, they are in trouble, if they don't act, they are still in trouble."

Trade union Solidarity said it would continue to urge members to report for work at Lonmin shafts, if only to be sent home by their managers. "Some of our members do crucial maintenance," said Gideon du Plessis, a deputy general secretary involved in talks. "But we are telling them to use common sense. If it is dangerous to go, they have the right to withdraw their services."

Du Plessis said Marikana isn't a classic labour dispute, and warned that violence is nearly inevitable "if the strikers realise that they have reached the end of the road".

The Commission for Conciliation, Mediation, and Arbitration (CCMA) on Monday said it could not facilitate negotiations, cancelled on the day, unless workers return to their jobs.

On Monday Lonmin reported an average worker attendance of 6.34%, which equates to about half the number of strikers who marched on shafts to demand that work not continue. Along the way, strikers again targeted bus drivers who ferry miners to the shafts, a tactic that has proven successful in reducing attendance in recent weeks.

Workers who did report for duty did so knowing they were at risk; strikers on Friday threatened to burn down shaft heads and kill managers and shift bosses should they be found at work.

### **Gold Fields strike two**

Meanwhile, Gold Fields on Monday said it had obtained an interdict declaring a strike at its KDC West mine to be unprotected. Previously known as Driefontein, the mine saw 15 000 workers downed tools on Sunday night.

"It looks like it will be continuing in the short term," said Gold Fields spokesperson Sven Lunsche, but added that the company did not intend to use the interdict unless violence or intimidation occurred. Production at the KDC East operation – where 12 000 workers went on strike at the end last week – remained normal, he said.

The strike at the West mine appears to be on a number of demands: salaries of R12 500 per month (a touchstone number for miners at Marikana, and one that former ANC Youth League leader Julius Malema has encouraged miners to demand); taxes, and taxes paid on bonuses; the equalisation of pay across shafts and operations; and the dissolution of the local NUM branch committee. Except for the last, the demands don't make a great deal of sense, NUM's Seshoka said.

"On the issue of equalisation there is an agreement in place, we just have to monitor implementation. Taxes and bonuses, that is something you have to discuss with Sars [the South African Revenue Service]. On wages, there is a collective agreement in place."

Gold Fields has acknowledged that workers at different shafts earn different amounts for the same job, a legacy issue it too says is being addressed.

Unhappiness with the local union branch, Seshoka said, seems to stem from "their inability to help with tax, but that isn't their mandate".

Last week's strike at Gold Field's KDC East also prominently featured unhappiness with local union leaders.

### **Union discontent**



And that may be a case of the union being a victim of its own success, said NUM's head of the production sector, Eddie Majadibodu, speaking at a discussion forum at the Gordon Institute of Business Science on Monday evening. Negotiating better benefits, including higher salaries, for shop stewards made sense originally, he said, because they were sacrificing the chance of further study or advancement in favour of organising workers. Now, however, such leadership roles are fought over, while young non-union members "tend to disrespect wage agreements that have been settled with employers, and as a result they are militant and mobilising other workers, but violently."

Others at the Gibs event, which intended to explore the implications of Marikana, blamed the decline of institutions designed to resolve and prevent conflict between workers and employers, such as the National Economic Development and Labour Council (Nedlac), for the violence at Marikana and the stalemate there.

"Why has it taken us seven years to resolve something as simple as labour broking?" asked International Labour Organisation (ILO) director Vic van Vuuren. "The leaders are not sitting in Nedlac anymore... They are missing in action."

"Nedlac is now more of a headache," agreed political economist Iraj Abedian, of Pan-African Capital Holdings.

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Marikana murders: The world now believes.

Greg Marinovich

South Africa

10 September 2012 02:08 (South Africa)

Our nation is standing on the brink. The events at Marikana and its immediate aftermath are no longer in doubt, nor are Rustenburg's massive mining issues. We face a national emergency – the greatest one facing President Zuma, Mangaung included. By GREG MARINOVICH.

As survivors of the violence at Small Koppie and the veld around it give their eyewitness accounts, there is no longer doubt: Among the policemen deployed at Marikana on 16 August, some intended murder.

We are willing to believe that the televised police shooting at the crowd which reacted to being penned in and tear-gassed, was the result of fear, bad organisation and poor intelligence. Once those policemen are on the stand, we will have some idea as to what their orders were and what they intended to do.

Yet the miners who were there do not see it that way at all. They believe they – and especially their leadership – were being targeted.

Analysis of the footage certainly lends credence to both points of view.

But what happened afterwards is where the forces of law and order degenerate into another force altogether. One that breaks down the very fabric of trust between a citizenry and the instruments of state that are meant to ensure those citizens' rights and freedoms.

In Marikana, the state has pitted itself against the very citizens it is created by and is intended to serve. Our elected politicians seem to have taken on the role of defenders of a police action. We are, without exaggeration, seeing the emergence of a police state.

As one of the survivors of the massacre, Zeakes\*, recalled, "I was so afraid. It was the first time I am hearing the sound of a lot of bullets like that. Other splinters were coming on my head. As the cops approached through the bush I said to myself, I am going to die now."

Zeakes was afraid because he had just seen two fellow miners stand up with their arms in the air, trying to surrender. They were both shot down.

Speaking about what happened after they had been arrested at Small Koppie, "Another policeman was holding a kierrie, and hitting anyone while we were lying down, he was saying, 'Ja, you cop killers, you cop killers, you think that you are going to survive by doing this?'"

Zeakes recalled another policeman saying, "You are useless people ... if it was in Zimbabwe, we could just set ... petrol on top of you; and set fire on top of you while you are still lying down there. Because you are cop killers. You are killing government people. Innocent cops are killed by you."

Jackson\*, another miner, said, "I saw that the hippo that running over a man, until his head was... fucked up. He was one of those dying down here. "

While he was hiding in bushes, Jackson said he heard police yelling, "'You are in the shit, we are going to kill you here.' Those guys were Xhosa, I hear from the language, pure Xhosa from the Eastern Cape."

While on the ground in the aftermath, Zeakes said he heard two policemen bragging in SeSotho about shooting the miners, like it was a competition. "I wanted to take him from my angle with my 9mm, but you already took him down with your R4 (sic)."

We know that at least 34 people died that day. We know that most were not killed in the initial incident. They were killed subsequently, over time. Hunted across the veld and in the boulders like animals.

Other journalists have unearthed more survivors, witnesses to cold-blooded murder. Their accounts match the accounts of the Daily Maverick witnesses.

That this occurred is no longer debatable. It happened.

As did the torture of the survivors in prison. There are at least 94 cases opened against the police.

What we do know:

There were indeed 14 murdered at Small Koppie. Let us take the upper estimate for how many died at Wonderkop – 12. That means a further 10, at least, were killed in the veld, some chased by police on horseback, others fired on by policemen in helicopters.

Whatever threat the policemen on the ground believed the crowd posed when they surged forward off the mountain, after the initial fusillade the miners trying to run away posed no threat.

This begs the big question:

Why were deadly Tactical Response Teams deployed in such numbers?

Why were so few crowd control weapons on display?

Who issued the deployment instructions?

Who gave the police commanders approval to go “to tactical phase”? (According to still-circumstantial evidence, the authorisation to use full force, including live ammunition, was issued a day before.)

The workers gathered at Marikana live in shacks they have built for themselves, or rent from shacklords. Their tin rooms lack insulation, water, toilets or electricity. Others live in the hostel compounds the mine provides. Callers to a radio show told a Lonmin spokesperson that the hostels are squalid and not even waterproof. Indeed, from the outside one can see the roofs are rusted through.

The miners in the shacks choose not to invest in their Marikana dwellings. They want to use the majority of their earnings to support their families back home, whether in the Eastern Cape, Lesotho or Mozambique. They know their time at the mines will not be long – they age quickly, mostly from silicosis and other dust-related disease that enfeeble these once strong men.

They live and work under conditions of grave institutional violence. And when they protested that they were not being paid enough for this, the state unleashed paramilitary units against them.

We have yet to hear from our politicians that the police are wrong. We have not heard anything, except that Marikana was a tragedy.

Let us be clear: It was no tragedy; it was murder, murder of the underclass at the behest of those in power, be that power economic or political, or both.

And we believe there is a cover-up of the events underway. The Inter Ministerial work is a sop. Something to soak up time before Mangaung, to allow the current ruling elite to get through this little difficulty.

There is an entire chain of policemen who will have to be fired or resign.

There are ministers who have to resign or be fired.

There are people in the NPA who have to resign or be fired.

And there are those who have to be brought before a court of law for what they did, and what they ordered others to do.

And no, this country cannot wait any longer. No matter how fair and thorough, the Farlam commission will take well into 2013.

This nation needs the individuals who authorised the violence and who executed the miners on Small Koppie known. Now. They need to be ring-fenced from positions of power with greatest urgency.

Miners and their families need to be protected from the police and others in power who stand to lose massively should the full truth become known.

President Zuma needs to personally be involved in settling the dispute between miners and Lonmin. The future of SA's mining, its revenues, hundreds of thousand of jobs and the wellbeing of the country can spiral down to an abyss in a matter of weeks. This is not the local Rustenburg mining issue anymore; this is a national emergency. President Zuma has no greater task than that, Mangaung included.

In the wake of Marikana, we need ask our selves what kind of society we want to be: a police state, a populist haven or a country that became much better after the horrors of killing its own people made us all wake up.

The choice is ours alone. DM

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INDEPENDENT LEFT ANALYSIS (*Against the Current* collection)

Further on Marikana Miners — by David Finkel, for the ATC Editors

The background material on South Africa in our new issue (ATC 160) – an interview with Brian Ashley, Zachary Levenson on social movements and Niall Reddy on the economic and social background to the crisis (see links below) – was planned and compiled over a period of several months before publication.

We could not imagine, of course, that the “Tunisia moment” foretold in Niall Reddy’s essay would explode just as we were going to press, in the shocking form of the police massacre of striking platinum miners (neither could Moeletsi Mbeki, liberal appologist of the black bourgeoisie in S.A.

The circumstances surrounding this mass murder, and the political wildfire it unleashed for the African National Congress and the trade union movement, are the subject of an ongoing discussion within the South African and international left.

We’d like to refer our readers to a few particularly informative contributions:

“The Marikana Massacre: A Turning Point?” by veteran South African Marxist Martin Legassick: @ <http://www.socialistproject.ca/bullet/689.php>

“Lonmin crisis: A tinderbox of discontent,” 17 Aug 2012 01:00, by Kwanele Sosibo: @ <http://mg.co.za/article/2012-08-17-00-lonmin-crisis-a-tinderbox-of-discontent>

“Lonmin violence: It’s D-day for the unions,” 17 Aug 2012 02:00. NUM must ask itself how it has lost control of the mineworkers and ceding its majority to an even more disorganized unit, writes Rapule Tabane: @ <http://mg.co.za/article/2012-08-17-00-d-day-for-the-unions>

“Marikana Miners: The Massacre of Our Illusions,” by Leonard Gentle: @ <http://www.zcommunications.org/contents/188263>

see also: The Left and South Africa’s Crisis — an interview with Brian Ashley, @ <http://www.solidarity-us.org/site/node/3675>

Social Movements in South Africa — Zachary Levenson, @ <http://www.solidarity-us.org/site/node/3677>

A “Tunisia Moment” Coming? — Niall Reddy, @ <http://www.solidarity-us.org/site/node/3678>

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**Saturday, 8 September 2012**

**Marikana and the Anti-Worker Role of the ANC-led Alliance**

(A shorter version of this blog piece was published in this weeks Mail and Guardian in the Comment and Analysis pages under the heading: Marikana Marks Rift in ANC Ideology. See <http://mg.co.za/article/2012-09-07-00-marikana-marks-rift-in-anc-ideology>)

Workers in South Africa live and work in a social system premised on violence. This is not exceptional, but inherent to the general condition of capitalism. Karl Marx described it as a system, 'drenched in blood and dirt'. On August 16<sup>th</sup> the Marikana Massacre brought to the fore two forms of violence coursing through the everyday lives of workers. The first is an asymmetric violence expressed through the coercive capacity of the ANC state: the hi-tech and militarised fire power of the police force. The second, more invisible, but shaping the lives of the workers is the structural violence of a globalised and financialised capitalism. It is a violence that works through creating a society in which the link between wage labour and reproducing human life is broken. Put differently, super exploited, precarious and disciplined work is far from sufficient to ensure a decent life. This implies the secular trend of super profits of South Africa's platinum mines, despite short-term fluctuations in prices, is simply an act of violence aimed at producing impoverished and degraded human life. It is an act of violence supported, encouraged and promoted by the ANC government's commitment to deep globalisation and foreign direct investment led growth. More sharply, this is a government that privileges risk to capital over risk to human life (particularly the working class) and nature.

The Marikana Massacre as an event takes on a profound historical meaning, as a defining moment in post-apartheid South Africa, in this context. It is a defining moment in its withdrawal of the ideological warrant for core tenets of national liberation ideology: 'the working class leads' and 'working class bias' of the much vaunted ANC-led 'National Democratic Revolution'. If these ideological precepts had traction in reality Marikana should not have happened. The murder of workers by the ANC state renders hollow and hypocritical these ideological props. After Marikana, working class support and commitment to the ANC and its monopoly of power is unhinged; it is no longer a certainty in South African politics. The memorialising of Marikana (like Andries Tatane) at the grassroots, as a massacre of workers by the ANC state, can never be erased from working class consciousness in South Africa. After Marikana, when the ANC calls on workers to vote for it the foremost question in the minds of workers would always be that this state has murdered workers; the lives of workers are not important to the ANC state. The workers that make up COSATU and the working class in general will find it impossible to ignore this fact. Marikana as a defining moment in post-apartheid South Africa represents a fundamental rupture in working class consciousness and its commitment to ANC rule.

It is this recognition by the ANC state that assists in explaining how it has tried to smear and scape goat the Marikana workers with collective purpose murder charges but then temporarily withdrawn by the National Prosecuting Authority (NPA). In itself this is an act of desperation which has not worked and which has prompted more serious questions to come to the fore in the national conversation: why has the ANC state not suspended, charged and started investigating the police officers that shot the workers, the National Police Commissioner and Minister of Police for the Marikana Massacre? Why has Zuma not fired the head of the NPA after the ridiculous collective purpose murder charges were imposed? These are the questions on the minds of most South Africans which further expose the anti-worker orientation of the ANC government and ultimately ANC-led Alliance.

However, since August 16<sup>th</sup> the ANC state and Alliance has not only tried to smear the Marikana workers with collective murder charges to crush the strike. Various reports from Marikana community members suggest ongoing police harassment and arrests. This accounts for the 270 (not just miners but also community members) that were arrested over two weeks since August 16<sup>th</sup> but recently released. Currently, there is a heavy police presence in and around Marikana. In addition, the most insidious move by the ANC state and alliance to crush the strike has been to actively champion from above a 'peace accord process'. This process was surfaced in the public arena by none other than Cyril Ramaphosa, former general secretary of the National Union of Mineworkers, member of the National Executive Committee of the ANC and board member of Lonmin. This entire process centred around pressurising the workers to return to work and then bargain for wages. Essentially the 'peace accord' has been a strike breaking tactic, supported by the ANC-led Alliance, that has been emphatically rejected by the striking miners and AMCU (Association of Mine Workers and Construction Union). With the ANC-led Alliance being out manoeuvred by the workers the most Gwede Mantashe, General Secretary of the ANC, could concede on national radio was the ongoing strike was because of Lonmin. Actually, the ongoing strike was more than this but a rejection of ANC rule and the dubious anti-worker leadership of the ANC-led Alliance.

Will Julius Malema save the ANC by preventing working class re-alignments away from the ANC? To answer this question requires a distinction between Malema the individual and Malema the populist phenomenon. Malema the populist phenomenon is scripted and performed by Malema but constituted in our public sphere by sections of the media. The Malema phenomenon in the context of the Marikana Massacre has been brazenly opportunistic, as captured by the cartoonist Zapiro. However, it is an opportunism that extends to sections of the media that constitute this phenomenon and cheer Malema on. After August 16<sup>th</sup>, Malema was given space and voice in two leading Sunday newspapers. Malema's populist politics was diffused into our national conversation as a cleavage in the ANC-led Alliance. This is the real value of Malema to sections of the media. However, like him these sections of the media are also responsible for his unscrupulous appropriation and instrumentalising of the Marikana tragedy.

But despite support for the Malema phenomenon, within sections of the media, it is not given that Malema would build a political base amongst the working class outside the ANC. The Congress of the People (COPE) experience highlights the limits of building an alternative to the ANC in the mould of the ANC; it is not given that the working class has an appetite for another dead end. Moreover, it is not given that Malema's facile populism has a class belonging amongst the working class despite his rhetoric about nationalisation. If it did, all of COSATU and the unemployed would be marching behind him, for instance. Moreover, it would seem that the post-Marikana working class are likely to use Malema rather than be instrumentalised by his narrow self-seeking populist politics. Although building a political base amongst the working class is a necessary condition for his survival outside the ANC, the most Malema might achieve is a deepening rift in the ANC. Such a rift might split the ANC, given the deep factional cleavages tearing through the ANC, but Malema is unlikely to deliver the awakened post-Marikana working class back to the ANC.

However, the blind spot in this very fluid Marikana moment are the convergences taking place in progressive civil society. Mainly unreported and unacknowledged by most in the media. This confluence of solidarity with the Marikana workers in this space is around building the Campaign For Solidarity With Marikana, based on two guiding principles. First, determining solidarity actions in dialogue with the Marikana workers and communities. Second, democratic practice within the campaign that is transparent and mediated through collective decision-making. Both these principles keep in check crusading and opportunism; instead this engenders a principled solidarity. For the first time since the 1980s, the dynamism of progressive civil society solidarity is bringing together grass roots movements, legal NGOs, humanitarian organisations, womens groups, religious organisations, left groups, transnational activist networks and concerned individuals to take a stand with the Marikana workers. The organising practices coming to the fore straddle face-book networking, online petitions, blogging, symbolic protest actions, pamphleteering, localised community actions, mobilising solidarity funds, building watchdog capacity over the governments judicial commission and organising conventional mass protest actions. The Democratic Left Front is a crucial non-vanguardist actor within this emergent campaign to build principled solidarity with the Marikana workers. Inadvertently, the Marikana moment is also strengthening the tide for a post-national liberation and post-neoliberal politics in South Africa; it is bringing to the fore alternative political forces unwilling to sit back and let South Africa's democracy be destroyed by an increasing authoritarian but self destructing ANC-led Alliance.

**Author:** Dr. Vishwas Satgar is a senior lecturer in international relations at WITS University. He is a member of the national convening committee of the Democratic Left Front.

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In Marikana, local government's failures in plain sight

Khadija Patel  
South Africa

10 September 2012 02:21 (South Africa)

As the standoff between workers and Lonmin PLC continues in Marikana, workers' anger is directed just as much to local government as it is to their employers. And it's no wonder: corruption, a high-profile cover-up murder and a community terrorised by crime – not to mention a lack of basic services like refuse removal, sanitation and electricity – this is the reality for those living near Wonderkop. By KHADIJA PATEL.

Small Koppie, the site where police are alleged to have shot and killed at least twenty people at close range on August 13, is currently under intense scrutiny. Researchers, human rights activists and journalists have all flocked there in a feverish attempt to piece together what actually happened. But Small Koppie, before it became the site of so much media attention, before it was the site of death, served a more basic function to the



community from the nearby Wonderkop settlement – as an open-air latrine for residents without pit toilets near their shacks.

Outside the town of Marikana, residents of the informal settlement in Wonderkop, like residents of the other 15 settlements nearby, have no access to basic services – running water, electricity and refuse removal. The veld between Wonderkop and the koppie is strewn with rotting garbage and human faeces. It is not a pretty sight, yet the chimneys at Lonmin's smelting plant puff away with mechanical regularity, betraying nothing of the human lives in the surrounds.

Still, even as Lonmin is lambasted for displaying inadequate corporate social responsibility to its workers, the local government has emerged, in conversation with residents, to be just as far removed from the grievances of Marikana residents.

"People feel their problems are not taken seriously by their councillors," Eric Mokuoa, a community member from the LUKA environmental forum, told Daily Maverick. Residents in Marikana echoed his assessment.

One mineworker, who chose to remain anonymous, was standing in another garbage-littered veld closer to the Marikana town centre when we approached him. He perked up immediately at a question about life in the town. "In Marikana, the life is very bad," he said animatedly, gesturing down the veld. "Here in my house, I have no lights, no water, nothing.

"We can't come home after five o'clock because then it is too dangerous," he added. "Our children are getting raped, our things are getting stolen, people are getting murdered.

"The police don't help us, you know."

Another mineworker, standing beside him, complained that the town clinic was only a day facility, and if children fell ill after dark, parents were forced to transport them to the nearest hospital in Rustenburg – a R500 taxi ride away. "There is not even an ambulance for us," he said.

And while both men showed no hesitation in blaming Lonmin for a sizeable portion of their woes, they were equally scathing of the local government representation. "Our councillor, all the councillors here are corrupt," one said. Residents complained that their councillors were deaf to their complaints; others complained that they did not even know how to reach their councillors.

This dissatisfaction with the local government is not a new, sudden development. It has existed as an undercurrent of life in Marikana for years. A 2010 study, "Mining and local economic development: a case study of the Rustenburg local municipality" by Mpho Brian Ndaba of Wits University reported that interviewees from Marikana "were dissatisfied and had no faith in the local municipality".

“They perceive local municipal officials as not being effective in delivering essential public services. They also perceive local government institutions to be administered by migrant workers that are not well acquainted with the needs and cultural values of the local population,” according to Ndaba.

“The Rustenburg municipality has been riddled with corruption for years,” Mokuoa explained to Daily Maverick, pointing out that the former mayor of the Rustenburg municipality, Matthew Wolmarans, was found guilty of the murder of local councillor Moss Phakoe in July. Shortly before he was murdered, Phakoe had handed a dossier detailing alleged corruption in the Rustenburg municipality to then co-operative governance and traditional affairs minister Sicelo Shiceka.

“The arrest of the former mayor is related to corruption,” Mokuoa said. “It is linked to the challenges of service delivery in the municipality.”

The legacy of Wolmarans, however, still haunts the functions of the Rustenburg municipality. “The municipality is now focused on getting rid of corruption at the cost of (service) delivery,” Mokuoa said. Crucially, Mokuoa believes that while attention to the challenges of Marikana residents have come under due scrutiny in recent weeks, Marikana is not unique, and neither should it be the only area receiving this level of media attention. “It is not just in Marikana that people are struggling to engaging the mines and government about their problems,” he said.

In June this year, Auditor General Terence Nombembe bemoaned the lack of accountability in municipalities in the North West province, to which Rustenburg belongs, in his annual survey of the health of local government. “These outcomes reflect a regression in the audit outcomes and an increase in financial statements not submitted for audit purposes,” Nombembe wrote. “Without a positive and committed reaction from mayors and councillors, opportunities to build a sustainable culture of accountability at municipal level remain limited.”

According to Ndaba, Lonmin’s engagement with the Marikana community is founded in a principle to provide support where government cannot supply assistance, but, he says, the company’s efforts are usually hampered by “political obstacles emanating from the public sector”. “Lonmin feels that mining companies should not take on the work of the public sector, but should support capacity building which will enable the government to meet its obligations,” Ndaba says.

In recent years, local government and Lonmin have ineffectually passed responsibility for living conditions of residents back and forth to each other, with no sustainable results.

According to The Rustenburg Report, compiled by Mokuoa with a group of community environmentalists and activists in 2011, local government and Lonmin have long jostled for responsibility for the living conditions of residents. A case in point: in 2008, Lonmin donated a high mast light to the Marikana West RDP housing settlement, but the mine did not properly transfer ownership of the light to the Marikana ward.

“When the light stopped working in 2009, the (Marikana ward) could not take responsibility for the light, as they said that this was not part of their assets,” reads The Rustenburg Report. “The community, before the installation of the lights, had problems of crime like house breaking, theft, rape cases and mugging of residents at night, but the problem is recurring since the light went off.”

And though this culture of shirking responsibility – passing the buck from government to Lonmin and back again – is dizzying, it is the feeling among residents that they actually have no say, no input into this exchange and how it is handled, that is the greatest failure of the local government.

The Local Government Municipal Systems Act of 2000 requires municipalities to “develop a culture of municipal governance that complements formal representative government with a system of participatory governance”. Public participation in government entails involving people in deciding their futures. And yet, in Marikana, as elsewhere in the platinum belt, and indeed elsewhere in the country, communities have become frustrated with the non-delivery local services and have resorted to protest.

Recent events in Marikana have showed up many of the fault lines of the country, but have also demonstrated most vociferously that government is out of touch with the concerns of voters. DM

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*City Press*

**'Mdluli man behind torture'**

2012-09-09

Jacques Pauw

**'Killer' Ximba allegedly telling police bosses Malema incited violence at Marikana before August 16 massacre.**

A confidant of former police crime intelligence boss Richard Mdluli used information obtained through torture to claim to his bosses that Julius Malema incited Marikana mine workers before the August 16 massacre, sources say.

The claims by Colonel Nkosana “Killer” Ximba, who is implicated with Mdluli in a murder and kidnapping case, were based on information extracted from jailed miners, according to two official sources independent of each other and close to the events.

The sources allege that miners were taken from their cells and tortured by a covert team from the police’s crime intelligence unit, which reports to Ximba.

The allegations sparked an urgent request to the State Security Agency for further investigation.

But City Press understands the agency has been unable to verify the claims linking former ANC Youth League leader Malema to the incitement of the miners prior to the August 16 massacre.

The torture claims echo complaints made by some 150 miners that they were beaten and tortured in custody.

Some detainees claimed officers took them from police cells to interrogation rooms where they were tortured.

The two sources claim Ximba and his team were instructed to identify the ringleaders of the Marikana massacre and Malema's alleged role in it.

The covert collection team, the sources allege, took detainees out of cells at several police stations in North West where they were held.

They were not booked out according to police procedure.

When confronted this week, Ximba scoffed at the allegation and said:

"Did you see me there? Go and do an investigation before talking such rubbish!"

He then ended the conversation.

City Press was also told that Ximba reported back to his superiors that Malema was seen at the mine two weeks before the massacre.

Ximba also claimed to his bosses that Malema brought in supporters from Limpopo to incite the workers.

No independent evidence has emerged to support these claims.

The police watchdog, the Independent Police Investigative Directorate (Ipid), is investigating allegations of assault against police officers at five police stations.

Ipid spokesperson Moses Dlamini said the directorate was not aware of the alleged role of a crime intelligence unit in torture and invited victims to report cases.

Ximba gained notoriety last year when he was arrested with Mdluli and two other police officers for allegedly killing Vosloorus resident Oupa Ramogibe in 1999.

At the time of the murder, Mdluli was detective commander at Vosloorus Police Station and Ximba served under him.

The men were also charged with attempted murder, intimidation, kidnapping, assault and conspiracy to commit murder.

Mdluli and Ximba were suspended from the police.

In February this year, the charges against the men were provisionally withdrawn pending an inquest.

After the charges were withdrawn, both Mdluli and Ximba were reinstated.

Mdluli was suspended again in June for allegedly looting the crime intelligence secret fund of millions of rands.

Ximba, however, stayed on as group commander in covert collection. He is said to have high-level ANC connections which date back to his days as a self-defence unit commander on the East Rand during apartheid.

After Mdluli was appointed as crime intelligence boss in 2009, he promoted Ximba the next year from constable to colonel – a jump of seven ranks in one day.

When the then-Independent Complaints Directorate wanted to arrest Ximba in August 2009 for allegedly torturing two men, he instead ordered his crime intelligence colleagues to arrest the complainant.

He was arrested a month later but the case was eventually withdrawn in January last year.

Malema didn't answer his phone yesterday, but a spokesperson for the Friends of the Youth League said it was "nonsense" that he bused in supporters to incite violence.

The police and the State Security Agency did not respond to requests for comment.

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Marikana: Gift of the Givers brings food to striking miners

Rebecca Davis

South Africa

10 September 2012 02:52 (South Africa)

You know things are out of the ordinary when an aid organisation specialising in disaster intervention is setting up a food camp for striking miners. The Gift of the Givers Foundation sent a team to Marikana this weekend for that purpose, driven by concern that breadwinners are not bringing home any bread. By REBECCA DAVIS.

Gift of the Givers is the largest African disaster relief organisation. It doesn't only intervene during African disasters, however. If there is an international disaster of sufficient

magnitude it will step in there too. As a result, its is kept pretty busy. It was there to assist with the aftermath of the 2004 Indian Ocean tsunami. When the 2010 Haiti earthquake hit, off its people went. Last year, while Somalia suffered the effects of war, famine and drought, there was a period when Gift of the Givers was the only international relief organisation on the scene.

Its founder, Dr Imtiaz Sooliman, told Daily Maverick that the organisation had a number of different criteria for intervention in a crisis. "When it comes to international disasters, the benchmark is simple – the head of state must make a call for international relief. Then we look at how big the problem is, and whether regional organisations will manage."

For South African crisis situations, it waits for the relevant local municipality to respond first. But because its work is well known, Sooliman said it often gets a call immediately after a disaster like a flood or tornado to support the relevant government arm.

An event like the Lonmin strike is not a natural disaster, of course. "It's a labour dispute," Sooliman said. "But because of the shootings, it's become a much bigger issue."

This isn't the first time Gift of the Givers (GOTG) has intervened in a dispute between a mining company and workers. In March of this year, the organisation was approached by Cosatu for help in getting food to the unpaid workers of the Aurora mine who faced starvation. GOTG agreed to assist, and delivered 700 food parcels, hygiene packs, water, supplements and hot meals for 2,000 people. That was the only other occasion on which the organisation got involved with a mining-related labour issue.

A GOTG team has been dispatched to Marikana three times in as many years, however. Sooliman said the first call-out came after a hurricane a few years ago, the second was an intervention after a farmer evicted a large number of people from his land. GOTG's food assistance for striking Lonmin miners is the latest such effort.

It is not clear how many of Lonmin's 28,000 workers are striking and how many are staying away from the Marikana mine out of fears of intimidation and violence. Less than 4% of the workforce arrived for work by the end of last week. Many of those not working are the sole breadwinners for large families: a City Press investigation into the miners killed on 16 August found some of them were supporting up to 15 people. The Mail & Guardian also reported that Marikana is a town that seems to subsist largely on credit: most Lonmin employees make use of cash-loan outlets monthly, and many are now not able to honour its re-payments.

"Our opinion is that Lonmin should have seen to its own employees, in terms of food, for a week or two. This would have improved the atmosphere and made it more conducive to negotiation," Sooliman said. "Over the last week we have had a lot of calls from the public and from pressure groups, asking us to please respond. They said, the reality is that Lonmin will not respond, people are hungry and scared, please can you handle it."

The decision to intervene was taken by GOTG on Friday, and by Saturday a team had been dispatched to Marikana. Sooliman described the reception they received in a press statement:

“The team moves to the location where the families live; armed police and barbed wire adds to the tense atmosphere. Children, obviously traumatised emotionally by the unpleasant events of the past few weeks break into tears when asked to collect items brought for them; the fear, the anxiety, the uncertainty is palpable. Supportive words of encouragement from the mothers and suddenly an incredulous expression of joy permeates the atmosphere; ‘lambile, lambile, lambile’ (we are hungry), they shout and grab the juice and biscuits with gratifying satisfaction. They don't have money, the uncertainty of when the wage dispute will be resolved and the aggravation of debt incurred through loan sharks adds to the anxiety. These are a people in great need; hungry, distressed, anxious and scared.”

Sooliman said that Saturday's effort was more about assessment and meeting the union leaders, with the feeding beginning in earnest on Sunday. “The kids were afraid to come out and collect juice,” he said. “There is a lot of anxiety in the community. And we saw a massive queue of people wanting food. We will have to double our supplies for the rest of the week.”

Sooliman estimated that “three or four thousand” people turned out for food on Sunday. He said the organisation did not restrict its provision of food to the striking Lonmin employees. “We never do that. Anyone who is hungry can get food,” he said. The organisation will remain on site to distribute food until Thursday or Friday, and then aims to provide food parcels which should last for a month. After that, Sooliman hopes that the labour impasse will have been resolved – though he said that, if necessary, they can supply food for longer.

He said the organisation is uninterested in the politics at play. But can the move be read as apolitical when it is obviously sympathetic to the striking miners? Sooliman denies it constitutes a tacit rebuke to mine management. “It's not a rebuke. We don't look at any of those circumstances surrounding an issue like this. We just look at those who are in need.”

A Lonmin representative who asked not to be named informed the Daily Maverick Sunday that there were still various food sources available to mineworkers, whether striking or not. Those living within the mine hostels, for instance, continue to receive food. The spokesperson also stressed that Lonmin continues to support various other community initiatives, such as TB and Aids programmes and a nutrition programme in 29 schools.

In terms of compensation for the dead miners' families, there is a standard packet of benefits paid out to “an employee who dies in service of Lonmin”. Each family should receive funeral cover of R15,000, the payout from “Death Benefit” insurance, and “36 months of Risk Salary (Basic Salary) less appropriate taxes.” In the case of a rock drill operator, they said, families should receive R194,580 before tax (R5,405 x 36). They will also receive the deceased's last calculated salary plus all accrued leave due.

Lonmin has set up a “Sixteen Eight” memorial fund, the name being a reference to the date of the Marikana massacre. In terms of this fund, each family will receive a R15,000 burial fund; an R8,000 casket; and “transport for beneficiaries and deceased”. The fund will also pay for “all school/college/university fees as follows: 1. All books, 2. School Fees, 3. Uniforms”. The fund totals R5-million, with R3-million from Lonmin and R2-million from Shanduka, Cyril Ramaphosa’s investment holding company, but it was indicated that it will also accept donations towards the fund.

Clearly these measures have done little to appease the Marikana community, which by all accounts maintain a deep distrust towards Lonmin and its representatives after 16 August. The provision of food by GOTG may allay immediate hunger, but it will do nothing to resolve the current stand-off between mine management and workers. If an agreement is not reached shortly, however, hunger in Marikana may become a long-term feature. DM

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### **The worthless Marikana peace accord**

- Siphon Hlongwane
- 10 September 2012 03:01 (South Africa)

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(The blood continues to run, even three weeks on, and hence below is the most slippery language ever uttered about a worker massacre.)

### **ANC Alliance Statement on the Situation at the Lonmin Marikana Platinum Mines**

The Alliance Secretariat met on 6 September 2012 in a special meeting to discuss the unfolding situation following the tragic events at the Lonmin Marikana Platinum Mines.

The Alliance received a detailed briefing from the National Union of Mineworkers (NUM) on the build-up to the events of the 16th, the actual unfolding of the protest action and resultant shooting and the follow-up to this tragedy. The meeting also received briefings from the various Alliance partners on the activities of our organisations in the Rustenburg area.

The Alliance reaffirmed their support for the appointment and the work of the Judicial Commission of Inquiry and hopes that all parties will provide as much information as is humanly possible. It is important to piece together all information to come up with a comprehensive picture.

Up till now, not sufficient information has been in the public domain about the role of the various companies and employers in the area in fanning up conflict between the unions and thus, conflict amongst the workers themselves. This situation cannot be isolated from the developments that surrounded the strike in Impala Platinum nor can it be seen as a new



development without looking at what happened during the previous strike at the same mine a few months ago. During the last strike, the workforce was dismissed and selectively re-employed on lesser conditions than before the strike. It is therefore our considered view that employers have an interest in fanning this conflict to reverse the gains achieved by workers over a long period of time. The fact that the platinum industry has refused to be part of centralised bargaining either as the platinum industry or the mining industry broadly tells the story of the power and belief in divide and rule.

Initially this has been projected as a conflict between two rival unions with a narrative that the NUM, by virtue of being a COSATU union, is cooperating with the employers. The unfortunate events of the 16th of August replaced that narrative with another one of an authoritarian state. This labelling of both the NUM and the state is part of a broader theme of delegitimising the liberation movement in its broad sense. There has been a deafening silence about warlordism and intimidation taking place in the informal settlements.

The invasion of the space by outside forces may mark the beginning of a serious programme of destabilisation. Agitating workers and giving them false promises is dangerous and may take long time to correct. The replacement of unions with committees formed around issues has a long-term implication for the industry and for the collective bargaining dispensation in the country.

We are confident that the Commission of Inquiry will dig deep into all these aspects of the conflict and we took note of the double-talk by the opposition parties who in the past have consistently condemned COSATU unions for demanding high wage increases and all of a sudden condemn the same unions for low wages and bad conditions. We see this as opportunism in action.

The Alliance committed itself to work with all the stakeholders and communities to restore normality to the area. The Alliance commends the ongoing, positive role played by the NUM in fighting for the improvement of the working conditions of mineworkers and restoring their dignity as human beings. The Alliance also reasserts the importance of unity and working together to protect the rights of all South Africans and, especially, the poor and the vulnerable.

**Issued by:**  
**African National Congress**  
**South African Communist Party**  
**Congress of South African Trade Unions**

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**Marikana Solidarity Campaign**  
**There can be no peace without justice**  
**Calls and actions**  
**Press Release (7<sup>th</sup> September 2012)**

As a newly formed campaign group, we take as our starting point that the police killing of the Marikana strikers is a travesty of justice; and, that these workers were simply exercising their democratic rights to withdraw their labour as well as freedom of assembly and expression. For doing so, they were mowed down in cold blood for refusing to disperse.

What is on the surface an economic strike has, as a result, now turned into an intensely political and bitter fight. The Lonmin management is refusing to negotiate with the miners unless they return to work. This has added more fuel to the existing fire, as has the continued threat of using the common purpose doctrine. It is in these circumstances that we need to understand the desperate actions of some of the mineworkers who are attempting to enforce the closure of the mine.

As such, The Marikana Solidarity Campaign has resolved to bring as many individuals and organisations together who believe in and defend basic democratic values and who wish to forge a common understanding of how and why this happened as well as to take action on this understanding and demand accountability from the police, the government and mine bosses.

To this end the Campaign is already involved in helping to facilitate relevant legal assistance and research as well as specific solidarity with women in Marikana. Additionally, we are currently collecting funds for the strikers and their affected families; and, we encourage concerned individuals and organisations across South Africa to come together to do likewise.

**In this context, the Marikana Solidarity Campaign calls for the following**

- That the Judicial Commission of Inquiry focus its efforts on bringing those to account who planned and authored the actual shooting of the strikers
- The dropping of all the charges against those arrested on 16<sup>th</sup> August
- Support for the miners demand for a living wage
  - An immediate halt to police brutality in Marikana and in poor/working class communities across the country, linked to a sustained de-militarisation of the police force.

**Pickets**

**Johannesburg Central Police Station (1 Commissioner Street)**

Date: Saturday 8 September Time: 11:00 am-12:30 **Contact:** 082 854 3108

**Moroka Police Station, Soweto (corner Koma and Old Potchefstroom Roads)**

Date: Saturday 8 September Time: 10:00-11:30 am **Contact:** 073 880 3416

***In addition***

**Tskane Police Station, Far East Rand** Date: 8 September Time: 6. 30pm – 7.30pm

**FOR FURTHER INFORMATION CONTACT:**

**Spokesperson: Rehad Desai on 083 997 9204 (alternatively - Dale McKinley on 0724294086)**

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**What the Marikana Massacre tells us**

By Shawn Hattingh

The sight of policemen brutally gunning down striking mineworkers at Marikana was truly galling. At the very least 300 rounds of live ammunition were fired at workers (and not only those seen on TV) by the police using automatic assault rifles in a military style operation<sup>i</sup>[1]: the infamous consequences being 34 workers killed and perhaps as many as 87 injured<sup>ii</sup>[2], with some workers still unaccounted for<sup>iii</sup>[3]. Many of the workers were also reportedly shot in the back<sup>iv</sup>[4] and some executed<sup>v</sup>[5]. To add insult to injury, and with what was clearly some relish, the police arrested 260 workers in the aftermath<sup>vi</sup>[6]. This often even involved policemen literally sticking the boot into injured workers. Allegations have also subsequently emerged that 190 of these arrested workers were tortured, some for up to 3 days, whilst being held in surrounding police stations<sup>vii</sup>[7]. One worker also claims that he was taken to a room on Lonmin's property, who owns the mine at Marikana, and handcuffed to a chair and beaten with a rubber pipe by police in a bid to extract information about the 'leaders' of the wildcat strike<sup>viii</sup>[8]. Not to be outdone in callousness, Lonmin issued an ultimatum that unless the rest of the striking workers returned to work by 7am on the 21<sup>st</sup> of August disciplinary actions would be taken against them<sup>ix</sup>[9]. The strikers though have ignored Lonmin's threats, and at the time of writing, most remained out on strike<sup>x</sup>[10].

While any human being with any sense of justice should be appalled by what happened at Marikana it would, however, be a mistake to view it as an isolated incident that emerged out of the blue. Rather, Marikana is the latest episode, even if an extremely violent one, in a long running battle between ruthless mining companies and the state on the one hand; and workers in South Africa's platinum belt on the other. In fact, Marikana, and the events surrounding it, not only cast light on the ongoing class warfare in the platinum industry, but it brings the cruel exploitation of workers in general in South Africa into the spotlight, it exposes the true face of class rule in the country, it lays bare the role of the state in society, and it yet again reveals that the black working class not only experiences exploitation but ongoing national oppression – and accompanying racism – in South Africa. This article explores these issues, including the context in which the Marikana massacre took place, from an anarchist-communist perspective. Whilst much of the article looks at the repugnant practices in the platinum sector, and the equally repugnant nature of the ruling class and its state, an argument will also, however, be made that out of the fires of Marikana, and other ongoing struggles in the platinum sector, there is hope: they offer a possible way forward in terms of building a working class counter-power and furthering the fight for genuine freedom and equality in South Africa.

### Life and Death in the Platinum Belt

The reality is that for platinum mineworkers, life is hard and often oppressive – and it is in this context that the struggles of Marikana must be seen. Working conditions for platinum mine workers are riddled with dangers. Most workers are forced to work hundreds of meters below ground, in very cramped conditions and in constant heat<sup>xi</sup>[11]. The pneumatic drills used, each weighing 25 kilograms, make a constant and piercing noise – along with rock breaking, sorting, and milling equipment – and the result is that workers' hearing is permanently damaged within a few years (even if they are wearing protective gear). The drills in many of the mines are also cooled using industrial water, sometimes

from reduction works. As a consequence many mineworkers suffer from skin ailments from the spray. The water is also used to catch the rock dust generated from drilling, and while it helps somewhat, dust is also a constant problem: inhaled in sufficient quantities it leads to silicosis. In fact, many mine workers end up dying, and forgotten, in the rural areas of southern Africa from silicosis. Along the tunnels in the platinum mines, rock fissures also occur regularly signifying the real potential for rock falls. Coupled to this, rock blasting occurs daily escalating the danger of cave-ins, but also increasing the prospect of dangerous gases being released into the tunnels where workers have to workxii[12]. Accidents, therefore, are a constant possibility, with drillers – the category of workers that went on strike at Marikana – being especially prone.

The dangers for mineworkers are of such an order that on average 2 miners a month died in accidents at AngloPlatinum alone throughout 2005xiii[13]. Unfortunately, AngloPlatinum was not the exception: deaths on the mines of Impala Platinum, Lonmin, African Rainbow Minerals (ARM) and all the other players in the sector have occurred frequently. For example, at Impala Platinum in 2011, 9 workers died due to causes ranging from ground falls, being overcome by methane gas, and accidents involving explosivesxiv[14]. These deaths show no sign of abating as fatal accidents on the platinum mines were reported in June 2012 to have increased by 29% when compared to the previous yearxv[15]. In the drive to maximise profits, extracted via surplus value from workers, human life for the mining companies means little.

Along with facing hazardous conditions, mineworkers are also routinely subjected to domination and oppression at the hands of foreman, supervisors, security guards and managers. They are ordered about, commanded and reprimanded for any infraction. On surfacing and exiting the mines, workers are subjected to humiliation as a result of routine body searches by security guards in order to reduce theft. As a matter of fact, security on the mines is tight with barbed wire and electric fences cordoning off sections of the mines; and heavily armed security guards keeping an almost constant watch over the movements and actions of workers. The latest technology is also used, with many mines monitoring some of their workers via CCTV. Even in order to gain access into the mines, workers have to pass through various security checks, some even subjecting workers to iris and figure print scansxvi[16]. Companies like G4S, who are often outsourced to undertake security by the platinum mining houses, boast about offering trained armed guards and dog units for riot control or labour ‘unrest’, intelligence gathering operatives, and the ability to undertake screenings of any employeexvii[17]. Certainly, the anarchist Bakunin pointed out that workplaces under capitalism are oppressive as once someone enters into work under the current system an “employer will watch over him either directly or by means of an overseers; every day during working hours and under controlled conditions, the employer will be the owner of his actions and movements...when he is told: ‘Do this’, the worker is obliged to do it; or when he is told ‘Go there’, he must go”xviii[18].

On the platinum mines, however, workers not only face such oppression based on their class, but those who are black also face routine racism and paternalism at the hands of management. Such attitudes are so pervasive that it is still quite common for managers to refer to black mine workers as ‘mine boys’xix[19]. Unfortunately, such discrimination is not

even limited to the mainly – but not exclusively – white management; even the National Union of Mineworkers (NUM) General Secretary, Frans Baleni, derogatorily referred to the lowest paid black workers at Lonmin as “ignorant”<sup>xx[20]</sup>. Certainly it is no accident that the vast majority of workers that do the lowest paid, and the most dangerous jobs, tend to be almost exclusively black: it is the legacy of past and current systematic racism in the sector.

There are thousands upon thousands of platinum mineworkers that remain poorly paid in South Africa. The wildcat strike at Marikana began with the demand by 3 000 rock drillers to have their salaries increased to R 12 500 a month. Many were earning a basic salary in the region of R 4 000 a month; despite some of them having worked for decades on the mine (compared to the R 44.6 million earned by the top 3 managers at Lonmin in one year<sup>xxi[21]</sup>). Some of the workers do receive allowances that push up their salaries beyond R 4 000. For example, as part of pushing workers out of the hostels, many workers live in the surrounding shanty towns and townships, and receive housing allowances. Along with this, many workers take risks to try and get production bonuses to push up their basic salaries, which includes working extremely long hours and unsafely. Production bonuses are a highly important part of workers’ incomes, with the average production bonus being in the region of R 1 500 a month<sup>xxii[22]</sup>. The production bonus system, therefore, is part of the reason why accidents are so prevalent on the mines. The platinum sector is well known for this type of situation. In other companies low wages are also the norm, especially for rock drillers. Production bonuses too force workers into a situation where they take risks. Prior to a massive wildcat strike at Impala Platinum, for instance, rock drillers at that company too were earning a basic salary in the region of R 4 000 a month<sup>xxiii[23]</sup>. This is not surprising as the massive profits of the mining companies have been, and are, based on the extremely low wages.

In order to keep wage bills low, the platinum mines also make extensive use of outsourcing and labour brokers. Workers employed through labour brokers are usually paid much less than ‘permanent’ workers and are excluded from receiving benefits such as healthcare and housing. The practice has become extremely widespread, with AngloPlatinum alone employing over 41% of its workforce through labour brokers. The picture at Lonmin’s Marikana mine is similar with 30% of workers being employed through labour brokers<sup>xxiv[24]</sup>. Of course, labour brokers are also used by these mining corporations in a bid to circumvent aspects of the labour law, along with using it as a tactic to divide and rule the workers on the mines. The labour brokers themselves mostly recruit migrant labour from the rural areas of southern Africa; again dividing people not only on race, but on ethnic lines. For example, many of the migrant labourers at Lonmin are from the Eastern Cape and Lesotho<sup>xxv[25]</sup> <sup>xxvi[26]</sup>. Some of these labour brokers are extremely large companies in their own right and include the likes of Murray and Roberts.

For communities around the platinum mines, as has been well documented in a number of studies by the Bench Marks Foundation, life is also harsh<sup>xxvii[27]</sup> <sup>xxviii[28]</sup> <sup>xxix[29]</sup>. Most of these communities live in tiny houses or shacks, often with no access to clean water or decent sanitation. In Rustenburg alone, one of a number of towns in the platinum belt, an estimated 250 000 people, including most mineworkers, live in shacks. Pushing workers off

the hostels and into shacks obviously suits the mining companies; it is cheaper to provide a housing allowance than it is to provide accommodation and food. The Wonderkop informal settlement at Marikana, therefore, is simply one example of these growing informal settlements. The few services that are provided by the state or by mining corporations, through so-called Corporate Social Responsibility Programmes, are mostly of an appalling standard. The water sources surrounding these townships and informal settlements are often heavily polluted from both mining activities but also due to a lack of services. Dust from the tailing dams of these corporations also regularly coats the townships and shacks in a layer of toxic material, resulting in extremely high instances of respiratory diseases such as tuberculosis. Constant blasting by the mines has also taken its toll, with many of the Reconstruction and Development Programme (RDP) houses in the surrounding communities suffering structural damage as a result.

The mining corporations too have been involved in massive land grabs, often colluding with 'traditional' chiefs and the state to do so. While a black elite linked to the ANC now have shares in, and sit on the boards of, the massive mining companies; impoverished black communities have seen their farming land stolen by the likes of Lonmin, Impala Platinum, and AngloPlatinum. This has been done with the backing of state laws and the compliance of the traditional authorities. The mining companies have gone as far as using barbed wire and armed security patrols to ensure that surrounding communities do not trespass or threaten the lucrative mining operations. Linked to this, the local state in the Rustenburg region has reportedly made it almost impossible for surrounding communities to legally protest against this situation, with planned marches being regularly bannedxxx[30]. The migrant labour system used by the mining corporations, including Lonmin, is also directly associated with other ills such as high levels of HIV and AIDS and violence against women in the communities that surround the minesxxx[31].

Resistance has been heroic and furious

It would, however, be a complete mistake to view the mineworkers and communities as merely victims with no hope. The struggles by mineworkers against corporations in the sector have been going on for a while – Marikana is simply the latest in a long line – and they have been inspiring, large, heroic and extremely promising. Wildcat strikes and sit-ins on the mines by workers have occurred regularly over the last few years across corporationsxxxii[32]. For instance, in 2008 at Aquarius Platinum's Everest mine, 1 300 contract workers embarked on a wildcat strike due to bad working conditionsxxxiii[33]. Wildcat strikes by workers have also occurred at Lonmin itself before. In 2011, 9 000 workers at Lonmin's Karee operations went out on a wildcat strikexxiv[34].

Along with wildcat strikes, a string of at least 6 underground sit-ins and occupations, collectively involving thousands of mineworkers, occurred between July 2009 and July 2010 in the platinum sector. These included sit-ins at Eastern Platinum's Crocodile River Minexxxv[35]; Aquarius Platinum's Kroondal Minexxxvi[36]; Impala Platinum's Rustenburg Minexxxvii[37]; Anoroaq Resources' Bokoni Minexxxviii[38] xxxix[39]; and Impala Platinum and ARM's Two Rivers Minexl[40]. In each case, the workers involved were militant and the sit-ins were preceded by wildcat strikes. Many of the workers that

have undertaken these actions have also tended, but certainly not exclusively so, to be contract workers or workers hired through labour brokers. These category of workers now make up a minority of the NUM membership, which is now mostly made up of skilled, white collar workers and technicians. As such, many of these workers have felt that they have not being represented by the NUM properly or effectively covered by the deals struck by the union, and have at times – like during the sit-ins – taken matters into their own hands<sup>xli</sup>[41].

The reasons for these sit-ins, and the grievances of the workers involved, were wide-ranging and depended on the mine involved. Nonetheless, some of the reasons and demands of the workers included an end to labour brokering, the hiring of contract workers permanently, the full payment of unpaid wages, the provision of benefits denied to contract workers, the end to racism by management and foreman, the ending of unsafe working conditions, the payment of Unemployment Insurance Funds (UIF), the restatement of fired workers, and increased wages<sup>xlii</sup>[42].

In 2012 such struggles continued and in some cases escalated. Early in the year, 17 000 workers at the AngloPlatinum and ARM's Modikwa mine undertook a protected strike over higher wages. However, as part of this the mineworkers also barricaded the roads leading into the mine, in a move that surprised management and evidently NUM officials<sup>xliii</sup>[43]. This followed on the heels of a 6 week wildcat strike at Impala Platinum where the action began with rock drillers demanding a wage increase from R 4 000 to R 9 500. They were then joined by other workers and eventually 17 000 workers at the company came out. During the strike there were regular battles between mineworkers, and the forces of repression in the form of the police and security guards. As part of the strike tactics, workers also barricaded the road to the nearby informal settlement to stop any scabbing workers from breaking the strike<sup>xliv</sup>[44]. In the end, the workers won an increase from a basic salary of R 4 000 to a guaranteed salary of R 9 500 a month<sup>xlv</sup>[45], demonstrating just how effective mass direct action can be. It is also in this context that the demands of the Marikana workers, for an increase from a basic salary of R 4 000 – excluding housing allowances and production bonuses - to a guaranteed R 12 500 must be seen. As such, the demands of the Marikana workers were not unrealistic, as some on the left have painted them<sup>xlvi</sup>[46], but rather quite sound given what occurred at Impala. In early August 2012 there was also action at the Aquarius' Kroondal Mine. There hundreds of mineworkers that had been fired by a sub-contractor for an earlier wildcat strike embarked on a protest to reclaim their jobs. As part of this, they tried to gain access to the mine during the protest, which saw them clashing with the company's armed security. It is, therefore, in this context of ongoing mass mobilisation that the struggle and events of Marikana must be seen – they are part of a longer process that has involved workers mobilising to justly claim what should be theirs across the platinum sector.

What has been important and highly inspiring is that in all of these cases, whether wildcat strikes and/or sit-ins, the workers involved have done them on the basis of self-organisation. Even at Marikana it is evident, for anyone who would wish to see, that the workers themselves organised the action. An Associated Mineworkers and Construction Union (AMCU) official, despite being blamed, acknowledge this<sup>xlvii</sup>[47]. Certainly, the base

of all unions are made up of workers, and consequently union bureaucrats have to, at least to some degree, be responsive to the base. Although unions are a partial space of self-organisation and direct action; this is damped by union bureaucrats, who essentially desire stable relations in the workplaces: their salaries depend on it. As such, a bureaucracy in the type of unions that exist in South Africa – which are not revolutionary but corporatist – have a history, since at least 1994, of trying to ensure struggles don't get out of hand and that they remain within the legal system, and specifically the framework of the labour law. In fact, anyone familiar with wildcat strikes in South Africa knows that they are carried out on the basis of self-organisation – it is simply not in the union officials interests, which lie in formalised collective bargaining and adhering to the law, to organise wildcat strikes and sit-ins. Wildcat strikes and sit-ins require a huge amount of bravery from the workers; not only can you lose your job, but in the case of sit-ins criminal charged are likely to follow. It is the self-organisation of workers in the cases of the sit-ins and wildcat strikes that has been so promising: as will be discussed later the very real potential for the revitalisation of workers' struggles and the possibility of building a counter-power rests on it (including perhaps one day again driving unions in a revolutionary direction).

Over and above the self-organisation involved in the wildcat strikes and sit-ins, elements of, but not full, direct democracy have been seen in some of these struggles. Marikana specifically highlights this, as the workers involved gathered on the now famous hill in what effectively was a mass assembly. The strengths of this were that they had gathered there to discuss and formulate demands. They had also collectively demanded to speak to Lonmin managers about their grievances.<sup>xlvi</sup>[48] A similar case of using assemblies to organise existed in a number of the other wildcat strikes and sit-ins that have occurred. But there were and are also weaknesses, for instance no clear procedures exist and as such, these meetings could be open to manipulation – as was tried by Julius Malema. To allow for complete direct democracy these assemblies would need appropriate procedures and structures, to ensure power remains at the base with everyone, and this has not yet appeared at either Marikana or in most of the other wildcat strikes and sit-ins. As such, the mass self-organisation in the assemblies has been important, and the potential for direct democracy to be practiced does exist (but it would need to be taken much further), which make the ongoing battles in the platinum sector potentially so significant.

For the bureaucrats within the NUM, the wildcat strikes and sit-ins represent a challenge. This is because, even if unconsciously, the workers involved are taking their struggles into their own hands, and some are also leaving NUM. Of course, as stated, many of those workers that have undertaken wildcat actions have been poorly represented by NUM: they now form a minority of its membership. Many are also employed through labour brokers, and as a result some fall outside of the deals struck by NUM with the mining companies – as legally their employer is another company. Some within the labour broking companies are not even represented by the NUM as it now mainly focuses on the better paid permanently employed workers. In fact, at Impala Platinum during wage negotiations in 2011, NUM shop stewards (made up mostly of skilled well paid workers) argued against giving rock drillers (the lowest paid workers) a higher increase than the rest of the workforce, effectively sidelining them<sup>xlvi</sup>[49]. The focus on better paid workers by NUM is also part of the reason that in almost every instance, including Marikana, NUM officials have



condemned the action of the workers - who tended to be low paid and contract workers - involved in the sit-ins and wildcat strikes; despite some of them being their own members. This has gone as far as calling for the police to arrest those involved, calling on those involved to return to work, and calling on the companies to fire those involved in sit-ins and wildcat strikes<sup>[50]</sup> <sup>li</sup><sup>[51]</sup>. Thus, the NUM officials' reaction to the Marikana workers, where they called for the police to take strong action against them, is a continuation of the role they have played for a number of years when it comes to self-organised worker struggles or actions by low paid outsourced or contract workers.

NUM officials also negotiate long-term agreements, in a corporatist union manner, with the mining houses, where wages are set for long periods. If workers are unhappy, one of the few avenues they have is wildcat strikes, but this falls outside of the control of the union bureaucrats, which they do not like. In fact, it undermines their authority, hence their negative reaction to wildcat strikes. Many workers themselves often, nevertheless, see wildcat strikes as more effective than protected ones because the companies involved don't have time to make preparations. This, however, means that such actions take place without the consent of the top union officials.

The fact that the NUM does not effectively represent a section of the workers is also the reason why a rival union, AMCU is starting to see an influx of members from the platinum mines. The frustration felt with NUM bureaucrats is growing, especially amongst the contract and labour broker workers. This is why workers heckled top NUM officials when they addressed the gathering at Marikana; and it is why in 2009 the NUM officials, including the President, were pelted with stones by striking workers when they told them to go back to work<sup>lii</sup><sup>[52]</sup>. Many workers are, consequently, looking around for a solution and a way to take their struggles forward; and some are looking to initiatives like AMCU. This search opens up the possibility for a truly self-managed workers' movement to evolve or emerge, but it also opens up potential dangers in that populists – with their own interests – might step into the void. Again, this is a theme that will be returned to.

#### The corporations and state's reaction to platinum workers' struggles

Corporations have had a history of dealing harshly with wildcat strikes and sit-ins in the platinum sector: they truly fear them and want to wipe them out. As such, the ground had been set for an event like Marikana to occur. In most of the past wildcat strikes and sit-ins, the companies involved have used the strategy of initially dismissing all of the workers undertaking the actions. This has been a way to intimidate the workers involved and to try and stop future actions. There are numerous examples of this: at the Impala Platinum 2012 strike the company dismissed 17 000 workers<sup>liii</sup><sup>[53]</sup>; at the Crocodile River Mine sit-in 560 workers involved were dismissed in 2009<sup>liv</sup><sup>[54]</sup>; at Lonmin's Karee mine 9 000 workers were dismissed for a wildcat strike in 2011<sup>lv</sup><sup>[55]</sup>; at Platmin 500 workers were dismissed for an unprotected strike; and during a massive wildcat strike in 2009 at mines in Rustenburg over 5 000 people involved were sacked<sup>lvi</sup><sup>[56]</sup>. The companies involved, in order not to further disrupt production, also tended to rehire many of the fired workers once the action was over. However, they have re-hired the workers on a selective basis with those who are seen as having been militant, ring-leaders, or 'trouble-makers'

excluded. The 2011 wildcat strike at Lonmin highlighted this process clearly: of the 9 000 workers initially fired for being involved, only 6 000 were rehired<sup>vii</sup>[57] with the most militant being sidelined.

Bosses have also used underhanded tactics when dealing with workers involved in the sit-ins and wildcat strikes. At the Crocodile River Mine sit-in, for instance, management at the mine, in a bid to obviously end the sit-in and get the workers involved out of the mine, announced that they and NUM officials had reached an agreement to look at the possibility of hiring all contract workers on a permanent basis. As the sit-in had been undertaken around the demand that contract workers be hired on a permanent basis, the workers saw this as a partial victory. On this basis the workers occupying the mine decided to surface. Yet, as soon as they had exited the mine, the management once again reneged on its promises and fired the workers that were involved in the sit-in<sup>viii</sup>[58]. Likewise, after a wildcat strike at the Aquarius Mine, most of the workers were fired. Many were then consequently re-hired. Nevertheless, as soon as the workers had returned to work they discovered that the bosses had erased their employment histories and had terminated some of their benefits. This then led to a second wildcat strike. Once again the management fired the workers involved and refused to even issue them with their UIF certificates<sup>lix</sup>[59]. At Australia Platinum's mine in the Limpopo in 2011 a similar story of deception by management took place. When a number of workers went out on an unprotected strike; the company promised to look into their grievances if they returned to work. The workers agreed to this. Upon doing so, however, disciplinary hearings were subsequently called by management for some of the workers. Upon attending the hearing, the workers involved were promptly arrested upon their appearance, in what was blatant intimidation by management and the police<sup>lx</sup>[60]. Such tactics, as described above, are clearly used to try and undermine workers' struggles and strike fear into anyone thinking of embarking on a wildcat action.

The labour law in South Africa, as in any other state, is bias against workers. The Labour Relations Act makes it illegal to strike on the premises the employer: any such strike is viewed as unprotected and as trespassing. Naturally in the case of all of the sit-ins and wildcat strikes the state and corporations have colluded, using the law and force, to try and crush the actions and severely punish any workers involved. For example, when the workers surfaced in the aftermath of the Crocodile River Mine occupation, not only were the promises made by management reneged upon, but the workers involved were arrested and charged with trespassing and even kidnapping<sup>lxi</sup>[61]. At the Bokoni Mine sit-in in 2009 a large and well armed police contingent was sent down the mine with the intention of forcing the workers out. Under the threat of violence, the workers eventually elected to end the sit-in<sup>lxii</sup>[62]. If workers have tried to hold out against the threats of the police during sit-ins, this has inevitably led to clashes. For instance, at the Aquarius Kroondal Mine in 2009, over 30 workers had barricaded themselves in and had reportedly set explosive booby-traps to stop the police from violently evicting them. Workers certainly have a right to defend themselves, and they had set the explosive traps up in a context where the police had recently used lethal force against strikers (discussed below). In the end, however, setting explosive booby-traps, in combination with the fact that they were a small minority of workers on the mine, may have been a tactical error by the workers, as

the state used it as an excuse to essentially crush them. The police must have been aware of the booby-traps as explosive experts from the Special Task Force were sent down, followed by heavily armed members. Nonetheless, in the eagerness to get to the workers some of the police members set off one of the booby-traps with the result that 3 police were injured. All of the workers involved in the sit-in were consequently forcefully arrested and were charged with offences ranging from malicious damage to property, the illegal position of explosives, attempted murder and trespassing<sup>[63]</sup>.

Along with the gung-ho attitude of police storming mines to evict workers involved in sit-ins or to break wildcat strikes, as part of protecting private property, they have used high levels of violence and even lethal force. On numerous occasions police have fired rubber bullets, tear gas and stun grenades at workers involved in wildcat strikes, protected strikes and sit-ins. Along with this, police have also regularly used armoured vehicles and helicopters, reportedly at times filled with armed soldiers, against striking workers. Using such tactics, and violence, has been undertaken to intimidate workers, with the result that many have been injured <sup>lxiv</sup>[64] <sup>lxv</sup>[65] <sup>lxvi</sup>[66]. Communities protesting against pollution, land grabs and a lack of jobs at platinum mines have also not been spared, as police have regularly fired on such protests with rubber bullets<sup>lxvii</sup>[67] <sup>lxviii</sup>[68]. As a matter of fact, the use of violence by the South African police across the country is standard practice when it comes to protests that they have deemed to be 'illegal'.

Police and security guards too on a number of occasions have used lethal force against striking workers, sit-ins and community protests in the platinum sector. In 2009 during a widespread strike, police and security guards used a massive amount of force in an attempt to break it. Along with firing rubber bullets, dogs were also set upon striking workers. Live ammunition too was part of the arsenal used. At least 3 strikers were reported as being killed at the hands of the police and security guards, while several went 'missing'<sup>lxix</sup>[69]. This, however, was not an isolated incident.

In December 2011 a protestor died when people from Bapong protested at Lonmin's operations demanding employment. Police, at the very least, fired rubber bullets at the protestors. On being fired at the crowd retreated. In the wake, however, one of the protestors lay dead at the scene. He had been shot with live ammunition. The police spokesperson said in response to questions about the incident that "it was not immediately clear how he (the protestor) had been killed"<sup>lxx</sup>[70].

More recently, on the 1st of August 2012, 3 more workers were killed at the hands of security guards, and 20 more were wounded, at the Aquarius Kroondal Mine. In the build up to this shooting, 200 contract workers, who had been fired by the sub-contractor Murray and Roberts for a wildcat strike, protested against this. They reportedly tried to get onto the mines' property and some allegedly were armed with petrol bombs. Security guards at the mine moved in against them and opened fire with shotguns, in the process killing and wounding the protestors<sup>lxxi</sup>[71]. It is in this wider context of oppression and police and security guard violence that Marikana must be seen.

Of course, in the days preceding the run up to the massacre at Marikana, 6 workers, 2 security guards, and 2 policemen had died. It has been reported, in an excellent piece in the *Daily Maverick* that the violence began when 3 of the strikers had been gunned down by men wearing NUM T-shirts. Now it is not clear whether these men were in fact NUM members. They certainly may have been (given the competition around recruiting that could exist), but they could also, given history and subsequent events, have been people employed by the mine to break the strike. Whatever the case, management used the incident to promote the idea that all the strike was about was inter-union rivalry and most of the media lapped it up. This was very convenient for the management: it distracted attention from the very real grievances of the workers. For their part, the workers themselves deny that the deaths have been about inter-union rivalry. They have said those on strike included NUM and AMCU members, and some were non-unionised<sup>lxxii</sup>[72]. It is also in this light of violence directed at the strikers that they, justifiably, armed themselves with knobkerries, spears and pangas (many explicitly said they were armed to defend themselves).

On the 13<sup>th</sup> of August more violence occurred, again starting out as violence directed at the strikers. On that day a delegation of striking workers was sent by the strikers' assembly to cross over to Lonmin's other operation, the Karee mine. The aim of doing so was to talk to workers there to try to convince them to also come out on strike. In 2011, the workers at Karee had also undertaken a wildcat strike, many had been fired, and discontent was rife. Mine security, however, turned the workers' delegation back. On the way back to Marikana, the workers' delegation was stopped by a group of heavily armed police. They were told to lay down their knobkerries and other weapons. The delegation refused, saying the weapons they had were needed for self-defense as strikers had already been attacked and killed. The police line parted and initially allowed the workers through, on the face of it appearing to have accepted the explanation. Nonetheless, after the workers had got 10 meters, police opened fire and some began chasing the workers. With the support of a helicopter, the police shot dead 2 of the workers, and severely wounded another. The workers for their part, turned on the pursuing police, and in the ensuing clash 2 policemen were killed. A number of the workers were arrested on the scene, and charged with murder, despite having been fired on first<sup>lxxiii</sup>[73].

On the 16<sup>th</sup> of August, the state once again used violence against the strikers. To protect Lonmin and break the strike, the police, as is very well known, shot dead 34 strikers. Reports have arisen that the workers who were captured on TV being shot by the police may also have not been storming the police, but rather fleeing Nyalas that were firing tear gas at them. What-ever the case, and whether this was or was not a premeditated action by the police, the police showed little hesitation in gunning down the workers. The workers who were shot in front of the TV cameras were also, nevertheless, reportedly a minority of those killed. Other workers had fled, in the aftermath of the shooting, and they had headed towards the Marikana settlement. Some reports indicate that a number of them were ridden over by Nyalas. Some workers also tried to flee into a boulder field to hide: the boulder field was 400 metres in the opposite direction to where the TV cameras were. They were then pursued by police task force members into the boulder field, and evidence has emerged that some of these workers were executed there. <sup>lxxiv</sup>[74]. Marikana, of course,

took place in the context where the police had openly stated on the day of the massacre that it was “D-day” for the strikerslxxv[75]. The state and the bosses had decided that the strike would end, and the police would do that, all in the name of protecting private property and the economic interests of the owners of the mine. Ending protests and strikes, including using lethal force, it must be stressed is not unusual for the police; it is not a break with their task, but rather part of their role. The scale of the killings was far larger at Marikana (and the largest since 1994), but it is in not new for the police to kill, intimidate and even torture in the name of protecting the interests of the rich and powerful.

#### The lessons of Marikana and the events in the platinum sector

The outright violence of the state in the platinum sector and at Marikana, therefore, lays bare the true nature of the state; and the role it plays in protecting the ruling class. It is not an unfortunate accident that the state has been protecting the mines of huge corporations, like Lonmin, and that it has been willing to use such violence to do so. It is rather one of the main functions of the state (and hence its police): it is what it is designed for. For capitalism to function, and for class rule to be maintained, a state is vital. It is central to protecting and maintaining the very material basis on which the power of the elite is derived. Without a state, which claims a monopoly on violence within a given territory, an elite could not rule nor could it claim or hold onto the ownership of wealth and the means of production. In fact, the state as an entity is the “defender of the class system and a centralised body that necessarily concentrates power in the hands of the ruling classes; in both respects, it is the means through which a minority rules a majority”lxxvi[76]. Through its executive, legislative, judiciary and policing arms the state always protects the minority ownership of property (whether private or state-owned property), and tries to squash any threat posed to the continuing exploitation and oppression of the working class. As Marikana, and other protests and strikes show, that even includes and goes as far as killing those that pose a threat.

All states, wherever and whenever they have existed, also have always intervened in the economy in favour of a ruling class of some sort. As noted by Kropotkin, under capitalism:

“the state has always interfered in the economic life in favour of the capitalist exploiter. It has always granted protection in robbery, given aid and support for further enrichment. And it could not be otherwise. To do so was one of the functions – the chief mission – of the state.”

This is why the South African state has legalised the land grabs of platinum companies, like Lonmin. It is also why it does little or nothing to stop the massive pollution they are causing – to do so would not economically favour these corporations.

State managers, who comprise a section of the ruling class, based on their control of the means of coercion, administration and sometimes production, also have their own reasons for wanting to protect the minority ownership of property – which includes private and state-owned property – because their own privileged positions rest on exploitation. As such, all states maintain capitalism and minority rule through hierarchies and a chain of commandlxxvii[77]. Thus, it is wrong to believe that the South African state was ever going to be a neutral entity in the struggles in the platinum sector and at Marikana. Its role is not

that of a protector of the workers' interests, it is rather that of a protector of corporate interests, and when the need arises, it is quite willing to kill for these interests. Certainly we must raise demands from the state, and mobilise to have these met, but we must realise that the state is part of the problem: it is inherently in opposition to the working class. As such, we must make demands, but we need to fight and mobilise for those outside of and against the state.

The state, nevertheless, can't simply rule by force alone – force is ultimately the last pillar upon which its power rests – but for its own stability and that of capital, it also tries to rule through consent. To do so, it pretends to be a benefactor of all; while in reality facilitating, entrenching and perpetrating exploitation and oppression. Certainly, most states today do have laws protecting basic rights, and some provide welfare – including the South African state. Such laws and welfare, however, have been won through massive struggles by the oppressed, and that should not be forgotten; states simply did not hand out these rights. But even where such laws exist, and sometimes they merely exist on paper, the state tries to make propaganda mileage out of them. It is this duplicity that led Malatesta to argue that the state: “cannot maintain itself for long without hiding its true nature behind a pretence of general usefulness; it cannot impose respect for the lives of the privileged people if it does not appear to demand respect for human life, it cannot impose acceptance of the privileges of the few if it does not pretend to be the guardian of the rights of all<sup>xxviii</sup>[78]”. It is in this context that the South African state's announcement that it is setting up a Commission of Inquiry into what happened at Marikana must be seen. Even within this, however, it must be recognised that the Commission of Inquiry will not be neutral. It will, itself, be part of the state, it will be centralised, and its functioning will be based on laws which are against the majority. Consequently, it will be inherently biased towards the state and the company.

What the events at Marikana and on the platinum mines also reveal is the nature and form capitalism has taken in South Africa. Ever since capitalism emerged it has been based on the exploitation of both black and white workers. However, in South Africa, black workers have also been subjected to national oppression; and this has meant that they were systematically turned into a source of extremely cheap labour and subjected to institutionalised racism. The history of very cheap black labour enabled white capitalists – traditionally centred around the mine-owners – to make super profits, and it is on this basis that they became very wealthy<sup>xxix</sup>[79]. Without extremely cheap black labour, mining in South Africa would have never been as profitable and the riches of the white capitalists would have been much less.

Today, as seen by the situation on platinum mines, this continues: the wealth of the ruling class still rests mainly on extremely cheap black labour: it is the reason why certain sections of the economy, like platinum mining, are so profitable. Since 1994 the entire working class has fallen deeper into poverty, including sections of the white working class, as inequality has grown between the ruling class and working class as a whole. However, the black working class, due to mostly holding the lowest paid jobs and thus facing continued racism, remains both subject to exploitation and national oppression. Until this is ended, along with the capitalist system on which it is based and which it serves, true

freedom and equality for both the black and white working class will not be achieved in South Africa. As was vividly highlighted by Marikana, therefore, central to the struggle to end capitalism has to be the ending of the national oppression, and accompanying racism, that the black working class is subjected to. As anarchists have long pointed out, however, if a just society is to be achieved the means and the ends in struggle have to be as similar as possible. Hence, if we want a future genuinely equal and non-racist society, our struggle to end the national oppression of the black working class, and the accompanying capitalist and state systems in South Africa, must be based firmly on the ideals of non-racialism. This too is highly important to ensure that populists, amongst them Julius Malema, using racist rhetoric to benefit themselves, do not make gains out of struggles such as Marikana.

While it is clear that the black working class remains nationally oppressed, the situation for the small black elite, nevertheless, is very different. Some, through their high positions in the state, and hence having control over the means of coercion and administration, have joined the old white capitalists in the ruling class. They themselves have used their positions in the state to amass wealth and power. Others, have also joined the ruling class, but through the route of Black Economic Empowerment. This can be seen in the fact that all of the top ANC linked black families – the Mandelas, Thambos, Ramaposas, Zumas, Moosas etc. – have shares in or sit on the boards of the platinum mining companieslxxx[80]. In fact, Ramaphosa not only owns shares in, and is on the board of, Lonmin; but a number of functions at Marikana are outsourced to various companies he has interests in, like Minorexlxxxi[81]. The wealth and power of this black section of the ruling class in South Africa too rests on the exploitation of the working class as a whole, but mostly and specifically on the exploitation and national oppression of the black working class. Hence, this is the reason why the black section of the ruling class has been so willing to take action – whether during platinum strikes, Marikana, other strikes in general, or community protests – against the black working class.

Mikhael Bakunin foresaw the possibility of such a situation arising in cases where national liberation was based upon the strategy of capturing state power. Bakunin said that the “statist path” was “entirely ruinous for the great masses of the people” because it did not abolish class power but simply changed the make-up of the ruling classlxxxii[82]. Due to the centralised nature of states, only a few can rule: a majority of people can never be involved in decision making under a state system. As a result, he stated that if the national liberation struggle was carried out with “ambitious intent to set up a powerful state”, or if “it is carried out without the people and must therefore depend for success on a privileged class” it would become a “retrogressive, disastrous, counter-revolutionary movement”lxxxiii[83]. He also noted that when former liberation heroes enter into the state, because of its top down structure, they become rulers and get used to the privileges their new positions carry, and they come to “no longer represent the people but themselves and their own pretensions to govern the people”lxxxiv[84]. History has proven his insights to be correct; former liberation heroes in South Africa rule in their own interests, they wallow in the privileges of their positions, and they exploit and oppress the vast majority of the people in the country, including at Marikana and in the platinum sector.

What is to be done?

It is vital that a revolutionary working class counter-power emerges in South Africa, based on self-organisation, direct democracy, direct action, appropriate tactics and a vision. If it does not, the exploitation and oppression that defines companies like Lonmin, the economy, and society as a whole will continue. Linked to this, the national oppression of the black working class will continue. Freedom is, therefore, not going to drop from heaven; unless a counter-power emerges the working class will continue to suffer. History has also proven that true freedom won't be given by the current state; but – as will be touched upon later – it will also in all likelihood not be granted by a workers' party, of whatever variety, heading up a state, even if it is called a workers' state. Indeed, if the working class truly seizes power, there would be no need for a state (which as an institution has throughout history protected minority rule). Rather society where the working class genuinely has power, would probably be run via organs such as federated assemblies and councils based on direct democracy. Building a revolutionary counter-power capable of creating and winning a new society based on genuine freedom and equality, via revolution, will not be easy. In all likelihood, as Marikana gives us an insight into, it will also not be peaceful. Rather a working class counter-power is going to have to be built brick by brick by the workers and unemployed; and it is going to have to be built in opposition to capitalism and the state system. The problem, if one is sober and honest, is that at the moment, community movements remain small; the COSATU unions are no longer revolutionary; and the 'service delivery' protests promising but not yet galvanising into durable structures or a movement. In fact, COSATU unions are a shadow of what they were like in the 1980s; they have entwined with the ANC (stifling political independence), they are embedded in social dialogue; and have become wedded to a corporatist type unionism, which not only generates a bureaucracy but entrenches its power.

Marikana and the other struggles in the platinum sector offer a possible catalyst to change this all. The importance of the struggles in the platinum sector, and massive potential, are due to several reasons. The platinum sector is a strategic industry within South Africa, employing a large number of people and it is central to the economy, meaning a well organised militant force in the sector could have a massive impact. As a matter of fact over 180 000 people are employed directly in the sector, platinum is the country's biggest mineral export, and South Africa has the vast majority of the world's platinum reserves<sup>[85]</sup>. Not only could such a militant force cause economic damage to its class enemies, but because of its strategic nature, real gains could be won. Added to this, the confidence amongst the workers to win battles is already there: this can be seen most clearly in the events around the Impala Platinum 2012 wildcat strike. If a movement/union that is militant and strong can galvanise and sustain itself in the platinum sector, it could easily inspire workers in other sectors, where militancy in recent years has been far less, but also activists involved in community struggles elsewhere in the country. In fact, Marikana is one of the few cases since 1994 where communities and workers have joined up in struggle. Most COSATU unions, including the NUM, have unfortunately tended to be weary of the community protests that have erupted in South Africa, partly because they are protests directed largely at its alliance partner in the state. In terms of this, and despite some tensions having existed in the past, it was truly significant that women from the community joined and united with the male strikers at certain times during the on-going



protests. It is also significant that the Marikana community cheered the recent march to Lonmin's Karee Mine by the strikers, when it passed by their houses<sup>lxxxvi</sup>[86]. Added to this, and again despite some tensions, the platinum belt is also one area where the struggles of workers and wider communities overlap: both starkly face the same enemies and as a result working class unity there could be built.

Indeed, out of the wildcat strikes and sit-ins it is very likely a militant force, whether based around unions or other structures, could emerge in the next few years in the platinum belt, but what form and the politics it might take up are unclear<sup>lxxxvii</sup>[87]. As such, it could end up being progressive and even revolutionary; or it could end up being populist. Out of the struggles in the platinum sector though a real potential lies for building a mass movement controlled by the workers' themselves based around the principles of self-organisation, direct democracy, and direct action. Added to this, the potential also exists for unions, like AMCU and possibly even NUM, to be radicalised. Certainly a foundation does exist, but whether such a mass movement or union rejuvenation will arise is not guaranteed; if it is to do so, a vision is going to be vital along with greater co-ordination and the adoption of appropriate and consistent strategies and tactics.

It is possible that the NUM could also be re-radicalised out of the wildcat strikes, sit-ins and ongoing militant struggles in the platinum sector. This is, however, unlikely for several reasons. As stated, if it is correct that the lowest paid, and the most militant section of the miners that have been at the forefront of wildcat strikes and sit-ins now form a minority in NUM, it is unclear how they would have the power to drive the union in a radical direction. One way could be to set up networks to try and win other NUM members over to their side, and eventually form a block to try and drive the union in a revolutionary direction. This would also have to entail getting the union to also break with the ANC, social dialogue and its corporatist orientation. However, if workers were to form such a network, expulsion from the union would be a real possibility. At times, NUM officials have worked with bosses in the aftermath of wildcat strikes or sit-ins to have the most militant workers involved sidelined during rehiring processes (and hence also pushed out of the union). Some officials have also subverted democratic processes to prevent selected candidates, including Archie Palane, for standing for office<sup>lxxxviii</sup>[88]. It seems such tactics of subverting democracy would also be used against any block or network of radical workers who want the union to be militant. The fight for workers to take control over NUM, challenge and remove the bureaucracy, and drive the union in radical direction would, should it happen, be a major battle and nasty. The officials, some of whom earn up to R77 000 a month, will fight tooth and nail to stop this; and if challenged they would, in all likelihood, resort to mass expulsions.

AMCU itself is a split off from the NUM that comes out of a past purge undertaken by leading NUM officials. AMCU was formed when the secretary of the NUM branch at the Douglas Coal Mine, Joesph Mathunjwa, was expelled from NUM in 1999. The background to this was that Mathunjwa was fired from Douglas. In response, 3 000 workers went out on a wildcat strike at the company demanding his re-instatement. The company eventually buckled, but the NUM General Secretary at the time, Gwede Mantashe, brought charges against Mathunjwa. He claimed that as a result of the incident, Mathunjwa had brought the

NUM into disrepute. Other officials within NUM, such as Archie Palane, had found that Mathunjwa had not brought the union into disrepute, but Mantashe insisted the charges go ahead (he had clashed with Mathunjwa before over resources, and it looked as if he was out for revenge). Mantashe also insisted that he chair Mathunjwa's hearing. Mathunjwa in response, and in the light of previous history with Mantashe, called for an independent chair. Mantashe refused and promptly had Mathunjwa expelled from NUM. The workers at Douglas resigned from the NUM in solidarity with Mathunjwa, and AMCU was formed with Mathunjwa as the General Secretary. Since then it has gained ground in the platinum sector, including some recruits at Lonminlxxxix[89], but it still remains much smaller than NUM.

It is perhaps likely that AMCU will be driven in a more radical direction by the struggles in the platinum sector. A section of the workers that have been involved in wildcat strikes and sit-ins have gone over to AMCU. In fact, AMCU actively recruits labour broker and contract workers. For the moment, however, AMCU itself is not revolutionary. AMCU's structures are still reportedly weak, its President and General Secretary have held the same offices ever since it began more than a decade ago, it is not yet based on direct democracy, and it does not see itself – at least openly – as being linked to a revolutionary vision. Although the AMCU officials appear better than the NUM ones, if a counter-power is to emerge around it, AMCU too would have to be transformed into a bottom-up, directly democratic, and militant union by the members themselves. It would also have to grow. All of this, however, would require workers within it to organise, possibly in networks, to do so and to claim power within the union.

What has been extremely interesting, and potentially very promising way forward for workers struggles, and the possibility of building a revolutionary working class counter-power, has been the mass assemblies that have been self-organised at Marikana and around other wildcat strikes and sit-ins in the platinum sector. The potential of these becoming the basis of a counter-power could possibly be realised, in the future, if the workers involved in them could, at some point, turn them into more durable assemblies, in which workers regularly met. This would also require appropriate procedures and structures to ensure full direct democracy. The struggles in the platinum sector are not going to end anytime soon, more sit-ins and wildcat strike assemblies will emerge. If some of them could become more permanent in the future, and developed healthy procedures and a culture based on direct democracy, they could be used by the workers involved to systematically entrench militancy and self-organisation across the platinum sector. It also means workers across the different unions, as has happened in the sit-ins and wildcat strikes, could participate in these together. Consequently, they could also be a way of circumventing or challenging the union bureaucracies, and they could be the basis of building solidarity and mutual aid on the ground amongst workers, which will be vital for militant struggles going forward. However, if such assemblies do ever emerge in different workplaces, they would also have to be federated. To co-ordinate joint actions and contact, a system of mandated recallable delegates in federated councils could be established – but power would have to remain in the assemblies themselves if genuine control by the workers is to be maintained. In order to foster working class unity, and link worker and community struggles, community members could also participate in the assemblies. Thus, through extending current initiatives, federated working class organs, controlled directly

by the working class could be created, initially in the platinum sector, but by example extended to other sectors and communities. Through this, and a revolutionary practice, culture, and vision, a counter-power could be built. The workers involved too could use these structures as a platform to fight to transform the existing unions into revolutionary organisations. In fact, unions, controlled by workers, will also be vital for fighting for demands, extending the power of workers, and eventually taking over workplaces. These unions would, however, have to be radically different in nature from what currently exists today in South Africa.

For this to happen, the workers involved in future wildcat strikes and sit-in assemblies would have to consciously transform their current experiments with elements of direct democracy, direct action, and mutual aid into a revolutionary vision and a revolutionary practice. It is here that socialists who are truly for working class power, especially anarchists, could play a role. Firstly, anarchists, despite the movement being small, could offer solidarity, and through this share ideas about how worker assemblies and councils, based on direct democracy, have been used in the past in struggles and revolutionary situations. Knowledge about the nature, history and practice of revolutionary unions could also be shared. This would not involve anarchists imposing ideas or looking to lead through force, but rather sharing our knowledge and vision of a genuine working class power. Indeed, the very foundations of anarchism as a revolutionary practice are built around working class power, direct democracy, self-organisation and direct action. Elements of these principles are already, even if unconsciously and not completely, being used in the workers' struggles. As anarchism arose out of the struggles of the working class; it has much to offer to existing struggles in South Africa, including workers struggles in the platinum sector. The real problem for the moment though is that socialist organisations who are for genuine working class power, not least the anarchist ones, are currently very small in South Africa – this also needs to change if a working class revolutionary counter-power is to be built.

The one thing though in trying to build a counter-power in South Africa, if it is to emerge, is that any illusions in a state, of whatever kind, need to be countered by socialists that are for genuine working class power. This will have to also happen in the battle of ideas that will take place if a counter-power is to be built (whether in the unions or an assembly type movement). The reality is that many leftists still believe a state of some type can be used to free the working class. Many too believe the state can be used to make gains for the working class. This can be seen in the fact that many leftists, before and in the aftermath of Marikana, have called for mines to be nationalised by the state[90]. Those calling for nationalisation of the mines, even though they are well-meaning, make the mistake of completely misreading the nature of all states, and by doing so they call on workers to head down a dead-end path. Some people calling for nationalisation of the mines sometimes acknowledge that states exist for one class to rule over another. Nonetheless, it is evident that states are more than this. All states, whether they claim to be capitalist or 'socialist', have existed so that a minority can rule over a majority. As such, state ownership, which nationalisation is, does not equate to ownership by the working class, but rather a state bureaucracy. It is this that led Emma Goldman to argue that when property or a company is nationalised:

“it belongs to the state; this is, the government has control of it and can dispose of it according to its wishes and views...such a condition of affairs is called state capitalism but it would be fantastic to consider it in any sense communistic[91]”

Of course, some leftist groups try address some of the problems around nationalisation by stating it must be under workers' control[92]. In fact, many calls have been made in left pamphlets in the aftermath of Marikana for a long-term fight to be waged to get the mines to be nationalised under workers' control[93]. The comrades making these calls do believe it is a genuine solution; but again their analysis is fundamentally flawed. To begin with, it is inconsistent with building a truly working class revolutionary counter-power, as it places faith in a higher institution, the state, and not in the working class itself. This is because in the end the state, even if it ever nationalised the mines (which is questionable today) will still own such mines; not the working class. Added to this, it is illogical to believe an instrument of repression, which has gunned down working class people so ruthlessly, whether at Marikana or elsewhere, would allow workers to run the factories or mines it owned.

In fact, there are ample examples from history that demonstrate that the interests of workers' self-management (genuine workers' control and not simply 'oversight' over managers) and state-ownership, including ownership under a so-called workers' state, are incompatible. States have shown to have almost no interest in allowing workers to run their own affairs or to allow democracy in the workplace. The Soviet Union itself is a prime example of this. It was the Soviet state, under the dictatorship of the Bolshevik Party, which unfortunately crushed worker self-management. This happened shortly after the October Revolution when the interests of the working class began to openly clash with those of the elite within the Bolshevik Party. As such, it was in 1918, before the civil war, that Lenin ended worker self-management within Russia through decreeing the implementation of one-man management[94] [95]. This saw the Soviet state appoint new managers, often from the ranks of the old elite, and forcefully end any pretence of democracy in the workplace. The fact that the Soviet state had nationalised most of the factories, which had originally been seized by workers from the capitalists, contributed to this – it gave the Soviet state immense power which it then wielded against the workers. In fact, the Soviet state accepted no independent initiative from workers and state rule proved itself incompatible with workers' self-management and direct democracy. As workers were not, and could never be the state, state ownership never translated into the socialisation of property and wealth, it never led to an end to capitalism, and it smothered workers' control. As such, nationalisation also never broke the relations of production that defined capitalism; it rather re-instituted it and entrenched it[96]. As such, nationalisation under workers' control has proved to be a historical oxymoron: a tactical and ideological dead end that undermines true workers' control and self-management.

While being sober, and recognising we are a long way off from any movement being a strong revolutionary counter-power; it is vital our visions, our actions, and our practices are consistent with extending working class power. To build a counter-power requires

working class power to be extended today and in the future. Certainly, reforms must be won, and they are already in the platinum sector, but if workers are to build a counter power they need to be won in a way that extends working class power. Battles have to be fought to win higher wages, to end racism, to win a reduction in pollution by platinum mines, to win safe working conditions, to end outsourcing, to end labour broking, and to get better services like housing not only in the platinum belt, but eventually everywhere. On the platinum mines, as an intermediate step, workers could also fight for gaining control over greater aspects of their work, including rolling back the power of security guards and management, as a way to build up to and prefigure taking over the mines completely. Such gains, however, must be won independently by the working class. That also means identifying who the enemies are and realising that it is not only capitalists that are the enemy, but high ranking state officials too. Indeed, it is illogical to see the state as a lesser evil to capitalists; rather they are part and parcel of the same system.

Our goal as the broader working class, therefore, should not be to fight for nationalisation and state ownership in the future: it is inconsistent with building a working class controlled power both today and in the long run. Thus, a much better and more consistent option for the working class is to fight for reforms, against the state and capitalists, in a way that extends working class power so that we can build up in the long run to a revolution. To be consistent in achieving working class power, we must fight for workers to seize the mines, factories and farms through their own organs in the long run (whether future revolutionary unions and/or councils) and we must build towards that through our struggles in the short and medium term. In other words, the long term goal, if we are consistent, is for workers to fight to take over the mines, factories, farms and run them on the basis of worker self-management in order to meet everyone's needs. This too would allow for the relations within production to be changed into ones based on equality and direct democracy, which is so desperately needed at workplaces, including Lonmin. The economy and wider society, including local, city-wide, regional and international affairs, could be run by the working class, once states are smashed, through federated assemblies and councils, using mandated and recallable delegates where the power remains at the base. Such a vision is far from utopian, in every single revolution, worthy of the name, elements of this have been implemented by the working class itself. Even in South Africa workplaces have been occupied too in the past and, at its best, people's power in the communities was based on elements of direct democracy. To defend a revolution, armed militia – made up of workers and the poor and controlled by them through direct democracy – could be used. In fact, self-defence for the working class is needed, as Marikana casts light on, but it needs to be based on direct democracy (otherwise it will become a power apart from the working class and probably will in the long run try and crush the working class). If we want such a society, based on working class power, we have to start building towards it today and the means and ends have to be as similar as possible – hopefully Marikana and the struggles in the platinum sector can be the catalyst to start the long journey of doing that.

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("The depressed share price also makes Lonmin a potential takeover target. A cash bid by global miner Xstrata, Lonmin's top shareholder with a stake just short of 25 percent, was derailed by the 2008 financial crisis.")

### ***Business Day***

#### **Effects of Lonmin wage talks could reach beyond mining**

by Carol Paton, 07 September 2012

IN THE next day or so, workers, trade unions and Lonmin management will sit down to discuss the demand by rock-drill operators for a basic wage of R12,500 a month.

The outcome will affect the entire industry and possibly also the wage levels of workers outside of it.

Already, workers at Impala Platinum, who in April received an increase on their basic pay of R2,000 after a six-week strike, and who are keeping a watchful eye on events at Lonmin, have indicated they may have further wage demands to make.

In the Free State, gold-mining bosses have received anonymous calls to say: "R12,500 is coming." And the National Union of Mineworkers (NUM), which negotiates wages in the gold and coal sectors with the Chamber of Mines has said it wants to expedite next year's wage talks.

As always, says the NUM, it will ask its members to put forward their wage demands. No one should be surprised if the magic number of R12,500 is put on the table.

Lonmin, a company whose balance sheet is already under pressure, has not yet shared with workers or the public the wages that it can afford.

But industry insiders and analysts are unanimous: it is unlikely that Lonmin can afford to more than double the basic wage for a large portion of underground workers and significantly raise wages for others.

The problem is that, so far, Lonmin has been held hostage by its workforce. Its strategy, following the massacre of workers two weeks ago, was to insist that everyone sign up for peace before talks on wages could begin. A lengthy process to draw up a peace accord followed.

That strategy has failed. Worker representatives and the Association of Mining and Construction Workers Union (Amcu) have stood fast: let's talk about the R12,500 wage first and everything else can come later.

Other "rules" and established practices of collective bargaining have also been broken. Lonmin has decided to pay workers for the five days during the strike that the government declared to be days of mourning. While this is the right moral choice under the circumstances, it is unprecedented that workers should be paid for strike time.

Amcu — which does not have recognition at Lonmin's mine at Marikana — is also to be allowed to join the wage talks to amend the existing wage agreement.

Again, this is a matter in which the company has little choice if it wants to restore industrial peace.

However, the cumulative effect of all these exceptions has been to leave the collective bargaining system in tatters. It is also a good indication of the balance of power at play: workers, prepared to use violence, have in effect held the company to ransom so far, winning each of their demands and conceding nothing.

The conclusion that is already inescapable is that, following the events at Marikana, wages in the mining industry are set to be changed forever.

The next question to ask is whether the contagion will have a wider effect?

The Congress of South African Trade Unions's (Cosatu's) congress — held every three years — starts in less than two weeks' time. Among the proposals up for discussion is a drive to further tighten the system of bargaining councils, which at present are voluntary associations.

The Cosatu secretariat wants "wall-to-wall mandatory sectoral bargaining", it says, which will not allow employers to opt out of the arrangement.

The federation's leadership also expects that the events of the past few weeks will have a radicalising effect on the congress and are likely to galvanise demands for higher wages across the board.

Already — and for many years now — there have been signs of unhappiness. Since 2009, the temperature of strikes has been rising, each time explained away as being nothing more than the consequence of "strike season". But in 2009 and 2010, large strikes took on political overtones.

The mood in the public-sector wage strike two years ago was instructive. Strikers carried placards insulting President Jacob Zuma and his wives, making reference to his life of sophistication and luxury, often in the crudest of terms.

Under pressure from the African National Congress and the government to call them to order, Cosatu general secretary Zwelinzima Vavi warned that the strike was a reflection of the rank-and-file mood, which union leaders could dismiss only at their peril.

A survey of worker attitudes carried out this year by Cosatu's think tank, Naledi, confirms that there is broad dissatisfaction over the wage increases that unions won over the past year.

About 60% said they were unhappy with the wage awards that had been negotiated by unions, even though these were, in all cases, above inflation.

The Naledi survey also points out that Cosatu members score significantly better increases than nonmembers and already enjoy a significant premium on their earnings. In the case of elementary workers, for example, the survey says that 20% of Cosatu members earn more than R5,000 a month, whereas among nonmembers, the proportion is only 5%.

Among skilled workers — which is where rock-drill operators are situated — 40% of Cosatu members earn more than R5,000, while only 20% of non-Cosatu members reach that level.

When comparing wage levels between workers in the mining and other sectors, it is also clear that mineworkers are among the better paid.

Although there is some scepticism on exactly what it is measuring, Statistics SA says the median wage in the formal economy is R3,000, meaning half of those with jobs earn less than that.

The Naledi survey also shows up mineworkers as being among the better paid.

About 55% of NUM members earn more than R5,000, making them the best-paid unionised private-sector workers.

The National Union of Metalworkers of SA has the next most well-off members, with 42% of them earning more than R5,000.

The poorest are the members of the South African Commercial Catering and Allied Workers Union — mainly workers in retail stores — where only 20% earn more than R5,000, and the South African Clothing and Textile Workers Union, where only 10% of workers earn more than R5,000.

The minimum-wage debate will be making a comeback at this month's Cosatu congress, with a proposal on the table from the Cosatu secretariat that the federation campaign for a national minimum wage of R2,800 as a starting point to work towards — a wage more closely aligned to the minimum-living level, which by various measures is R4,000 to R5,000 a month.

The idea here would be specifically to push up wages in the domestic and farm sectors, where sectoral determinations stand at R1,639 for domestic workers and R1,503 for farm workers.

What all this amounts to is that a less compromising and more militant mood among workers can be expected, in the coming months and into next year, to affect wage demands in the economy more broadly.



But, the violence and coercion that has been the real weapon of workers at Lonmin will not be as easily or readily deployed by workers in most other sectors.

- Paton is writer at large.

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### **Stuck in the mud in Marikana**

Khadija Patel

7 September 2012 03:18 (South Africa)

Thursday was not a good day to visit Marikana - particularly for us city folk. Too used to crouching over computers in air-conditioned offices from where we could better appreciate the first rains of the season, we headed out to the Wonderkop settlement in cars and vans laden with audiovisual equipment to find voices from the community. We ended up with cars that stubbornly refused to move on the muddy dirt roads. And knee-deep in grey sludge, wading through fields of litter in pursuit of a way out of there, we realised this community has to do deal with this all the time. So why not listen when they say they've had enough of it?

Leaving Johannesburg for the vast expanses of the North West on Thursday morning, talk radio bristled with the news that a peace accord had been reached in Marikana. Of course, there was still the little matter of AMCU signing on, but there was some hope that this Marikana thing would finally be getting solved. Jo'burg could go back to its unashamed schizophrenia and Marikana and the ugliness of the mining industry would recede into the margins of polite society.

But in Marikana, the much-trumpeted peace accord between the National Union of Mineworkers and Lonmin management that was said to have "levelled the ground for wage negotiations" and affirmed a "commitment to create a peaceful work environment" was inconsequential. To many, it was entirely unheard of. The only peace settlement they will accept is a substantial salary hike. It's little wonder then that nothing came of NUM's optimism that the accord would be signed by both Amcu and other representatives of the workers later on Thursday.

It certainly is a high-stakes game.

For now, the stakes seem higher for Lonmin than it does for the workers. On Thursday, Lonmin reported that attendance across all its shafts was a paltry 1.65% on average. And rumours, the kind that emanate from the corridors of power in Johannesburg, reckon that Lonmin may well be closing down its smelting operations on Friday. And if workers do return to work shortly after Friday, it would still take another three weeks to get the smelting operation up again. It certainly does not bode well for the world's 3rd-largest primary platinum producer. Already Lonmin's share value has suffered. And it may well have to shed a good few thousand jobs if its Marikana operations fall victim to the strike.

Yes, Lonmin, its operations and interests are endangered by the strike, but focusing on their losses, the various effects of the strike on their bottom-line, misses the whole point of the strike – what it is workers want.

Every day since its operations in Marikana opened, Lonmin has got what it wants. Lonmin gets what it wants all the time. And if normalcy returns to Marikana before the end of September, Lonmin will go back to getting what it wants.

But what about these people, “Lonmin workers” as we’ve come to know them – people who, even in their protest against their employers, have no other public identity except through their employer? Why is it that what they want is so unrealistic? To deny that these people are entitled to shout, scream, dance and march in protest, is to deny that they, as adult human beings, hold the capacity to make choices for themselves.

And there we were, marooned in the mud and hail between the sites of the killings and the Wonderkop settlement. To the left, a scene of violence, just two weeks old and to the right, in the little cubes of zinc popping out of the Earth, another scene of violence – one much older, far more entrenched and too deeply embedded into the convenience of the status quo to make the news for longer than a few weeks at a time.

Yes, it is an indictment on the focus of the media that it took death, blood, guts and gore to bring us there, to search out the elusive voices, to acknowledge that the living conditions of mine workers in this country are abysmal. Sure, things are not quite as bad as they were in the 1980s, but they are far from that lauded ideal of “decency” that lies beneath the daily political spectacle.

Journalists eventually extricated themselves from the grey sludge. With mic in hand, before a camera placed strategically opposite from the informal settlement, muddied, harried, dirtied, we soon readied ourselves to regale the world with the latest from the Marikana. But for the mineworkers who must daily negotiate the hazards of those dirt roads – to get to work, to go to school, or to take a piss on the granite koppies – that mud is the bane of their existence. And trying to walk through it, trying to just lift one leg and then the other to gather a stride to take you out of there, is like carrying – it feels impossible to move. And for some, maybe it is. DM

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### **Marikana miners refuse peace pact**

2012-09-05

Getrude Makhafola

Rustenburg - Striking workers at Lonmin's Marikana mine, in the North West, on Wednesday rejected the notion of a peace pact until their demands were met.

"We don't want to hear anything about a peace accord. We want R12 500 and the closing down of that shaft," worker representative Xolani Nzuza told the miners after talks with management.

He was addressing them in a field opposite the mine after the protesters returned from a march to the company's mine in Karee.

Nzuza said until Lonmin closed the K3 shaft, where most of the mine's operations took place, they would not leave. The protesters were told to go home for a few hours and gather in the field later on Wednesday night.

### **Death threats**

Earlier, the marchers threatened to kill Lonmin management unless it stopped operations at the platinum mine.

The strikers, carrying knobkerries, sticks, and iron rods, pushed their way through police barricades as they marched more than 5km through Marikana to the Karee mine.

While they marched, they sang: "We died because of [President Jacob] Zuma. [UDM leader Bantu] Holomisa please come and rescue us."

They also carried placards bearing pictures of their dead colleagues - mostly of Mgcineni Noki.

Noki, 30, nicknamed "Mambush" after former Mamelodi Sundowns player Daniel "Mambush" Mudau, would be the last of the miners killed at Marikana to be buried. The funeral would be held at his home village Mqanduli, outside Mthatha, at the weekend.

Noki and 33 other miners were killed on August 16 when police fired on a group of protesters near the mine. Another 10 people were killed in the preceding week, including two policemen and two security guards.

### **'Viva R12 500. Viva'**

"We called him Mambush because of his soccer skills. He died for our cause," said Noki's friend Xolani Nzuza.

"He never backed down or lost hope. He believed that we will get what we are fighting [for] as long as we do not lose hope."

AP reported earlier that Noki was shot in the foot on August 16 and was taken to the Andrew Saffy hospital, which is owned by Lonmin.

"Police then went to the hospital and dragged him away. They beat him up and they killed him. We found him in the mortuary," Xolani Mzuzu, a striking miner, told The Associated Press.

On their way to the Karee mine on Wednesday, the miners passed the Karee West informal settlement. Its residents cheered in support. Men whistled, women ululated, and they shouted: "Viva R12 500. Viva".

The police took up position about 500 metres from the mine's entrance gate, and kept a close watch. Two helicopters circled overhead.

Central Methodist Church Bishop Paul Verryn urged police to allow the workers' representatives to speak to management.

Five representatives of the workers told mine manager Jan Thirion that management had Wednesday and Thursday to close the mine's K3 shaft, or they would end up dead and the mine would be burnt down.

### **Obscene**

Thirion, who arrived at the gate escorted by two bodyguards, told the representatives to go back to the negotiating table and sign the peace accord.

"Violence doesn't solve anything. It is not in anyone's interest."

Afterwards, Verryn said mine management's approach was obscene. They should have allowed the representatives into the mine for talks, instead of speaking to them through a gate.

"Until the [workers' living and wage] situation changes, there won't be peace."

Workers had been on strike for the past three weeks, demanding a monthly salary of R12 500.

On Tuesday, about 200 mineworkers met at the Karee mine's shaft 30, and tried to get their colleagues to stop working. Another march was then planned for Wednesday morning.

Police in armoured vehicles kept an eye on the Nkaneng squatter camp at Wonderkop, near the Marikana mine.

Talks between worker representatives, unions, the labour department, and management resumed in Rustenburg on Wednesday.

- SAPA

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### **Marikana a wake-up call – Vavi**

2012-09-06

The shooting at Lonmin's platinum mine in Marikana in the North West must be a wake-up call for everyone, Congress of SA Trade Unions (Cosatu) general secretary Zwelinzima Vavi said yesterday.

“The shocking levels of unemployment, poverty and inequality lie at the heart of the increasingly violent protests we are seeing in both workplaces and communities,” Vavi said in a speech prepared for delivery in the Eastern Cape.

“It is creating what until recently Cosatu has called ticking bombs. After the events at Marikana on 16 August 2012 we now must talk of exploding bombs.”

He said people must wait for the judicial commission of inquiry to investigate and reveal what happened on the day when 34 miners were shot dead.

Vavi was talking at the Daily Dispatch and the University of Fort Hare dialogues yesterday.

On August 16, police fired on a group of protesting workers from Lonmin’s platinum mine in Marikana, North West, killing 34 and wounding 78. Another 10 people were killed earlier that week, including two policemen and two security guards.

Vavi said Cosatu was concerned about the police’s “skiet en donner” response.

“We must specifically demand answers to allegations that workers were shot in the back while running away, contradicting the police statement they faced an armed, frontal attack.

“We need to know why the police made no attempt to meet the workers before the violence erupted and try to reason with them,” he said.

At the same time striking workers needed to move away from taking dangerous weapons such as pangas and spears to demonstrations.

Vavi said superstitions and elements of backwardness on the part of workers also needed to be addressed.

Before the shooting protesting Lonmin mineworkers had reportedly taken muti from a renowned traditional healer that they believed made them invincible.

Miners who survived the shooting said they were made to believe that if they used muti by a traditional healer known as Nzabe in the Eastern Cape, bullets would not harm them.

Vavi said trade unions could not avoid examining what lessons Marikana held for them.

“[We must] ask what we ourselves could have done better to avert such a tragedy,” he said.

Vavi bemoaned the formation of splinter unions and politicians that promoted them.

“They undermine the need for unity and strength. ‘United we stand, divided we fall’ is not empty rhetoric, but the key to transforming workers’ lives, and building a better world,” he said.

However, Cosatu and its affiliates had to reassess whether they were operating in the best way to defend workers and stop breakaway unions, Vavi said.

- SAPA

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### **Marikana must not be repeated**

Sep 6, 2012 | Kuseni Dlamini

**WHEN I first joined Anglo American straight from Oxford university in 1996, it was just two years after the end of apartheid.**

It was a time of deep distrust between management and workers. Trade unions had been emboldened by new, union-friendly legislation giving them collective-bargaining rights. Building trust to underpin cordial industrial relations was a strategic priority. So was the need to reinvent the mining industry, which had much to be ashamed of in its apartheid past, as a force for good in the new South Africa.

Much has been done since to transform South African mining, but there is a real risk that massacres such as the one at Marikana last month will revive old memories and reignite the tensions that beset the industry in the apartheid era.

The same challenges seem to remain, so more must urgently be done to address them if the industry is to be a magnet for foreign direct investment - as it can and must be.

During my time at Anglo we spent a great deal of time in negotiations with unions over issues such as the apartheid wage gap, eradication of hostels (single-sex housing units), safety and literacy classes for workers. The National Union of Mineworkers (NUM) was the main, but not the only representative for workers. There were other unions, which represented their members.

Unions were viewed and treated as social partners, not as enemies, and this underpinned our approach. Expertise in consultation was necessary to win promotion into most of the senior roles and the head of industrial relations, Bobby Godsell, was one of the most powerful executives in the company.

Anglo American, because of its weight in the economy and society at large, led the way in modernising its industrial relations. We did this firstly out of enlightened self-interest: peaceful, stable industrial relations are a business imperative for a profitable mining business.

Second, it was morally and politically the right thing to do: workers would not have allowed us to deny or limit their representation.

Third, however, it made more sense to have strong, united and mature trade unions than to have small, fragmented and under-resourced ones, jostling to outsmart each other. Such rivalries waste management time and effort and as we have seen at Marikana, can lead to a dangerous escalation in tensions.

I strongly believe that incidents such as the Marikana massacre are not inevitable. It is now to the leaders of mining companies to work with employee representatives and with government to prevent a recurrence of Marikana elsewhere and to restore confidence in the industry. Here are some suggestions for how they should go about it.

First, they must show that they are aware of, and concerned for, the plight of workers who generally come from the poorest parts of the country. The industry should do more to provide all workers with decent housing in properly-planned settlements - as opposed to

the informal settlements in which some Marikana workers live, or hostels that are still found at some mines.

Mining companies and unions also need to handle the demands for higher pay in a constructive manner - taking into account the dire state of the platinum industry.

High wage demands usually reflect a lack of trust in the relationship between workers and management. Where there is trust, workers can accept lower pay in times of economic turmoil or industry crisis, which the platinum industry now faces.

The industry's troubles have been exacerbated by uncertainty over policy. The government needs to settle the long-running debate over nationalisation, improve the delivery of services and provide absolute clarity over the future direction of policy if South Africa is to retain the confidence of local and international investors.

However, the biggest threat to South African mining might turn out to be not nationalisation, but the growing discontent of workers and their families in the poor areas that supply most of the industry's labour.

A social contract involving workers, the industry and government is required to build consensus on wage rates and the other issues facing workers and management.

Mining executives must work closely with trade union leaders to find effective ways of engaging with workers, such as townhall meetings.

The tragedy at Marikana was partly a result of flaws in the way in which management engages with workers. Companies now need to make sure that their executive committees and boards include members with expertise in industrial relations. Most of them do not have such high-level expertise at present.

Lastly, mining executives need to put in place early warning mechanisms on the state of employee relations in their companies. This would allow them to take prompt, pre-emptive action to avoid any repeat of the Marikana massacre.

In a deeply divided society, where investment is sorely needed to help tackle unemployment, poverty and inequality, industry leaders must secure peaceful, productive labour relations if South Africa is to remain globally competitive in mining.

- Dlamini is the former head of Anglo American South Africa and a former director of Anglo Platinum. This article first appeared in the Financial Times.

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### **Police send reinforcements to Marikana**

2012-09-06

Johannesburg - Police sent reinforcements to the Wonderkop informal settlement in Marikana, North West, on Thursday.

"We reinforced our members on the ground so that we are ready for any eventuality, especially because of the high volumes of mine workers that marched yesterday [Wednesday]," police spokesperson Brigadier Thulani Ngubane said.

Eight police Nyala armoured personnel carriers were parked outside the entrance to the settlement.

"There is no threat or violence."

Ngubane said a group of "joyful" local residents had gone to a nearby hill to greet the 102 mineworkers released by the Ga-Rankuwa Magistrate's Court on Thursday.

Worker representative Xolani Nzuza said they would go to the nearby Karee mine again on Monday to make sure their colleagues there had not returned to work.

On Wednesday, striking marchers carrying knobkerries, sticks, and iron rods pushed their way through police barricades as they walked more than 5km through Marikana to the Karee mine.

The strikers threatened to kill Lonmin management unless they stopped work at the K3 shaft, where most of the mine's operations took place.

While they walked, they sang and carried placards bearing pictures of their colleagues shot dead during a confrontation with police on 16 August.

Earlier on Thursday, the protesters gathered in a field opposite Lonmin's Marikana mine to discuss with their representatives the implications of refusing to sign a peace accord.

The number of miners gathered at Wonderkop dwindled as the weather worsened, leaving less than 200 huddled under umbrellas. The last pocket of protesters retreated to their homes by noon.

Expelled ANC Youth League president Julius Malema's visit to the mine was postponed because of the rain. Malema had intended speaking to the miners at Wonderkop and welcoming the rest of the miners released.

Worker representative Zolisa Bodlwana said they were concerned about wage increase negotiations.

"A peace accord will not help us workers in any way. We are not party to that," he said.

Parties involved in the Marikana talks signed a peace accord in the early hours of Thursday morning. The accord levelled the ground for wage negotiations and included a commitment to create a peaceful work environment.

The Association of Mineworkers and Construction Union (Amcu) and Marikana workers' representatives did not sign it.

Lonmin on Thursday said the company and other unions had agreed to invite Amcu and workers' representatives to participate in wage talks.

- SAPA

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**Intimidation keeps scared Marikana miners away**

GRAEME HOSKEN | 07 September, 2012 00:43

With workforce levels at Lonmin platinum mine plummeting to an all-time low yesterday - less than 400 workers reported for duty - harrowing accounts of intimidation and assaults on non-strikers and their families have emerged.

The threats come as the strike - which in its first two weeks claimed the lives of 44 people, including two policemen and two security guards - is about to enter its fourth week.

Ten of those murdered were killed before the shooting of 34 miners by police.

Groups of heavily armed strikers, many allegedly carrying drums of petrol, are said to be moving through Wonderkop squatter camp - situated close to the mine's main shafts - at night, threatening to burn down the homes of non-strikers and kill their families.

The continued threats come as leaders of the Association for Mine Workers and Construction Union yesterday refused to sign a peace accord.

The accord, which would pave the way for an end to the violence and wage negotiations, was signed by the National Union of Mineworkers and Solidarity late on Wednesday night.

Strikers are demanding a take-home salary of R12 500. They claim they currently take home R4500.

The Amcu will today announce in Johannesburg why it refused to sign the accord.

The signing of the peace deal by some of the parties came as yesterday's planned march on the remaining operating shafts - which was to have involved expelled ANC Youth League president Julius Malema - was rained out.

Several protesters who had gathered for the march vowed that they would march on those shafts still operating on Monday.

Non-striking mineworkers, several of whom spoke to The Times on condition of anonymity, said they were terrified.

"The strikers come at night. They come in groups. They have weapons and cans of petrol.

"They know which people are working and wait until we finish our shifts. They wait until we are asleep and then come," said a mine shift supervisor.

Another said the gangs, often numbering 10 or more, forced non-strikers to open their doors.

"They attacked my neighbour last night. I heard him screaming and pleading for help. When I came outside he was kneeling on the ground. His family, including his small children, were with him.

"They were pointing a gun at his children and threatening to kill them in front of him. They said he had two choices - either he could stop working or his children would die," he said.

Lonmin smelter worker David Masilo, whose cousin was among the 34 miners killed by police, said he was terrified.

"It is too dangerous to go to work. The gangs come at night. Several of those caught were made to kneel on the ground and pray. They had petrol poured over them. They were told that if they continue to work they and their families will be burnt," he said.

Masilo said many miners wanted to go back to work but were scared. "Not everyone agrees with what is happening. People do not like the killings. Yes, the bosses must pay us more, a lot more, but killing people is not right," he said.

North West police spokesman Brigadier Thulani Ngubane said those who were being intimidated must report the incidents.

"We will not tolerate this or any other form of criminality ... we can, however, only act once a case has been opened," he said.

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### **Lonmin may struggle to raise funds**

September 6 2012 at 10:41pm  
By David Dolan  
Reuters

Striking mineworkers march outside Lonmin's Marikana mine in the North West province as they await the arrival of freed colleagues on Thursday.

Johannesburg - Even if Lonmin seals a deal to bring all of its striking South African miners back to work, the world's No.3 platinum producer still faces a long and costly road to recovery.

The group's battered-down shares rose for the first time in more than a week on Thursday, on news it had signed an accord with some of the unions at the Marikana platinum mine after four weeks of strikes marred by deadly violence.

But it may be too early for euphoria.

Critically, the wage talks did not include the militant breakaway union AMCU, which could scupper any deal. Even if workers return soon, Lonmin has been hit by a month of lost production and the absence of Chief Executive Ian Farmer, who has been on sick leave since last month.

Lonmin has already warned it is in danger of breaching debt covenants and has said it may need to raise equity. Some analysts have said it will need \$1.25-billion in new capital, or nearly three quarters of its current stock market value.

“It is a very fluid situation. What is clear is that they will have to renegotiate the terms of their lending,” said one banker familiar with the matter, who spoke on condition of anonymity.

The result of those negotiations will help determine the size of the potential rights offer, said the banker, adding Lonmin would likely struggle to raise \$1-billion or more.

Even before the Marikana stand-off, Lonmin had been hurt by weakness in the platinum price, which is down by a third from its record 2008 high - and a balance sheet seen as one of the weakest among platinum miners.

Its profitability has also been less robust than some of its rivals. Over the last 12 months, Lonmin's ROE, or return on equity, averaged 5.6 percent, according to Thomson Reuters data, below the average of 8.6 percent for its industry.

Lonmin's operating margin is also among the thinnest, at 8.7 percent versus an industry average of 20.3 percent.

“Financially it looks really bad, and it is really bad. Unfortunately, this company has a habit of always being in debt,” said Peter Major, a mining consultant at Cadiz Corporate Solutions in Cape Town.

“But Lonmin, it's not a bad ore body, and it's not a bad mine,” Major said. “As long as platinum prices hold up, a bank would be crazy to pull out on this thing.”

The company has debt covenants, or agreements with lenders, to keep net debt within four times EBITDA, or earnings before interest, tax, depreciation and amortisation. It reported EBITDA of \$75-million for the year through March 2012, but has said the covenants would likely be breached by September 30, the key date when they are due to be tested.

Lonmin had \$356-million in net debt on its balance sheet at the end of March.

To mount a convincing recovery, Lonmin needs to complete delayed investment on new shafts, aimed at increasing output and driving down its overall cost of production.

“The only the way to salvage Lonmin is to give it enough capital so it can complete those two new shafts,” said one analyst, who declined to be identified because of company policy on speaking to the media. “Anything less than \$1-billion will just buy them some time.”

But Lonmin may be forced to settle for less than it needs, given that the steady decline in its share price will likely erode market appetite for a rights offering.

London-listed shares of the company are down 27 percent since early August, even after a more than seven percent relief rally on Thursday.

The depressed share price also makes Lonmin a potential takeover target. A cash bid by global miner Xstrata, Lonmin's top shareholder with a stake just short of 25 percent, was derailed by the 2008 financial crisis.

Xstrata is currently the target of a bid from commodity trader Glencore, the outcome of which remains to be seen. A renewed bid can't be ruled out.

Cadiz's Major said Lonmin remains an attractive asset despite its balance sheet woes.

“You don't need a genius to get this thing on its feet,” he said. “The platinum is in the ground, you know where it is, you know what the grade is and you know what it's going to cost you to get it out. There are so many knowns in mining.” - Reuters

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(I hope WB president Jim Kim has picked up Business Day this AM and has a queasy tummy about his notorious SA investment portfolio - more at <http://dailymaverick.co.za/opinionista/2012-09-06-world-banks-kim-goes-to-joburg-but-will-he-miss-marikana-and-medupi...> His press conference is in the afternoon at Sheraton Pretoria if anyone is nearby and has credentials. It's doubtful the local media will connect the dots to either Marikana or Medupi...)

***DailyMav's Greg Maranovich, the LRC and Jackie Dugard's SERI team uncover blatant police destruction of evidence at the killing kopjie:***

<http://dailymaverick.co.za/article/2012-09-06-marikana-the-investigations-integrity-compromised-as-small-koppies-crime-scene-defaced>

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## **Business Day**

Top-level NUM intervention resolves Gold Fields strike  
by Allan Seccombe, 05 September 2012

A WEEK-long strike at a section of Gold Fields' largest mine in South Africa ended peacefully on Wednesday after a high-powered intervention by the leadership of the National Union of Mineworkers (NUM).

"Twelve thousand workers at Gold Fields' Kloof Driefontein Complex (KDC) mine in Carletonville have now agreed to return to work beginning with night shift tonight," the NUM said.

"The leadership of the NUM has engaged with these workers and their issues and made a commitment that their demands will be investigated and attended to. The workers overwhelmingly agreed to return to work and made a commitment to never again be misled by people with ulterior motives," it said.

More than 12,000 workers at the eastern section of the mine downed tools last Wednesday to protest against a mandatory R70 funeral policy payment deducted each month from their salaries as well as unhappiness over the leadership of the local branch of the NUM. Union members had asked for the policy because it included family members.

The eastern section contributes about 500,000oz a year to KDC, which, at 1-million ounces of production a year, is the largest mine within Gold Fields, the world's fifth-largest gold producer.

Gold Fields used ore stockpiles of varying grades to feed its production plant until the weekend when they ran out, meaning lost output was truly felt from Monday. The section lost about 1,650oz a day since then, meaning gold lost is just shy of 5,000oz, worth R70m.

The company will update the market once it has worked out precisely what production was lost because it will take some time to restart the underground working areas that have been idle for a week, ensuring they are safe for workers, said Gold Fields spokesman Sven Lunsche.

The strike, which came at the same time as a violent strike at Lonmin's Marikana platinum mine in the North West, where 44 people were killed, was resolved after the intervention of the NUM's senior leaders, who resolved differences between striking workers and branch leadership.

"We commend the national leadership of the NUM, in particular president Senzeni Zokwana and general secretary Frans Baleni, for their bold leadership in resolving the strike," said Gold Fields CEO Nick Holland.

"While we cannot condone the unlawful nature of the strike, and will implement the no-work, no-pay and no-dismissal principle, we are pleased with the peaceful manner in which our employees conducted the strike," he said.

At the start of the strike there were fears that labour unrest in the platinum sector had jumped to the gold mines.

The platinum sector has seen a spate of wildcat strikes, with the most prominent of these at Impala Platinum in February this year and currently at Lonmin, the world's third-largest platinum producer.

Impala said the six-week illegal strike had cost it R2,8bn in lost revenue and the loss of 150,000oz of platinum production.

Lonmin is nearing the end of a fourth week of a strike that is costing it 15,000oz of platinum production a week. The loss of 60,000oz of platinum at the prevailing price and exchange rate equates to R786m.

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### **Speeding up wage talks not illogical**

#### **Editorial, Business Day, Johannesburg, 6 September 2012**

THE National Union of Mineworkers (NUM) is clearly an organisation under immense pressure in the wake of the Marikana killings and recent spate of wildcat strikes stoked by upstart competitors in the mining sector. Some will therefore be tempted to dismiss the NUM's suggestion that wage talks with the Chamber of Mines be brought forward as a desperate attempt to salvage some credibility.

They may be right that the NUM is getting desperate, and that it is in its interests to be seen to be providing leadership and pursuing a better deal for ordinary workers. But that does not mean starting wage negotiations earlier than scheduled — the current two-year agreement expires only in June next year — is a bad idea.

On the contrary, it is probably unavoidable, from whichever perspective you consider the issue, with the possible exception of that occupied by Julius Malema and others who have sought to cynically extract political capital from tragedy. From a legal standpoint, the chamber would be well within its rights to stand firm and insist that the existing agreement run its course — and even to dismiss those mineworkers who continue to violate a binding contract signed in good faith with the union that represented them.

It is not management's fault, a person taking a hard line might justifiably point out, that some mineworkers have decided the NUM no longer has their interests at heart. It would set a terrible precedent if the mines were to simply roll over every time their employees decided they needed more money, agreement or no agreement, and especially if they employed violent tactics to reinforce their argument.

Imagine the uproar if the chamber were to decide it no longer felt obliged to honour a wage deal.

But legal theory and practical reality do not always march in step. As much as the NUM needs to be seen to flex its muscles, so the mines need to restore a semblance of order in their labour relations. And Lonmin, above all, needs its employees to go back to work if it is to avoid getting into both technical and financial difficulties. Agreeing to start the wage negotiations due for next year without delay may be the best solution to both parties' worries.

It is also in the mineworkers' best interests, although those at Marikana seem determined to stay out until they get what they want. The trouble is that it gets more difficult and expensive to restart production the longer shafts are closed. And Lonmin needs revenue from its mines to service the debt that keeps them capitalised. Playing hardball for too much longer could well mean there are no jobs to refuse to do.

Starting the wage negotiation process early also provides the opportunity to bring new unions such as the Association of Mineworkers and Construction Union (Amcu) on board, and to introduce collective bargaining in the platinum sector, the absence of which is believed to have contributed to the Marikana miners' disgruntlement.

It will not be easy to make such structural changes to the wage negotiation system used by the mines, and it may not be possible to put everything in place quickly. Union recognition is complex and depends on how organised workers are, and on some mines competition between unions is so intense that management must proceed as if tiptoeing through a minefield.

It is probably also unavoidable that if wage talks start early, the mining companies will end up having to grant bigger increases than they have budgeted for, or than are justified by commodity prices, mining input costs and productivity levels. That has implications for the viability of some marginal operations and the domestic mining industry's ability to attract capital. But it is too late to avoid such dangers now — they will have to be confronted as and when they present themselves. The priority now is to avoid contagion and get the mining sector producing again.

**From: <http://www.bdlive.co.za/opinion/editorials/2012/09/06/editorial-speeding-up-wage-talks-not-illogical>**

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### **Mine violence not scaring off investors, says Davies**

by Ntsakisi Maswanganyi , 06 September 2012

TRADE and Industry Minister Rob Davies says he is confident that London-based investors and political leaders will remain committed to SA despite recent violent protests at the country's mines.

Mr Davies is in London to participate in a conference on the role of the Brics (Brazil, Russia, India, China and SA) nations in the global economy. He is also using the visit to reassure investors that SA remains a viable destination in the wake of the deaths at Lonmin's Marikana platinum mine last month.

Mr Davies said yesterday he had assured investors that the South African government was "not complacent" following the police shooting of mineworkers who had embarked on an illegal strike.

He said the response from investors he had engaged with so far seemed to be encouraging. "I am getting positive responses to what I'm saying. My message is that **we have not yet seen any negative impact from Marikana**," Mr Davies said.

Topics under discussion at the Brics conference include the investment climate in SA and investment opportunities in Africa.

There have been positive flows of foreign direct investment to SA over the past few years. Mr Davies was upbeat following his first meetings in London, saying it appeared that investors were still interested in SA in spite of the Marikana tragedy.

"One example of that interest is that the UK's secretary of state for business will be leading a business delegation to SA in October with the intention of strengthening relations with SA," he said.

Mr Davies said he was using his visit to London not only to sell SA as a destination to foreign investors, but the whole continent.

"Overall, the picture we are painting is that there are big opportunities for Africa," he said.

Mr Davies said he would also be holding talks with UK Business Secretary Vincent Cable. **Global Credit Ratings MD Melanie Brown said yesterday SA's reputation as an investment destination would be questioned after the Marikana shootings, but the consequences would be brief.**

"In the short term, without clarity (on the shootings) you will have some flight quality, meaning that investors who were looking to invest in SA may look at alternative markets," she said.

"But it is short term. In the medium to long term they will come back."

Ms Brown noted that businesses already investing in emerging market economies, or those that were looking to do so, usually factored in political and social risks, which she said were inherent in most of those economies.

She labelled as "premature" fears that the Marikana shootings could negatively affect SA's sovereign ratings.

"Ultimately, it will be the successful or unsuccessful implementation of government's fiscal and economic policies that will determine the course of the ratings," Ms Brown said.

Standard & Poor's revised the outlook on its BBB+ sovereign credit rating for SA to negative from stable in March, while Fitch Ratings changed the outlook for its BBB+ rating to negative from stable in January.

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### **Reflections on Marikana have asked little about Lonmin**

by Ron Derby, 06 September 2012

THE story around Lonmin and its Marikana operations has quite rightfully been held up as an example of everything that has gone wrong in the creation of this utopia called the new South Africa. The shooting of 34 workers, who were protesting for higher wages, by police is a massive tragedy and one that points to simmering tensions in this 18-year-old project. But in all the questioning of what went wrong, querying the state of the ruling alliance, and in particular the strength of the labour unions, little has been asked about Lonmin itself and the performance of its executive since the platinum party ended.



The music stopped playing in South Africa's young platinum sector in March 2008 before the collapse of investment bank Lehman Brothers in the US. Ever since the metal fell from its record high, there has not been one mining house dedicated to the white metal that has not faced one problem after another.

As you read this, there are confidence-sapping events unfolding at Lonmin's main operation in Marikana. On Wednesday, about 3,000 workers marched to the country's main operation once again, threatening management and demanding a pay increase.

The company's bigger rivals are also in rather turbulent waters as the metal is still oversupplied and prices remain unsupportive of profitable mining.

Operations at the world's biggest platinum mine, Anglo American Platinum, are being reviewed by its owner. Impala Platinum's output has been missing targets and the miner's Rustenburg operations were the first flashpoint of the union turf war between the country's largest mining union, the National Union of Mineworkers, and the Association of Mineworkers and Construction Union.

They are all, in some way or another, in a bad place. **Lonmin has been on the edge of a major disaster for a number of years.**

A count of the strike updates on the JSE's news feed shows that labour relations have been woeful at best.

**The first glaring — if not obvious — problem with Lonmin is that while its headquarters have been in Johannesburg for the past three years, management has by and large kept a London address.** Most of its rivals have a much, much better presence locally.

Lonmin would no doubt argue that being close to its main shareholders, such as the Mick Davis-led Xstrata, is important. However, I'd argue that being hands-on in running your main operation, which provides over 90% of your production, in a country with a mining regime as complex as ours would be first prize.

Before moving its headquarters to Johannesburg in 2009, operations were virtually run by remote control from London by former CEO Brad Mills.

Mills quit as CEO in September 2008 after almost **four years at the helm of a company that experienced a series of problems, including safety stoppages because of accidents, numerous labour strikes, and unplanned plant and equipment shutdowns.**

Apart from the hands-off approach to management, the company has been in a state of funding chaos since the last recession. If, as looks highly likely, the company is to embark upon a rights issue because of the current work stoppages, it would be the second time in three years.

At current platinum prices, Lonmin is losing about \$4m every day there is no production at Marikana. On August 16, Société Générale said the company may need to raise \$1bn in a rights issue by year-end unless the price of the metal rises.

Of the big three miners, Lonmin is the perennial problem child for all stakeholders, never mind the frustrated and angry workers.

Before the Marikana dispute, its stock had plummeted more than 83% from its record high reached in July 2007. Over the same period, Anglo American Platinum has dropped 61% and Impala 42%.

The problems at Marikana are as much operational as social. Everyone has got something to answer for.

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## Implats confirms receipt of fresh wage demands

By: Natasha Odendaal  
5th September 2012  
TEXT SIZE

JOHANNESBURG (miningweekly.com) – JSE-listed platinum miner Impala Platinum (Implats) is considering its options after receiving a new series of wage demands from its workers.

Spokesperson **Bob Gilmour** confirmed with *Mining Weekly Online* on Wednesday that fresh demands had been received, but he did not disclose the source of these demands.

Earlier, Reuters reported that the Association of Mineworkers and Construction Union (AMCU) had demanded an undisclosed wage increase for its members. But an AMCU spokesperson was unable to confirm whether this was indeed the case.

Meanwhile, Gilmour noted that the member verification, which started following illegal strikes at the company's Rustenburg operations in February, was not yet complete.

Implats had embarked on a Council for Conciliation, Mediation and Arbitration-led union verification exercise in August after eight National Union of Mineworkers and AMCU member verification exercises at its Impala mine since February, were rejected by the unions.

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Simphiwe is one of the more fortunate miners: he both survived and escaped the police on Thursday 16 August 2012, the day of Marikana's bloody massacre. But what he didn't escape was the absolute horror of seeing his comrades mown down. He tells MANDY DE WAAL his story.

"I was there on that day, that day the 16th of August. Ja, I was there. I was one of the mineworkers that were striking that day," Simphiwe says, talking to Daily Maverick on the phone from Marikana.

It has been three weeks since police shot 112 miners at Lonmin's Marikana platinum mine in the North West, killing 34.

"On the day of the massacre we sat there, and we were waiting for the management to come to us and listen to our appeal," says Simphiwe, who has asked Daily Maverick not to use his name because he is afraid that police might seek him out. Simphiwe says on the day of the shootings, Association of Mineworkers and Construction Union (AMCU) president Joseph Mathunjwa came to the striking miners gathered at their usual meeting place, a space which has become known as 'the mountain'.

“He (Mathunjwa) did get (meet with) the management, but he didn’t come with anything to us. He said the police said we must go. He asked us we must come out of the mountain (leave the gathering place). He did ask us to come out. And then we refuse,” the striking miner says.

“He told us the police they are going to kill us if we don’t come out. He said that the police told him that they are going to kill us at once.” But despite the threat, the miners stayed exactly where they were on that Thursday, resolute in their intention to wait for management to negotiate increased wages.

But management never came. Instead, a heavily armed battalion of police apparently rode in. “They (the police) come with wires. And then they are starting putting it... they put it around us. There was an open place where we can go out, and when we approach that they start shooting... they start shooting at us,” Simphiwe recalls.

The miner says he is not sure how many police surrounded the striking workers. “There were many. Maybe a hundred. Maybe there can be more than a hundred. Even the soldiers, even the soldiers were there... but there were few soldiers.” A number of miners have talked to various media about soldiers being present on the day, but at this stage it is uncertain whether these were indeed soldiers or police in camouflage gear.

“Since we were gathering on the mountain they were putting around (circling) us so that we must come out. When we start to come out that started to surround us with the hippo (a police Nyala or riot control armoured personnel carrier). And it was too fast. And when we get to the entrance of the fence where we can get out they started to shoot at us. That is where the massacre started.”

The big question that has lingered these past weeks is why the miners surged forward toward the opening in the razor wire where police stood armed and ready. The media filmed what looked like an onward rush, or even an attack, but what precipitated this movement?

“The people were shooting. The police were shooting,” Simphiwe explains. “They started shooting and we were thinking that they were shooting with the rubber bullets. We realise after a couple of the people have died that this is not the rubber bullets. It is the live ammunition. That is when the people started to run.”

Initial televised coverage of the massacre posited the theory that the miners themselves had initially fired on police, who retaliated. Later, academic researcher Peter Alexander suggested a new theory based on evidence and interviews he and other researchers had gathered from the scene, shortly after the shootings.

Alexander’s assertion was that police had fired into the crowd, causing it to surge towards the armed battalion outside of the razor wire. Simphiwe’s testimony certainly corroborates this account of events – that police fired, and that is what caused the crowd to panic and attempt to flee.

Simphiwe continues: "I run toward the shacks. The other people they run to that other side (towards an outcrop of large boulders that has macabrely been renamed 'killing koppie') and the police they chase them. And then the other police come from that side of Marikana," he says.

"The people run to inside the rocks there and the police put teargas and when they started to come out they shoot at them. They were hiding because there are small holes there. And when they start to hide in those small holes the police put the teargas and when the people started to come out, they shoot them."

Simphiwe tells Daily Maverick he witnessed these killings first-hand. "I see. I was there. I was so scared because it was the first time to see someone kill another person. It was the first time. Even now I have the nightmares. When I sleep I just see that again, and again, and again. But I have been to church and I have been praying. Also at church they pray for me."

The miner evaded police capture on the day of the massacre. "I was not in prison. I run toward the shacks and then the police they did not catch me." The shacks that the miners and their families live in are adjacent to the meeting place, and are a stone's throw away from the cluster of boulders called 'killing koppie'. "I am not sure how many people died (at the boulders) but many of the people died there. Many of the people died there because many of them ran towards that side," Simphiwe says.

People also ran towards the boulders because they were being chased by law enforcement officers on horseback. "And when the other police come with horses, when people saw those police coming to them they started to run to that place (the boulders or koppie). There were many people who ran there, but most of them died."

"I think most of the people who died that day, they died there. Another man he told me that he pretended to be dead. This is because the other one, when he raised his hands they shoot him in the head. So the other man he pretended to be dead until the police are gone. Only then did he get up and run."

Nothing will bring back the dead. Perhaps South Africans can do something for the living. Perhaps the truth of what happened on that horrible day would be a good step forward. For the souls of the dead, and certainly for the soul of South Africa. DM

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### **Marikana strikers send 'down tools, or else' message to remaining Lonmin employees**

Sipho Hlongwane  
South Africa

6 September 2012 03:12 (South Africa)

Anyone who is still working at the Karee mine of Lonmin PLC has now been officially warned by the striking miners. Down tools – or else. After the release of some of their comrades from prison and more than two weeks of mourning, the Marikana miners have now turned to belligerence as a bargaining weapon. By SIPHO HLONGWANE.

The decision by the National Prosecuting Authority (NPA) to release all the miners charged for murder and attempted murder under the unpopular “common purpose” provision may have been motivated by political expediency or just good, old-fashioned fear of embarrassment. It certainly was not intended to give the miners still on strike at the Wonderkop informal settlement near the town of Marikana the impression they were winning or gaining ground against the government or Lonmin PLC.

But that is not how things were understood by the leaders of the wildcat strike that has stretched for almost three weeks now. They embarked Tuesday on a march from Marikana to the nearby Karee mine (also owned by Lonmin) to demand that all workers still reporting for duty cease to do so – or be “dealt with”.

The threat was never quite laid out in graphic detail, but anyone on its receiving end would not have needed an elaborate explanation of the consequences they were courting. Not only were the marchers brandishing large sticks and the occasional whip, they were singing songs of battle. The knowledge that some of these men are responsible for the deaths of 10 people, which happened almost a week before the police shot 112 strikers – killing 34 and injuring 78 – would have helped drive the point home.

Photo by Kyle de Waal

The decision to march was made Tuesday, a day after 162 prisoners (according to the NPA) were released on a free bail, but no one who was freed could be found among the marchers. When we asked, we were told that they had gone to the Jericho and Bethanie police stations in Brits to fetch their cell phones. Finding a familiar face from outside the Ga-Rankuwa Magistrates Court among thousands of other faces was a bit of a fool’s errand, and even if they were present in that strike, they would have notified their leaders that the conditions of their bail prevented them from taking part in any activity that could be deemed violent or part of an intimidation campaign – which is exactly what happened Wednesday.

The march started from the Wonderkop area and proceeded towards the mine, located just outside of the Marikana town. Along the way, several police armoured trucks with riot police and at least one large armoured personnel carrier loaded with the beret-wearing members of the tactical response team tried to stop the march, but they eventually decided to stick to corralling it after realising they were too outnumbered to really do anything. At the mine, the leaders of the group tried to give a list of demands to mine management, but after no representative met them, they resorted to yelling their warning to one security guard whom they could see, perched above the fence around the mine.

Back at Wonderkop, the threat against anyone caught going to work was repeated. Company vehicles transporting people to the various mines would be watched, the crowd was told.

The wildcat strike leaders have often relished the opportunity to get onto the sound system that was rigged up in the meeting spot on 18 August, but previously this was to make sure that the gathered crowd and the media heard the “correct” version of the events of 16 August. For about a week after the shootings, the official word came from the police, which infuriated the strikers. Their story about a second killing spot has been considerably bolstered by the discovery of blood and forensic markings at a koppie that had been hidden from television cameras and never mentioned by the police in their releases.

The miners are strangely just as happy to publicly and loudly broadcast their intimidation to those people who still choose to go to work, despite the strike. They are more at ease with the press with each passing day, but continuously warn against anyone in their midst leaking information to the police (there is a persistent and difficult-to-pin-down rumour about police spies in the group). Surely they recognise that broadcasting an intimidation message could backfire on the individuals doing so? Then again, they are probably past the point of caring.

The miners might be sensing a stronger hand in the wrangling, but they might not be aware of just how close to the tipping point Lonmin itself is. According to at least one analyst, the company will have to restart production Friday or shut down its operations altogether. That would be catastrophic, as it announced two weeks ago that production stoppages could mean it would fail to meet some of its debt obligations. On Tuesday, only about 1,820 of the 28,000 Lonmin workers showed up for work.

Company spokesperson Sue Vey said Tuesday that the company was not yet being pressed into making a decision, but that continued stoppages meant that up to 14,000 workers could lose their jobs.

The peace accord (or negotiation that nobody really wanted) has also failed to yield results. Lonmin won't put a wage talk on the table, while the workers won't negotiate on any point without wages being discussed.

The NPA said it would release more miners on Thursday. The miners at Marikana may once again read this as a step forward in their particular campaign, and decide to follow it up with another demonstration. How peacefully another such day will go is anyone's guess.  
DM

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### **Marikana: How much will it cost South Africa?**

Mandy de Waal  
South Africa

6 September 2012 02:44 (South Africa)

Striking workers from Lonmin's platinum mine in Marikana marched through town on Wednesday, threatening to bring the mining giant to its knees. Earlier this week, teargas and rubber bullets ricocheted at Gold One's mine in Springs. The Marikana massacre has exacted a terrible toll in terms of lives lost, injuries and trauma, and despite government spin, its dark shadow will impact this country significantly, and for a long time. By MANDY DE WAAL.

As South Africa struggles to come to terms with emerging news that a massacre took place at Marikana, the government has been quick in its attempt to contain body blows to both brand South Africa and investor confidence off the back of these events. Rising mine worker militancy may need to see the state's spin doctoring go into overdrive.

Trade and industry minister Rob Davies put on his best tap shoes and jetted off to London to speak to investors there. The message Davies is putting out is that the militancy is contained, and that foreign investor inflow has not been disturbed.

In London, Davies told alarmed foreign investors that platinum mines were making millions while workers were living in "appalling" conditions. He added that mine owners had questions to answer, and said the government would focus on how companies treated their employees.

However, the minister omitted to disclose that Cyril Ramaphosa, a powerful member of the ruling party, has a company which holds shares in Lonmin; nor did Davies volunteer information about the mining and prospecting rights held by Chancellor House, the ANC's fundraising and investment arm.

But the political tap dancing wasn't limited to Davies. On Monday 02 September – the same day that the first 162 Marikana miners of 270 were freed – the Inter-Ministerial Committee on the Marikana tragedy (government doesn't call it a massacre) met with members of the foreign press.

"The tragic incident at Marikana is not a reflection of the business environment in South Africa," Minister in the Presidency, Collins Chabane, told the Foreign Correspondents' Association. He was reading from a carefully worded statement on behalf of his Inter-Ministerial cohorts.

"We would like to reassure all stakeholders and the international community that mining operations continue unhindered in other parts of the North West province and throughout the country. Government remains in control of the situation, and law and order continues to prevail. The country continues to fully support direct investment and appropriate incentives, and the legislative framework is in place to give confidence and predictability to investment decisions and security of tenure."

What wasn't in place was that pesky former ANC Youth League leader Julius Malema, who now keeps turning up at troubled mines – much to the chagrin of the government and owners of mining capital, but to the delight of embattled miners. Earlier Malema told striking workers at Gold One's Grootvlei mine: "Leaders of the National Union of Mineworkers (NUM) should know that you can't act for workers without consulting them, and don't take workers for granted. If they fail you, you must lead yourself."

Asked whether politics was becoming hazardous to business in South Africa, economist Mike Schussler told Daily Maverick that it wasn't politics per se, but rather a certain politician that was causing consternation. "Mr Malema is actually destroying jobs for black people. I would say it as simply as that. I would say that the majority of people working in mines and in manufacturing, and in South Africa, are black. Out of the total 13,2 million jobs locally 1,9 million are white, while the rest are black or DTI black which means black, coloureds and Indians," Schussler said. "So about 11 million people, including employers and employees, are black," he added. Schussler says if Malema has his way with nationalisation, those who are employed and contributing to pension schemes would be badly hurt.

"There are nine million people who are either on pension or contributing to a pension fund or a retirement annuity in South Africa at present, more or less. It is mostly the formal sector. Those pension funds, where are they invested? In that main Johannesburg Stock Exchange, right? Also in government bonds. If that goes wrong, most workers in South Africa would lose their savings or a large part of their savings," the economist said.

"Even the miners have pension funds and even the rock drillers. If those mines are nationalised without compensation – they will eat Julius Malema's balls. And you can quote me on that."

Schussler believes nationalisation sounds fine and well until such time as people start losing their own money, and the pain of the loss of precious life savings would see people turn their anger at the architects and promoters of nationalisation.

But what about the effect Marikana has had on investor confidence? "If you look at it, whatever your colour is, are you going to put more money into South Africa now? I doubt it. Whatever your nationality is, the answer is no. Perhaps if you have a security services company, or an auctioneering company or a debt recovery company the answer would be yes, but for the most part the answer now would be no. But you wouldn't be investing if you were in industries like the mining or manufacturing industries," said Schussler.

This directly contradicted Chabane's earlier-mentioned script read at the Foreign Correspondents' Association, which optimistically claimed: "The events of the past weeks have not yet impacted on our ability to attract investors to our country. We have also not had any concerns raised through our foreign offices abroad about the damage done to investor sentiments. Government through the DTI has facilitated several investments in the past weeks in Mining, Manufacturing, and Business Process Outsourcing (BPO)."



Asked what kind of effect Marikana will have on our economy, Schussler answered: "You can measure GDP in three ways. Firstly you can measure it in terms of how we spend. On the spending side it is exports minus imports, and because 70% of our exports are commodities from mining sites, that plays a big role."

"On the production side mining is only 4%, but the issue is the added value figures. Much of what mining buys is manufacturing or value added services like accountants, marketers, wholesalers, or whatever the case may be. The problem is that the knock-on effect of mining is very big and that is where the problem comes in. This comes at a time when commodity prices for us are low, imported commodities like oil are high, so it is going to have an impact on everything that we do," Schussler added.

"The third thing is input labour costs, in other words what does labour cost you, what does electricity cost you, and all those other things. At this point in time Marikana isn't buying electricity, for example. The combined physical effect is going to be one or two percent of GDP. Now that doesn't sound that big, but the biggest effect it is going to have is in the indirect, which is going to be investor confidence."

Schussler believes the Marikana effect builds an invisible path, but that the effects of this are tangible. "The effect is very real if investor confidence is dented, and this includes domestic investors, because domestic investors are the biggest. Would you invest your money right now in Rustenburg if someone told you about a great opportunity in Marikana?"

The answer? You don't need to be a brain surgeon to get it

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### **Farlam Commission: Finding truths in the Marikana labyrinth**

Not since the Truth and Reconciliation Commission has South Africa experienced public hearings where survivors and family members tell harrowing tales of death and torture. The Farlam Commission of Inquiry is likely to see scenes reminiscent of the TRC when it probes what happened in Marikana. It is likely to be a more complicated process than what President Jacob Zuma envisaged would take four months. By RANJENI MUNUSAMY.

The terms of reference of the Farlam Commission of Inquiry, appointed by President Jacob Zuma two weeks ago to investigate the deaths of 44 people at Marikana, was meant to be gazetted last Friday but was not done so due to a "minor glitch". It will now be gazetted this Friday, according to Justice Department Spokesman Mthunzi Mhaga. The department has a 14-day deadline to appoint an evidence leader and investigators and also decide where the commission will be located.

Mhaga said the hearings would in all probability be a public process, as has been the case with previous judicial commissions, such as the Hefer, Khampepe and Nicholson inquiries. When he announced the members of the commission, Ian Farlam, Bantubonke Tokota and

Pingla Hemraj, and their terms of reference, Zuma said the inquiry should be completed within four months and must submit its final report within a month of concluding its work.

But considering the scope of the work of the commission, as well as added dimensions such as the protracted detention and torture of the mineworkers and tampering with the crime scene, the inquiry looks set to be swamped with submissions from all the parties under investigation as well as a range of interest groups.

According to the terms of reference, the conduct of the Lonmin mine, the National Union of Mineworkers (NUM), the Association of Mineworkers and Construction Union (Amcu), the police and the Department of Mineral Resources would all be under scrutiny by the commission to establish their roles in the events that led to the 44 deaths. On the conduct of the police alone, the commission would have to probe:

- The nature, extent and application of any standing orders, policy considerations, legislation or other instructions in dealing with the situation which gave rise to this incidents;
- The facts and circumstances which gave rise to the use of force and whether this was reasonable and justifiable in the particular circumstances;
- The role played by SAPS through its respective units, individually and collectively in dealing with the incidents; and
- Whether by act or omission, it directly or indirectly caused loss of life or harm to persons or property.

“The Commission will also look into the conduct of individuals and loose groupings in fomenting and/or promoting a situation of conflict and confrontation which may have given rise to the tragic incidents, whether directly or indirectly,” Zuma said.

While the terms of reference do not cover incidents in the aftermath of the massacre, some legal experts said they were broad enough for the commission to examine police treatment of the crime scene as well as the alleged assault of workers held in custody.

However, a joint statement by civil society organisations said they were concerned that the terms of reference “do not adequately allow for an investigation into the complexity of the incident”, particularly in light of new evidence emerging. This includes an investigation by Daily Maverick showing that some of the mineworkers may have been executed by the police.

Janet Love, national director of the Legal Resources Centre, one of the signatories to the civil society statement, said the commission has a huge task having to pull together evidence, submissions, independent investigations and testimonies of people’s knowledge to draw a composite picture of what transpired in Marikana on 16 August, as well as before and after the day of the massacre.

“The commission will have to provide the nation with answers and a very sound basis to take matters forward. Beyond the parties clearly identified in the terms of reference, there are individuals and family members intent on getting the full picture. Beyond having closure, they may want to take the matter further,” Love said.

She said how the process unfolded was critical. The first step would be for the commission to engage with all the parties and then encourage people to come forward to make representations and submissions.

The civil society statement said the commission would need to “maximise transparency and seek ways to engage with extremely distressed, angry and skeptical community members to ensure that all voices are heard and trust is restored”. But Love said although public hearings would ensure greater credibility of the inquiry, the commissioners would have to decide how much of the proceedings would be televised, as some witnesses may be daunted by this prospect.

Love said a number of civil society organisations are preparing themselves to make submissions to the commission and, increasingly, members of the community would want to come forward. “There is still so much happening in the area and it is very tense there so they would not have had the opportunity to focus on the commission yet because they are caught up in events,” Love said.

Concerns are also arising that the commission’s hearings would be used to further political agendas and that witnesses may be manipulated into giving loaded evidence. On Wednesday, the inter-ministerial committee appointed by Zuma to assist the Marikana community after the massacre issued a statement denouncing “irresponsible and inflammatory statements made by some in our society”.

“The committee wish(es) to condemn, in the strongest possible terms, statements that incite violence and causes unwarranted instability in our country. Those who issue irresponsible and provocative statements must realise the gravity of their actions and must take responsibility. These statements provoke emotions of people and do not assist the country in the process of healing after a national tragedy,” the ministers said.

While the committee did not name him, they were clearly referring to statements by expelled ANC Youth League President Julius Malema, who since the massacre has been addressing groups of mineworkers in what appears to be leading towards a mass mobilisation campaign in the sector.

Love said lawyers would be irresponsible to suggest to their clients that they should distort information they provide to the commission. “It would be really ill advised for people to think the commission could provide a political platform. Political agendas will carry on parallel to the work of the commission but should not impact on it,” she said.

One of the biggest challenges for the commission would be how to receive evidence from the mineworkers and the Marikana community. One of the legal representatives of the 270 people who were kept in detention said they would continue to represent the men in the commission.

“Our initial brief was the criminal case but that matter has now been linked to the commission of inquiry. So we are likely to represent the charged members as well as the broader community. We obviously cannot call each and every person we represent to testify so we would probably chose a representative sample of all the people affected,” the representative said.

This would include Lonmin employees, those who were not employed by the mine but were on the scene, those injured in the shooting, people assaulted by the police and family members, he said.

Practically therefore, the witness testimonies could take weeks to complete. Lonmin mine management, the police, the Department of Mineral Resources and the trade unions would probably have high-powered senior counsel representing them. It is not yet known whether the commission would subpoena individuals, such as members of the police tactical response unit and their commanders to testify.

Like the TRC, the Farlam Commission looks likely to evoke pain and anger but it will also lift the lid on matters South Africans are rarely exposed to. This includes a mining industry fraught with inequality and exploitation, the secret world of police operations and how the wheels of government turn. It would take nothing short of a miracle to be able to conclude all this in four months.

But however long it takes, the Farlam Commission is likely to expose some uncomfortable truths about post-Apartheid South Africa and what went wrong with the ANC government’s goal for “A better life for all”. DM

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### **South Africa Marikana Solidarity Committee**

**Justice for Maikana** <ctsolidarity4marikana@gmail.com>

Date: Thu, Sep 6, 2012 at 6:55 AM

Subject: Press release 5.9.2012 Marikana Solidarity Committee- all out for the 8th Sept day of action

To:

### **MARIKANA SOLIDARITY COMMITTEE**

#### **PRESS STATEMENT**

05 September 2012

We, the members and representative of 19 community organisations based in the greater Cape Town area;

Condemn the massacre of the Lonmin mineworkers and the continued efforts by the state and the Lonmin bosses to smash the strike. These efforts include regular raids at night on workers' homes by the special task force of the SAPS. We unequivocally support the struggle of the mineworkers to a minimum living wage of R12500 per month. In this regard we have noted the recent report of the LRS that highlighted that the profits alone of 9 major mining companies is enough to actually pay each and every of the 327000 mineworkers a monthly salary of R88000. Alternatively over 2.3 million workers can be employed at the rate that the Lonmin workers are demanding of R12500.

We condemn the SAPS and the ANC government for openly siding with the mining bosses and its anti-working class positions and actions demonstrated for well over a decade. Its regular elections' slogan of a "Better life for All" is just that, a hollow and meaningless slogan. For several years now it has brazenly acted against working class and poor people in its policies and main activities in government by its economic and social policies, corruption and theft of state resources that could be directed towards the poor and its constant violent repression against working class opposition and protests.

The leading ANC politicians' interests are intertwined with that of white monopoly capital and specifically in the case of Lonmin it is Cyril Ramaphosa, ironically a former leader of the mineworkers' union, NUM. This makes the Marikana massacre of striking workers no accidental tragedy. It was well planned and executed by the elite forces of the SAPS to smash the strike on the basis of "shoot to kill" in the interests of Lonmin bosses.

Lots of evidence has recently come to light that many of the workers were shot at close range, execution style while running away and not in view of the media's TV cameras. Several workers were killed by being driven over by armoured vehicles and crushed to death. Since then 270 of the workers were detained and later charged with murder for apparently killing their own comrades. Yet the police murderers remain free and their fate **might** be determined by the commission of inquiry. The miners were detained for over two weeks and denied their basic rights. They were not allowed bail and access to family members, cleaning facilities or clean clothes. In other words they were treated worse than animals. Yet right-wing farmers who murder black children are given luxury treatment and get off virtually free under the same prosecuting authority that is determined to press ahead with the ridiculous murder charges on the basis of common purpose. The cruel irony of this is that it is happening under a "democratic, black majority government".

It is for this reason that we will be marching to parliament and against the ANC government on **Saturday 8<sup>th</sup> September, 10am** and demanding **JUSTICE FOR LONMIN WORKERS AND THE MARIKANA COMMUNITY** and;

- ALL MINEWORKERS TO BE RELEASED **UNCONDITIONALLY & COMPENSATED** FOR WRONGFUL ARREST. FULL COMPENSATION FOR THE FAMILIES OF THE MASSACRED AND THE INJURED

- ALL MINEWORKERS TO GET A LIVING WAGE OF A MINIMUM R12500 PER MONTH

- ARREST THE POLICE AND ALL THEIR COMMANDERS WHO COMMITTED THE MASSACRE

- WE WANT ALL THE NAMES OF THE DEAD, INJURED, MISSING, THE ARRESTED.

- ARREST THE LONMIN BOSSES AND ALL MINING BOSSES WHO HAVE BEEN STEALING THROUGH TRANSFER PRICING; RETURN ALL ASSETS STOLEN BY THE MINE BOSSES!
- NATIONALISE THE MINES UNDER WORKERS' CONTROL!

Marches will also take place in Johannesburg and other centres. Protest demonstrations will be happening in Vienna, Paris, Buenos Aires, San Francisco and London. The Unemployed People's Movement in Grahamstown is currently initiating solidarity committees in various centres of the Eastern Cape.

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(Any follow-up activities in Durbs? Next week we'll have a seminar update at CCS, probably at the end of the week.)

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accidental tragedy. It was well planned and executed by the elite forces of the SAPS to smash the strike on the basis of "shoot to kill" in the interests of Lonmin bosses. Lots of evidence has recently come to light that many of the workers were shot at close range, execution style while running away and not in view of the media's TV cameras. Several workers were killed by being driven over by armoured vehicles and crushed to death. Since then 270 of the workers were detained and later charged with murder for apparently killing their own comrades. Yet the police murderers remain free and their fate **might** be determined by the commission of inquiry. The miners were detained for over two weeks and denied their basic rights. They were not allowed bail and access to family members, cleaning facilities or clean clothes. In other words they were treated worse than animals. Yet right-wing farmers who murder black children are given luxury treatment and get off virtually free under the same prosecuting authority that is determined to press ahead with the ridiculous murder charges on the basis of common purpose. The cruel irony of this is that it is happening under a "democratic, black majority government".

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odd video: [http://www.dailymotion.com/video/xt6ncu\\_striking-south-african-miners-charged-with-murder\\_news](http://www.dailymotion.com/video/xt6ncu_striking-south-african-miners-charged-with-murder_news)

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# Begging miners 'shot for fun'

*The Star, Johannesburg*

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INLSA

**RELIVING NIGHTMARE:** Recently released Lonmin miner Lungisile Lutshetu shows how he survived on the day of the Marikana slayings. The markings on the rocks show where the bodies of dead miners were found. Picture: Phill Magakoe

## **POLOKO TAU**

poloko.tau@inl.co.za

**'PEOPLE** were shot for fun while down on their knees with their hands up in the air and begging for their lives."

This was one of the statements by striking Lonmin workers, who said they considered themselves lucky to be alive after they were arrested on August 16.

A miner said the protesters were killed in cold blood by "trigger-happy police officers" on the day of the Marikana massacre.

The Lonmin employees interviewed by The Star said some of those shot had surrendered to the police.

Lungisile Lutshetu was among those arrested on the day and released on bail on Monday.

He took a tour of the area around the koppie yesterday, a place where he had the "horrific experience of my life".

He stared at the bright-green alphabetic marks on rocks and trees indicating spots where bodies lay after the shooting.

Lutshetu said he believed more people than reported were killed between the rocks.

"When everyone left the mountain towards the shacks where they live, I also joined those who went down the mountain at the back towards Marikana West, where we live.



“We didn’t walk far and saw people running back towards us because police had blocked their way, and suddenly shooting started on the other side of the koppie,” Lutshetu said.

“We ran back up the koppie, and there I found a hiding place between large rocks, but then police were already all over the place. Those in front of me were shot at close range and fell over me, and that’s how my life was spared.

“There was a Sotho man who I saw kneeling next to a big stone with his hands up. He begged for his life and apologised profusely for something he didn’t know about, but the heartless officers riddled him with automatic rifles, which pierced through his body.”

Lutshetu said he had seen at least 15 people being shot dead or left injured, “only for some of the injured to be shot again in the head later and finished off”.

“I remained still, with the dead and injured piling over and against me. Later, they realised I was still alive and they pulled me out, ordered me to the ground and with others. We were asked to slither on our stomachs towards a police Nyala,” he said.

“They screamed at a man who had been shot in the leg... to keep limping even after a bone fragment protruded through his leg. We spent about three hours lying on our stomachs. The unlucky ones who dared raise their heads were killed.”

Lutshetu said the police officers had “boasted about how many people they have shot and how they still wanted to kill more”.

“They were proud of what they were doing... My clothes were soaking in blood and they asked why I wasn’t dead, and all I could say was ‘sorry’, and I think my life was spared after paramedics arrived and asked them not to shoot the injured,” he said.

“I am still wondering what happened to a man we came across while fleeing who had been shot through the chest and was asking us to pick him up and run with him. The best we could do was take him and hide him between some rocks and leave him there with blood spewing through a large gash in his chest.”

It was Johannes Mashabela’s first day at the koppie on the day of the killings. He had joined Lonmin as a rock drill operator in July.

“There was no way to run with police walls formed all around us, and that’s when I joined others who ran into the open field. I suddenly saw people falling around me and realised they were being shot at,” Mashabela said.

“I dived to the ground in fear that I would be caught by a bullet and spotted an Nyala driving towards me. I then stood up, but the Nyala was already by my side and I heard one of the officers screaming ‘shoot him’, and again I dived to the ground.”

While on the ground, he was kicked and his shoelaces were used to tie his hands behind his back, Mashabela said.

“They then dragged me by the collar and dumped me among the injured and dead who had been piled up. They continued dumping people over me,” he said.

“My clothes were awash with blood. I don’t know how I survived, and now I consider myself lucky to be alive and finding myself in police cells when others were killed for no reason.”

Yesterday, Lonmin said it wouldn’t fire any survivors of the shooting, but warned that the prolonged strike put 40 000 jobs at risk, reports Sapa-AFP

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### **Charges against miners raise questions**

September 5 2012 at 08:00am

By Jo Seoka

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Talking about the brutal killings of the striking miners at the Marikana mine raises all sorts of questions, but the truth is yet to be told by eyewitnesses. I am one such person who is willing and committed to tell my experience about the people concerned, many of whom are now dead.

In my previous article I wrote: “The massacre could have been avoided if Lonmin’s management had listened to the workers’ concerns.”

The same can be said that, if only the police had engaged in dialogue with the strikers before shooting, the blood of the miners that has watered the grounds of Lonmin could have been prevented.

It is propaganda to tell the story of Marikana focusing on the police report that only 10 plus 34 died in these callous killings of defenceless workers. There is more to it, such as the story of the mother of one of the miners who, on hearing the news of her son’s death asked, “What will happen to us?”, and then collapsed and later died in hospital.

The stories about the widows and orphans have not yet been told, but will have to be shared with the rest of the grieving nation. The death of the miners does not only affect the immediate families’ lives but the extended families and society.

The Marikana murder is a story of a failed democracy which, instead of protecting the rights of its citizens, takes away their lives.

In my opinion democracy means freedom to live one's life, freedom to express one's mind, freedom of movement and the right to decent work and a living wage. This is what the striking miners died for. This I know because I had the conviction to climb the mountain to be with the strikers and listen to their story. All I heard was the story of basic human rights.

These are men who are the working poor who wanted to talk about their socio-economic rights with their employer. They said to me: "Bishop just go and ask [Lonmin chief executive] Mr Ian Farmer to talk to us about our demand for a living wage."

I did go to the Lonmin office only to be told firstly that Farmer was sick in hospital, and secondly that the company would not talk to criminals who had murdered people.

It is my belief that these men were peacefully waiting for their employer to come and discuss their plight with them. In fact, the man in the green blanket, Mr Mgcineni "Mambush" Noki, was the most peaceful person I have ever seen in an explosive situation. He spoke softly with the conviction of a seasoned leader. He did not kill anybody, but he was brutally murdered by the people who ought to have protected him. Therefore, charging these strikers with the murder of their colleagues was, and is, insensitive and scandalous.

As I was driving back from Marikana on that fateful day, the miners called me on my cellphone to tell me that they were being shot at and some had been killed by police. I could hear, amid screams, the sound of gunshots, not any rattling of sticks or pangas, but just gun fire. It just does not make sense that a policeman armed with a rifle can be threatened by a person with a fighting stick and panga.

Some argue that the strikers were occupying a public space and, therefore, were causing a threat to the public. But did the public call the police? No! They must have been called by the company to protect its assets even though nothing had been destroyed by the striking miners.

On the very night of the killings and the day after, some of the strikers were not only shot and killed, but run over by police cars while others were arrested. A medical pathologist's report tells the nation that some of the miners were not only shot at short range, but in their backs and away from the koppie.

And while the nation and the world is still bemoaning the killings and on the eve of the burial of the majority of the deceased miners, the National Prosecution Authority (NPA) decided to charge the 270 arrested miners for murder of their own colleagues. How insensitive was that act by the NPA? What nonsense was this? If anybody had entered into the common purpose legal framework, it could only be the management. How could the workers, most of whom have no education, determine that people would be killed when they had no intention of fighting?

These men were asking for their right to life and did not anticipate the death of anyone. There are too many unanswered questions which will, hopefully, be addressed by Judge Ian Farlam's commission.

As if the charges were not enough, the arrested men were paraded daily like circus animals as they climbed off the trucks to appear before the magistrate, chained like wild animals. No doubt the animal rights activists would have protested this cruel treatment if animals were treated in the same manner.

The size of the court rooms necessitated that only a few could go in to the courts and some are said to have been detained in police trucks. Surely, this is gross violation of the human right to dignity, just to mention one of the human rights.

Should the police be charged for this inhumane treatment? Yes. And where did the presiding magistrate think the rest were kept? He must have known there were 270 people destined to appear before him. This is a mockery of our democratic constitution!

In my opinion, the police officer who was in charge of the police at Marikana and gave orders "to shoot to kill" must be the one charged with murder, as well as the policemen who pulled the triggers that killed the striking miners.

Lieutenant-General Zukiswa Mbombo must tell the nation and the NPA who gave the orders for the police to shoot.

I applaud the Minister of Justice, Jeff Radebe, for having called for an explanation of the charges that the NPA laid against the miners. If there is to be any charge, it could be for the death of the police and security persons, as nobody has a right to kill. Therefore, whoever has killed has committed a crime and must be arrested and tried for it. Surely, for a trained police force, there are alternatives to such brutal force. Opening of fire was not called for even as a last resort.

There are three things that must be done to address the confusion and anger still felt by the miners and the public, especially as the miners are slowly released this week:

n First, the real reasons behind why the NPA brought the murder charges against the striking miners must be revealed. I do not buy the "sound principle" explanation. That is not enough.

They should never have been arrested and wrongly charged with crimes they did not commit in the first place. In my opinion, the NPA has turned our judicial system into the "mampara" of the decade.

Withdrawing the charges provisionally does not set my mind at ease at all. And what about the rest of the charges? What about the reports that the detained miners were tortured and denied medical assistance? Will this be thoroughly investigated or swept under the carpet?

n Second, the legislature must scrap all apartheid laws, particularly those that were made to oppress black people. Such actions will strengthen our democratic constitution and the bill of rights and restore trust in the police services.

n And third, mining bosses must start learning to understand the workers and to treat them as important stakeholders and not just employees. A lot can be learnt from the German work ethic model of co-determination.

Rt Reverend Dr Jo Seoka is an Anglican bishop, the president of the SA Council of Churches and chairman of the Bench Marks Foundation.

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### **Not all mining firms are bad, nor all NGOs saintly**

September 5 2012

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Keith Bryer

One of the facts of life is the adversarial relationship between corporations (especially the large ones) and non-government organisations (NGOs), set up as charities for tax and money-raising purposes. It seems obvious too that foreign NGOs always get indignant in August for some mysterious reason.

The happiest stamping grounds for these NGOs are, of course, in Africa, where poverty, misery and wars abound. But who is to blame? What will arouse the conscience of the rich and the guilty?

The answer seems to be evil capitalists. The Bench Marks Foundation is a local NGO and it too has fastened on capitalism; big, faceless, capitalism to play the evil one. It is really a wonderful target. Even better if it is an entire industry and employs thousands of black people who seem to be in the foundation's world, ipso facto, victims.

And so we have, on cue for the money-gathering season (our winter) a massive tome of half-truths published in Opinion and Analysis (August 15) and written by John Capel, in which he condemns the entire platinum mining industry as liars, cheats, makers of false promises and anything else he thinks he has a case for.

And lo, on cue with exquisite timing, the Marikana killings took place. I do not use the word massacre or slaughter, three words most prevalent in most descriptions. A massacre would suggest that all 3 000+ striking miners or at least 90 percent of them have been killed and the word slaughter suggests the killing of unarmed innocents which, given the number of visible weapons carried by the strikers certainly does not suggest innocence. And while I agree that arming policemen with sub-machine guns does not augur well for safe crowd

control, when your mates have just been cut up rather savagely by “peaceful” strikers I can understand why trigger fingers may have slipped.

Of course, one could say that Bench Marks was prescient to publish its attack on the platinum industry when it did. One could say that it was proved right by the subsequent events. However, I suggest that the report the foundation published was actually bent towards its own preconceptions and prejudices.

Consider this: publication took place in the money-gathering season; the industry is rich and fair game (envy is a common human trait); the price of platinum is falling, so the industry is vulnerable to attack and will be hesitant to respond; and best of all, the biggest platinum miners in the world are South Africans and the mines are situated in one of the poorest parts of the country. It is a sure-fire winner to generate outrage. Donations must pour in. So much for motive pre-Marikana.

The attack on Anglo American Platinum is the most spurious and, I submit, somewhat economical with the truth.

Mr Capel leaves out the millions in taxes Anglo Platinum (Angloplat) pays every year and value-added tax on fuel and other local purchases. Left out are the millions in personal tax the firm gathers for the Treasury, the province and the local authorities. Left out too is the fact that many of the Angloplat shares are owned by insurance firms, provident funds and pensions, whose beneficiaries are ordinary South Africans, many of whom are black people.

These monies would not be flowing into the various levels of the government if the mines were not there. Without those platinum mines, teachers and nurses would not be paid, police and the army, navy and air force men and women, would get even less money to feed their families.

Mr Capel seems ignorant that all minerals under the ground belong to the state. Mine companies have to pay the state for a licence to mine them. It is true that without mines there would be no squatter camps around them, but social housing is the duty of local and provincial authorities, not mining companies.

All this should be plain common sense, but as it is always somehow left out, so let us examine Mr Capel’s allegations of terrible behaviour by Angloplat from a common sense perspective in more detail.

n Despite 40 percent local unemployment, many of the people employed on the platinum mines are migrants from other areas.

On the face of it, a good point. But how odd too. Is there perhaps something about mining that the locals don’t like? Would they rather have nice office jobs despite lacking the necessary skills? There has got to be a better reason than Angloplat refusing to hire them. And if mining jobs are so horrible, why are there more people wanting them than jobs available?

n Why hire migrant labourers not locals? Could it be that the migrants are poorer than the locals Mr Capel is so concerned about? Poorer and more willing to work?

n There is no technical college for mining (near the mines). Is this Angloplat's fault? Anglo does a great deal of on-the-job training, but that aside, isn't it the government's job to provide and staff such colleges?

n The mushrooming of informal settlements around the mines is Anglo's fault.

All mines and especially newish ones like the platinum ones are a magnet for people seeking to improve their lives. Informal settlements grow because the state, the province and the municipalities, cannot build formal housing fast enough.

Must the mining house build houses for everyone? Even those who arrived last week or last month? Even for those who do not work for it? Are mining companies the government? Should they be?

n Paying living-out allowances exacerbates the housing problem, says Capel.

A living-out allowance is a valued perk. Some miners demand it. They do not want to live in the mine where the water is clean and the roofs do not leak and where the sewers work. Instead they opt to live in shacks with wives, girlfriends and children (often a second family added to the one back in the rural area they come from) and then claim that they cannot come out on the wages they get. (Strikers point to the bottom line of their pay slips, rather than list as income their contributions to pensions, national taxes, medical aid and interest-free debt repayments).

Poor sewerage, running water and so on, are the responsibility of the local authorities and they are jealous of them.

n HIV and Aids and tuberculosis are rife because the mines employ migrant labour.

Would Mr Capel please deliver this analysis before an audience of 500 migrant miners? In words of one syllable for Mr Capel, mining companies are not run by ogres intent on grinding the faces of the poor – and certainly not Anglo American who pay top dollar wherever they operate – nor are they run by corporate con-artists intent on hiding the unpleasant truth from keen-eyed NGO investigators.

“Our” platinum would have stayed there if mining companies were not prepared to risk and spend millions getting it out; mining can either be done by machines with few highly paid miners or by many miners less well-paid – and which does this country need most?

Mining companies have their faults but all are subject to the law, especially in this country. So what is the real purpose of this diatribe against the platinum mining industry? Is it

because it is perceived to be rich? Is it because it is failing to make everyone rich – if so, how can it be realistically expected to do so?

In a country crying out for foreign investment we should be singing the praises of mining houses who employ thousands and we should sing even louder in praise of Angloplat which, despite its faults, spends a great deal of time and money on matters that are not strictly speaking its business.

Being on the side of the angels may seem gratifying but the real world is not so simply divided into goodies and baddies. NGOs who think it is, may feel good but don't do any good for the rest of us.

Keith Bryer is a communications consultant who has worked occasionally for the platinum industry. He writes in his personal capacity.

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WB in SA today:

**Jim Yong Kim comes to Joburg...**

**but will World Bank president visit Marikana and Medupi?**

By Patrick Bond

*"One of the things you learn as an anthropologist, you don't come in and change the culture,"* Dartmouth College President Jim Yong Kim told wealthy alumni when contemplating the institution's notorious hazing practices, prior to Barack Obama's request last February that he move to the World Bank.

Kim's Harvard doctorate and medical degree, his founding of the heroic NGO Partners in Health, and his directorship of the World Health Organisation's AIDS division make him the best-educated, most humane Bank president yet. A decade ago, he co-edited the book *Dying for Growth*, pointing out that 'Washington Consensus' policies and projects had a sharply adverse impact on health.

No better examples here can be found than two 'minerals-energy complex' investments approved by his predecessors Paul Wolfowitz in 2006 and Robert Zoellick in 2010. Kim should pay a visit because both are within an hour's drive of the Joburg-Pretoria megalopolis, whose ten million people live in the relatively barren area simply because of the gold's discovery in 1886.

Though nearly all gone now, gold built the continent's largest industrial complex, spewing vast pollution and undergirding apartheid. The old mines wrecked the water system with Acid Mine Drainage, not to mention lives of hundreds of thousands of former workers now



filing silicosis lawsuits against the mining houses, or similar numbers of HIV+ migrant workers and their wives back home in the old Bantustans or neighbouring countries.

Mining is again wrecking worker health and creating socio-ecological chaos west of Joburg, at Marikana platinum mine, where the Bank's International Finance Corporation invested \$15 million in Lonmin to enhance 'community development'. Wolfowitz authorized a further \$135 million in equity and debt, but the price of platinum crashed by two thirds in 2008, which made a further stake doubtful.

Far greater banking profits were generated in the Bank's biggest-ever project credit: the \$3.75 billion Zoellick lent in April 2010, mainly for the construction of the third largest coal-fired power plant on earth, at Medupi.

The social and environmental balance sheet immediately went into the red, not only because the loan was granted just 20 months prior to Durban hosting the United Nations COP17 climate summit, when last December Zoellick unsuccessfully requested that the Bank be given control of the potentially vast Green Climate Fund, with promised annual spending by 2020 of \$100 billion.

Worse, the borrowing agent for Medupi was Eskom, which controversially bought billions of dollars worth of turbine boilers from Hitachi, in whose local subsidiary the African National Congress (ANC) held a quarter 'Black Economic Empowerment' share. In an obvious conflict of interest, Eskom's chair, Valli Moosa, also sat on the ANC Finance Committee, drawing a rebuke of 'improper conduct' from the Public Protector.

A substantial civil society coalition opposed Medupi, and the Bank's own Inspection Panel slated the loan. Yet when announcing Kim's visit last week, the Bank claimed that it "helps bring badly needed electricity to homes".

In reality, the 130 percent Eskom price increase from 2008-12 to pay for Medupi was borne not by the largest electricity consumer, BHP Billiton (which still gets the world's cheapest power thanks to a 40-year apartheid-era deal), but by ordinary poor people. Power disconnections are now a leading cause of the surge in community protests, already at amongst the highest levels on earth.

The Bank's accompanying renewable energy credit to Medupi was a 'fig leaf', confessed Tufts University Professor William Moomaw, a consultant to the Medupi loan.

And although according to the same Bank announcement, "The World Bank Group's program in South Africa is still in early stages," the relationship began in 1951, with huge loans to Eskom to supply white households while blacks got no electricity until the 1980s, thanks to prevailing apartheid restrictions.

Kim is an optimist, pronouncing "Africa is truly taking off," on the eve of his departure this week. But his own institution's 2011 book, *The Changing Wealth of Nations*, measured

capital not just in financial terms but also with respect to the minerals beneath the soil, to capture the genuine 'wealth of nations' in Africa.

In the process, the continent's 'adjusted net savings' was calculated at *negative* 7 percent per year mainly due to non-renewable resource extraction: "Africa is consuming more than its current net income. It can only do this by liquidating its [natural] capital, which will leave its citizens poorer and with less capacity to generate income in the years to come."

Herein Kim's critical problem: extractive industries promoted by the Bank are creating Resource Curses in Marikana, Medupi and everywhere. The day after the massacre, the Washington-based Center for International Environmental Law called on Kim to revisit his stake in Lonmin and reconsider the extractives sector.

If after this week's trip, Kim decides to leave the toxic culture of SA's minerals-energy complex unchanged, it will be yet another case of 'dying for growth': profits for multinational capital at the expense of people and planet.

*Patrick Bond teaches development studies at the University of KwaZulu-Natal in Durban, where he directs the Centre for Civil Society (<http://ccs.ukzn.ac.za>)*

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### **Lonmin: Marikana's near total stay-away**

- Siphon Hlongwane
- 
- 5 September 2012 02:17 (South Africa)
- 

Off on various errands related to their latest troubles or just sitting in the sun, the employees of Lonmin are just not showing up for work. While the company is spinning furiously to allay fears of imminent collapse, there's the fact that only 6.5% of staff showed up for work on Monday. That's counting all Marikana shafts. By SIPHO HLONGWANE.

Lonmin PLC apparently hires 28,000 people in its Bushveld Complex operations. In August, some 3,000 unskilled and semi-skilled miners went on strike, led by an even smaller group of rock drill operators, mostly from the rural parts of the Eastern Cape. Yet since the police shot 112 miners, killing 34 and wounding 78, no more than 25% of workers have been showing up.

On Tuesday, the figure slid down at 6.5% at all shafts. That would include all the Marikana operations: Westerns, Karee, Middelkraal and Easterns (which includes a joint-venture with Anglo Platinum).

The small group of men that caused the company so much trouble were scattered all over the place on Monday – some were at the Wonderkop squatter camp near the town of Marikana, some were reportedly on their way to a police station in Brits to do an identity

parade as part of an investigation by the Independent Police Investigative Directorate (IPID) and about 108 of them were still in prison, awaiting the National Prosecuting Authority to sort its paperwork out, confirm their addresses and then truck them to the Ga-Rankuwa Magistrates Court so they could be set free.

What the rest of the absentee workers were up to wasn't clear at first, until news arrived that there was some kind of a strike going on at Eastern Platinum, another Lonmin operation not far from Marikana. A security guard mounting a road block outside the entrance to that particular area refused us entry without Lonmin's permission first, but confirmed that "something" was going on there. As it turned out, it was a relatively gentle affair, with a few people marching around inside the premises and then dispersing under the beady eye of the police.

At Brits, the identity parade was also suddenly postponed to some unnamed date, as the complainants had not sorted out their transport or arranged for their lawyers to be there.

There were only a tiny number of men back at Marikana in the afternoon, hardly enough to qualify as a crowd of any sort, who said that everyone had left and would return in the morrow.

Those who had not gone to work were content to just stay home, it seemed, unless they were still in the clutches of the less-friendly government service providers.

The 6.5% attendance figures for Lonmin seemed alarmingly low, especially for a company that has said failure to meet its production targets in the crucial third quarter might warrant a meeting with the bank manager, hat in hand.

On 21 August, the company issued this phlegmatic statement: "In view of the lost days of mined production and the resulting lost revenue, the company has been closely monitoring the position in relation to the terms of its existing bank debt facilities. Whilst there is still some time before the covenant compliance is tested, the Company now considers that the balance of probabilities is that the impact on production of the current events will result in covenants being breached at the next test date on 30 September 2012. Consequently, constructive discussions are now taking place with Lonmin's banking group to address this potential situation."

On Tuesday, Business Report said some analysts believed the company would have to resume production by Friday or shut its facilities down.

"Lonmin management have to make a decision in 30 days or a decision is going to be made for them. The banks are going to cut credit by the end of the month," Peter Major of Cadiz Corporate Solutions said to the paper.

"If the mine does not become operational soon, we will have to make some decisions," was the cryptic reply from Lonmin spokeswoman Sue Vey.

Though the company also said that no one who survived the shootings would be fired, a prolonged strike threatened up to 40,000 jobs.

For their part, the striking miners seem in no hurry to return to work. The R12,500 net pay demand still stands, and a big meeting was planned for Wednesday at 07:00. The strike continues. **DM**

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### **Gold Fields closer to ending strike**

September 5 2012 at 02:52am

Comment on this story

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Johannesburg - South African bullion miner Gold Fields said on Tuesday that trade union leadership intervention in a wildcat strike made a return to production more likely.

About 12 000 workers have been on strike at the east section of its KDC mine in South Africa for almost a week.

Spokesperson Sven Lunsche said the company was losing 1 650 ounces of production a day and it had until Monday used stockpiles, it was now two days that the stay away had impacted directly on production.

Unlike the violent strikes that have tainted the South African platinum industry, Gold Fields believes worker discontent stems from an internal dispute within the local branch leaders of the NUM and its members.

National Union of Mineworkers president Senzeni Zokwana addressed a mass meeting at the mine on Tuesday and has agreed to bring the branch leaders and disgruntled members face to face on Wednesday.

"This is positive development that could see the workers returning to duty soon," said Lunsche.

"The president's intervention has made a return to production more likely."

Shares of Gold Fields have shed 6.56 percent in the last five days, which is in line with the 6.34 percent fall in the JSE's Gold Mining Index. - Reuters

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### **Marikana: Tide is turning against police as miners lay charge of torture**

- Greg Marinovich
- 
- 5 September 2012 02:12 (South Africa)
- 

Charges may be laid against police after brutality was alleged by incarcerated miners. The miners, now released, claim to have been tortured by police, but torture as such is not a crime in South Africa – yet. By GREG MARINOVICH.

On Tuesday, 10 SAPS members today waited at the Brits Police Station for an identification parade over charges of assault against arrested Marikana protesters. The charges were brought by 10 of the Marikana miners who were among the 162 released that day after murder charges were withdrawn by the state.

Godfrey Gouwe, of the Friends of the Youth League, said, “We have 10 witnesses in Marikana,” who had laid the charges, but that the Independent Police Investigative Directorate (IPID) failed to provide transport for the miners to come to the identity parade.

IPID’s Moses Dlamini confirmed that 10 policemen had been called to appear in an identity parade, but that “for logistical reasons” it had been postponed to next week.

Dlamini said he could not speak about the charges, but “that they were part of the ongoing investigation.”

Gouwe said he believed all the assault took place at the Bethanie Police Station. He said he had spoken with Intervention Unit policemen loitering inside the courtyard of the Brits police station who told him they had been told Tuesday to come for an identification parade. Gouwe said they had not been told anything further Tuesday and that he was, in fact, unsure if these policemen were indeed meant to participate in the identity parade.

IPID investigators on the scene did not want to speak about the matter.

Other released miners have also spoken of torture and beatings. The Daily Maverick is not clear if these officers are a security detail, or were meant to be part of the identity parade; but what we do know is that the tide is turning, and the miners previously charged with murder have laid their own charges against police for assault.

The reason they have laid charges of assault and not torture, which they say they suffered, is torture is not a crime in South Africa.

Bonita Meyersfeld, associate professor and director of the Centre for Applied Legal Studies at Wits, said “Torture’ as a composite offence does not exist in South African criminal law *yet* – which is why the Torture Bill is currently before parliament and we’re commenting on it. But torture is a violation under international law and this binds South Africa.

“Torture is a crime under customary international law, which is incorporated into South African law by Section 232 of the Constitution (and also by the Implementation of the Rome Statute Act),” she said. “So if the police have committed torture – the crime may be called assault but, if the allegations are correct, South Africa will be liable for an internationally wrongful act under international law.”

Of the identity parade of the cops, Meyersfeld added, “This should have happened the day after the killings and every day since. The delay is outrageous. Justice must not only be done; it must be seen to be done. The absence of justice is staggering.” **DM**

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### **Police on parade for Marikana violence claims**

04 Sep 2012 19:42 - Phillip De Wet

Police members who stand accused of abusing arrested Marikana strikers may be pointed out by their accusers this week.

Special Focus

Mourning in Marikana

Mourning in Marikana

The Independent Police Investigative Directorate (IPID) has confirmed that it planned to hold identity parades on Tuesday as part of its investigation into charges that Marikana strikers were subjected to violence while in detention, and that the process is ongoing.

"We can't comment on the ID parades until they are concluded, because there may be developments in the investigation and we don't want to pre-empt that," said IPID spokesperson Moses Dlamini. But he confirmed that the parades are in relation to the claims of assault by police, and that there was a delay in the process on Tuesday.

At least some of the now-released strikers were asked to take part in identifying their alleged police assailants, but were due to a combination of poor communication and transport trouble could not attend the planned parade. Media interest, and fears that cases may have been jeopardised if the police involved were publicly identified, may also have played a part in the postponement.

The IPID appears intent on concluding the parades this week, but would not speak on its expected timeline.

The parades are the first indication that police members are under investigation for their actions following the August 16 killings at Marikana. Dlamini would not comment on investigations into the events of that week, saying only that the IPID intends to report its

findings to the judicial inquiry appointed to consider culpability of all groups involved, including the police. On Sunday the National Prosecuting Authority (NPA) could provide no information into the status of charges, including murder, laid by individuals who had been part of the striking group.

Miners involved in the claims of brutal treatment at the hands of police after they were arrested have declined to speak on the record, with some saying they fear re-arrest.

March planned Wednesday

A group of employees at Lonmin's Marikana mine plan to hold their first organised protest march since the shootings on Wednesday morning. It follows a small gathering on Monday morning, in which strikers told colleagues who reported for work to down their tools.

"A group of them arrived and told us to not betray the dead miners, and stop working. They called us 'amagundwane' and started singing," said a worker who wanted to remain anonymous. Amagundwane is the isiZulu word for rats, and the name given to employees who go to work while their colleagues are on strike.

The group of at least 200, which was initially escorted to a shaft by police, dispersed before noon.

By Tuesday night it was not clear how much support the march on Wednesday is likely to draw, but a police member in the area said preparations for crowd control would be adequate. Police have maintained a strong presence around the mine for the last two weeks. – with additional reporting from Sapa

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### **Cash-strapped miners approach lenders**

Sep 04 2012 14:26 Sapa

A specialist electrical services supplier which helped Eskom erect power lines throughout SA has debts amounting to R83m, a report says.

Lonmin stay-away threatens 40 000 jobs

Sep 04 2012 07:47

Lonmin has warned that a four-week strike at its Marikana mine is threatening 40 000 jobs, as the government moves to calm jitters in the sector.

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Johannesburg - A three-week long strike at Lonmin's Marikana mine has taken its toll on workers who see no choice but to approach cash loan outlets for help.

The no-work-no-pay strike started last month with workers refusing to go back to work unless their wage demand was met.

There are at least three cash loan outlets in the small mining town.

At Tshelete Cash Loan, a Lonmin employee, who wanted to remain anonymous, said on Tuesday that his monthly salary amounted to R7 800 before deductions.

This included allowances and overtime payment.

His take-home pay came to about R5 000 - money he had not been earning since the strike.

"The last time I was at work was during the first week of August. I came to borrow money. I don't have any money left."

He hails from Limpopo and lives at Majakaneng village, about 15km from Marikana. As an existing client at Tshelete Cash Loan, he managed to borrow R1 500.

At least R1 000 would be sent home to his family in Limpopo, he said.

"I am going back to work tomorrow. I will risk it because I do not have a choice. We are not sure when the strike will end."

Some of his colleagues had also decided to return to work.

"If you live in Nkaneng in Wonderkop you know you cannot go to work. It is very dangerous. People who go to work live in other areas and are picked up in minibus taxis."

Assistant manager at Tshelete, Sonnyboy Ditshele, said striking workers had been coming in numbers to borrow cash.

The company had no choice but to turn away new clients who work at Lonmin, he said.

"I can only help existing clients even though they are on strike because we already have a relationship with them. We cannot lend (to) new clients from Lonmin."

Ditshele turned away six workers who wanted to try their luck.

"I cannot risk lending them money. No one knows what will happen at Lonmin."

Some of the miners who were turned away said they were afraid to go to work.



"Some of my neighbours are among the strikers. I can't risk going to work because they will notice," said one of the workers.

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### **From the NPA with fear, favour - and prejudice**

- Pierre de Vos
- 
- 5 September 2012 02:04 (South Africa)
- 

The National Prosecuting Authority may have driven the final nail into the coffin of its credibility with the way it handled the Marikana massacre, but the writing was on the wall years ago already.

What is wrong with the National Prosecuting Authority (NPA)? It should be a trusted institution in our democracy; one in which people of the highest integrity and with impeccable legal knowledge make prosecutorial decisions in the most impartial and honest way possible, guided only by the law and the Constitution. But it seems to have been captured by a faction of the governing party.

Members of the NPA are bound by section 175(9) of the Constitution to act in accordance with the prosecution policy agreed to by the National Director of Public Prosecutions (NDPP) and the Minister of Justice, and cannot make decisions in contravention of this policy. Neither can they make decisions that favour individual well-connected politicians, the governing party, business elites, or the police as they are enjoined by section 179(4) and provisions of the NPA Act to exercise its functions without fear, favour or prejudice.

This means members of the NPA are not permitted to be guided by a seemingly irrational fear or animosity towards protestors or striking workers – even if these protestors and strikers have been seen carrying traditional weapons and even if they are much loathed and feared by the chattering classes with large property or investment portfolios. The members of the NPA are furthermore not allowed to take instructions from any politician or from any rich businessman or large multinational company on who to prosecute for which particular crimes.

It is true that in terms of section 179(6) of the Constitution, the minister of justice has a duty to exercise final responsibility for the NPA, and the NPA Act empowers him to request the NPA to furnish him with all information about any case in order to do so. However, as the SCA confirmed in one of the many Zuma judgments, the minister cannot interfere in the day-to-day running of the NPA and neither can the president. If they do, they commit a crime in terms of the NPA Act and can be sent to jail.

But these formal safeguards contained in the Constitution and the NPA Act – and which is aimed at protecting the NPA from political capture by elements in the governing party, or from capture by private business interests – have not protected the NPA from ignominy. In

the wake of the NPA's recent decision to charge 270 miners with murder for the killing of 34 of their comrades and, then secondly, bizarrely to drop the charges – all while insisting on the legal soundness of the original decision – the NPA's credibility is in tatters.

But although the NPA has now arguably reached a new low point, the rot started setting in a very long time ago. Remember the inexplicable and legally indefensible decision by then-NDPP Bulelani Ngcuka not to charge Jacob Zuma despite announcing that there was a *prima facie* case against him for fraud and corruption? Remember the decision by Vusi Pikoli to reinstate the charges when Zuma's political star was not extinguished, despite (or maybe because of) his being fired as deputy president?

Remember the even more bizarre decision of the NPA to drop the charges against Zuma a few days before the national election on the basis of a plagiarised and later overturned Hong Kong Court judgment and without even mentioning the prosecuting policy in terms of which such decisions were supposed to have been taken? Remember the firing of Vusi Pikoli on spurious grounds and the appointment of Menzi Simelane as new NDPP, despite the fact that the latter had an adventurous relationship with the truth, having previously been found to have misled not only our courts but also a formal inquiry appointed by the president? Remember the mysterious dropping of charges of fraud and corruption against ANC high flyers, KZN Speaker Peggy Nkonyeni and provincial finance MEC Mike Mabuyakhulu, who had allegedly solicited bribes from a businessman on behalf of the ANC? Remember the suspension of Glynnis Breytenbach and the decision by the NPA to drop various charges against Richard Mdluli?

For political scientists who study the pathologies associated with one-party dominant democracies, this systematic hollowing out of the NPA and its seemingly increasing partisan behaviour in support or protection of a particular faction within the governing party, would come as no surprise. Nor would the recent moves to re-militarise our police and its increasingly high-handed actions in defence of the political and business interests of those aligned to the governing party.

Studies focusing on countries as diverse as Mexico, Italy, Japan and India, where one political party at one time or another dominated the electoral landscape for a considerable time, identify the political capture of important institutions (like the judiciary; the police and intelligence services; the prosecuting authority; the state broadcaster; bodies representing the interests of the upper-middle class professions) as one of the effects of one party dominance.

Such studies demonstrate how overwhelming and sustained success at the polls often translates into political influence over supposedly independent and impartial state institutions and how such "capture" of institutions can protect a dominant political party and its leaders from the consequences of the ever-more rapacious behaviour of its leaders. It also demonstrates how the long-term electoral dominance of a political party and the subsequent capture by the party of state institutions can help to protect the greedy members of the business elite who will ingratiate themselves with party leaders to secure

their own protection and the protection of their business interests by the law enforcement arms of the state.

A politicised and captured police force can act as a quasi-paramilitary force to protect the elites from the restless and angry sections of the population. A politicised and captured prosecuting authority can protect the political and business elites from prosecution for corruption and will ensure the continued flow of money into the coffers of the party as it will provide those who donate generously to the party leaders or the party election efforts with immunity from prosecution for fraud and corruption.

The appointment by President Jacob Zuma of Menzi Simelane as head of the NPA and of Bheki Cele as head of the South African Police Service, and the subsequent souring of relations between Zuma and these gentlemen (which led to the removal of Cele and the suspension of Simelane), must be seen against this background.

These moves become even more significant when one recalls that where dominant political parties are not united and where various factions within the dominant party vie for dominance of the party, state institutions – including the intelligence services, the police, the so called independent corruption fighting bodies and the prosecuting authority – might well be deployed by the dominant faction against those inside the party who are perceived to have dared to challenge the dominance of the ascending faction or who had gotten too greedy for money or power.

This often leads to instability within the otherwise smoothly operating system in which the politicians and business elites are able to extract the maximum amount of wealth from the economy without fear of being exposed or thwarted. When this happens, the dominance of the elites may be challenged as it may well expose the abuse of state institution and resources and may lead to disillusionment among voters – even those bombarded with the propaganda in support of the dominant faction in the state-controlled media. When a majority of ordinary voters lose faith in the dominant elites and the institutions which they control, the state can either increase repression to retain control, or they can embark on reform and risk losing subsequent elections.

Has South Africa tipped over into a one-party dominant democracy and does it display some of the pathologies mentioned above? Do the increasingly bizarre goings on in the NPA and increasing distrust with which decisions from that body are viewed represent a dangerous threat to the continued legitimacy of the ANC as the only true representative of the oppressed in South Africa? Does it threaten the electoral dominance of the ANC and the dominant faction within it?

Will it force the hand of the securocrats within the majority party and strengthen the hand of the reformers, or will the tight grip the latter group has on institutions like the NPA allow them to snuff out any dissent from both the populists and the reformers? To what extent will the dominant group inside the governing party be willing to use the increasingly militarised police force, the highly partisan intelligence service and the seemingly captured prosecuting authority to go after its opponents inside and outside the ANC?

We might be about to find out – if a report in the *Mail & Guardian* is true that the Hawks are ready to charge Julius Malema with fraud and corruption. I would guess (but it is no more than a guess) that Malema’s challenge to the dominant group will easily be snuffed out with the strategic use of the criminal justice process. Zuma’s faction has a firm grip on all the institutions that could ensure this to happen, while there is little sympathy for Malema amongst members of the political and business elite, among the chattering classes and among members of the media. Unlike Zuma, he will also not be able to rely on the machinery within the ANC to fight back.

But the question remains whether the NPA will recover some credibility in the eyes of voters and whether a critical mass of citizens will believe that it is acting without fear, favour or prejudice the next time it charges an opponent of Jacob Zuma or drops charges against a political ally or business accomplice of anybody in the Zuma camp. **DM**

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### **Analysis: NUM - Rich history, unforgiving present**

- Khadija Patel
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- 5 September 2012 02:28 (South Africa)
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Towering over trains in Park Station in Johannesburg, a billboard advertising the 30<sup>th</sup> anniversary of the formation of the National Union of Mineworkers is a timely reminder of the history of the union. Sure, that history may be a proud one. But what’s the future? By KHADIJA PATEL.

“If we were a sweetheart union we would not have lasted until now,” National Union of Mineworkers (NUM) General Secretary Frans Baleni said at press briefing at its headquarters in Johannesburg on Tuesday. NUM had called the briefing to offer their perspective on peace talks at the Lonmin mine in Marikana, as well as the latest from the Gold Fields strike at KDC East. In between, Baleni and NUM president Senzeni Zokwana berated Julius Malema for taking advantage of unsuspecting mineworkers. And yet, increasingly, it’s Malema and not NUM that is being held up as the voice of the workers.

For NUM to be fighting Malema for a claim to its own members tells of a feeling of insecurity amongst NUM’s national leadership. If Malema, a person “expelled from his organisation for ill discipline”, as he was described by Baleni, is indeed just a political opportunist with a sudden appetite for mine workers’ issues, then NUM, as the single largest trade union in the history of the country, ought to be able to shake him off with ease. But they have not been able to just ignore him and get on with what they are supposed to – namely, represent mineworkers during an especially volatile time in the industry.

Yet if NUM is to be judged on its history, then it certainly does hold the rights of the mineworkers above politics or indeed its own survival. The significance of NUM as an agent for change was not limited to the mines alone. Remember, both Kgalema Motlanthe (or Dilemma Motlanthe, as he's known in these parts) and Cyril Ramaphosa were both general secretaries for NUM. The union has been a nursery for political and business leadership. The union has also been an agent of social change – social change that outstrips the mines. The union's history is linked intimately with the struggle for social transformation in the country.

And however incomplete that transformation may be, NUM finds itself today as the country's largest union, greatly advantaged by a rich, proud history in a rapidly declining industry.

The formation of NUM in 1982 was the first successful formation of a "black" mining union since the African Mineworkers Union was mercilessly quashed by the state in a 1946 strike. Since its formation, NUM certainly has done a great deal to improve the lot of mineworkers in the country. There is a semblance of humanity, a grudging acceptance from mine owners that mine workers too are human beings.

Working by the motto, "Only the best for the mineworker", NUM created opportunities for ordinary mineworkers to contribute to the decision-making processes of the union. And as the union grew, so too did its successes. The mineworkers' provident fund, established in 1989, is reported to be worth more than R10 billion. In many ways, NUM is not just a union. It is a political force within the ruling tripartite alliance. It is also a business in its own right. But at the bottom of it all, it is as a union that must survive.

The fate of mines is, of course, precarious. Mines by their nature have to close at some point. But as long as the Earth continues to serve up minerals, mining remains a crucial tenet of the economy – and NUM retains its significance.

In recent years, it is the demand for platinum from emerging markets that has lent the South African mining industry a new lease of life. It's no coincidence that the greatest concentration of NUM members is in Rustenburg, and it is then perhaps also not such a mystery that it is here, in the platinum belt, that the greatest challenge to NUM is being launched.

It is some feat that NUM has remained as united as it has been until now. But what we've seen in Amcu's challenge to NUM in Marikana and in the litany of complaints levelled against branch leadership in the Gold Fields strike in Westonaria is a significant splintering of the union. There is a fundamental disconnect between union leaders and members, and events in Marikana and Westonaria demonstrate the inability of NUM to bridge that gap.

NUM may well still hold the rights and demands of workers at heart – though for a trade union they do show an astounding deference towards international investment and a rather curious fondness for a "return to normalcy" – and despite the naysayers, they may well still be guided by what workers want. If indeed that is what they are trying to do,

however, there has been a breakdown in communication within the union. Yes, it may be a function of social distance – the upper echelons of the union may be too prosperous to identify adequately with the ordinary miner – but it does also point to an erosion of the democratic culture of the union. Workers feel cut off from the decision-making structures, and that’s likely to pose a significant problem going forward.

NUM is itself aware of these challenges. On Tuesday, Baleni indicated that the union continued to research the attitudes of its members towards the leadership. And alongside Baleni, other senior officials of NUM conceded that there were weaknesses “at the branch level”. But even as these officials mull over how best to go forward, there is a growing impatience at that same branch level.

NUM has changed, as have the times.

And the impact of whatever happens to NUM, its success or failure to withstand these challenges, will not be restricted to the mining industry. It will be felt in the skulduggery of the ANC leadership battle, yes, but it will also point the way ahead for the rest of the country. After all, it’s not just within NUM that people feel like their leaders act without accountability to the people they are meant to serve. Whatever happens within NUM will foretell whether the government will be able to overcome its inability to communicate adequately, and to represent the needs of the people. **DM**

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South Africa

### **Cosatu: Bigger, louder, but certainly not better**

- Ranjeni Munusamy
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- 5 September 2012 02:23 (South Africa)
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The combination of Mangaung convulsions and the Marikana crisis has left the 2.2-million strong Congress of South African Trade Unions somewhat battered. Cosatu heads to its 11th National Congress later this month on the back foot, with its biggest affiliate under siege and the majority of its members saying the federation is not carrying out its core purpose. It’s time for Cosatu to search its soul – or maybe to rediscover it. By RANJENI MUNUSAMY.

Cosatu’s 10th National Congress in 2009 was something of a victory party for South Africa’s biggest trade union federation. Under the leadership of General Secretary Zwelinzima Vavi, Cosatu had undertaken a major gamble by supporting Jacob Zuma during his criminal trials and in his campaign to be ANC president. The gamble paid off.

When Thabo Mbeki was president, Cosatu had become almost a pariah in the tripartite alliance, shut out of decision-making processes as its leaders struggled to secure positions

in the ANC. All that changed after the ANC's Polokwane conference. Cosatu got its man into power and therefore had direct access to the presidency. When Zuma became state president, he consulted Cosatu on the restructuring of government. Senior Cosatu leaders made it to Parliament and Cabinet.

So when Cosatu held its congress in September 2009, there was some major backslapping and high-fiving. In his political report to that congress, Vavi said:

“If we cannot succeed with the agenda of decent work and poverty eradication with Jacob Zuma as the President, Kgalema Motlanthe as the deputy president responsible for poverty eradication, Gwede Mantashe as the ANC secretary general, Ebrahim Patel as the minister of Economic Development and Rob Davies as the minister of Trade and Industry, then there is little possibility that we can succeed to make any next period that of workers and the poor. This is the moment that comes once in a long time. We, the leaders of the generation largely responsible for this political climate, so pregnant with real possibilities, cannot afford to squander this moment.”

As it turned out, that once-in-a-lifetime moment fizzled out rather quickly. Cosatu found Zuma was not that great a president, Mantashe started telling off the unions and the federation's employees in Cabinet were not performing very well. The former president of the National Education, Health and Allied Workers Union (Nehawu), Noluthando Mayende-Sibiya, became a member of the ANC National Executive Committee and later minister for Women, Children and People with Disabilities. She was fired in a Cabinet reshuffle in October 2010, posted to a foreign mission and not heard of since.

While Cosatu was also celebrating the deployment of SACP leaders Blade Nzimande and Jeremy Cronin to Cabinet in 2009, it later decided this was a mistake and that the party needed its leaders to be running the organisation full time. This became a major source of contention between Cosatu and the SACP, putting a strain on the entire alliance. It is part of the reason some of the SACP's leaders now want Vavi booted out of his post.

The Zuma camp has disintegrated since Cosatu's last congress, and as a result the federation's internal cohesion has come undone. Like the ANC, Cosatu is now feeling the pressure of factional battles and it, too, has a serious case of Mangaung fever. Loyalties within the 20 affiliates and among Cosatu senior leaders are split between those supporting Zuma's second term bid and those strongly against it. While the ANC's power battles have affected Cosatu in the past, the effect of the federation's cohesion now is unprecedented.

But it's the Marikana massacre which is really forcing Cosatu to take a long, hard look in the mirror. Cosatu's response to the police killing of 34 mineworkers on 16 August was rather low-key as compared to its robust voice on major social and economic issues in the country. The reason was because its biggest affiliate, the National Union of Mineworkers (NUM), was at the centre of the dispute at the Lonmin platinum mine that led to the wildcat strike and the confrontation with the police.

NUM's role in the dispute will now be interrogated by the Farlam Commission of Inquiry into the massacre and its leaders are now scampering to repair the union's dented image. With strike action extending from the platinum sector to the gold mines, NUM, by far the most dominant union in the mining industry, is battling to contend with the unhappiness of its members.

NUM's leaders are being put under further pressure by expelled ANC Youth League President Julius Malema who is whipping up emotion among mineworkers to reject their union representatives and take matters into their own hands. All of this has exposed NUM's internal weaknesses and its lack of activism in dealing with the wave of dissatisfaction among mineworkers.

While NUM has traditionally been the "elder brother" at Cosatu congresses, setting the tone for discussions through its influence and sheer size, it is now fighting to regain credibility. The superiority complex NUM used to radiate, which grew from its line of high-pedigree leaders who went on to senior positions in the ANC, is now moderated as it prepares for intensive scrutiny at Cosatu's 11th National Congress, being held in Midrand from 17 to 20 September.

In the Organisational Report to be presented to the congress, Cosatu acknowledges it is under severe stress, and lists NUM's troubles as part of the reason. "We need a critical assessment because we are meeting at a time when we are facing serious organisational challenges on many fronts," the report states.

"Our biggest affiliate the NUM is under attack in the platinum belt from its former members and other forces," it reads, referring to the challenge to NUM's dominance in the mining sector from the Association of Mineworkers and Construction Union (Amcu).

Speaking to Gauteng shop stewards this week, Vavi said Cosatu was going to its congress "not in the best of space". The organisational report details why this is so, among other reasons revealing the results of a survey Cosatu conducted to evaluate the level of worker satisfaction with their unions. The survey found that 60% of Cosatu members were not satisfied with how their unions dealt with securing better wages – the core function of a trade union. According to the survey, 37% are less than satisfied with their union's handling of disciplinary cases.

"Dissatisfaction with service is (a) recipe for breakaways and splits," the report states. These findings, together with the rebellion in the mining sector, are bound to push the Cosatu congress into adopting a more militant approach to labour disputes in order to regain the confidence of its members.

The federation is also expected to confront its affiliates with a report of how many individual members come directly to Cosatu for intervention in disputes due to their frustration with how their unions handle matters. This has caused friction between union and Cosatu leaders, with affiliates accusing Vavi and others of usurping their role.



NUM leaders were affronted by Vavi's attempt to resolve a dispute at the Implats mine outside Rustenburg earlier this year, part of the reason he stayed out of the Lonmin dispute even when intervention was required.

While Cosatu's membership has grown by 230,000 (11.7%) to 2.2-million since its 2009 congress, the organisational report does raise concerns about the federation's inability to recruit and organise vulnerable workers such as farm and domestic labourers. The workers survey also found that the average age of Cosatu's members is around 40, meaning that younger people were not joining unions.

Measuring the impact of Cosatu's campaigns, the survey found its voice was resounding beyond its membership base. Cosatu's campaigns against e-tolling, labour brokers and rising electricity prices, followed by its anti-corruption drive, attracted high levels of support outside union membership. This is reflective of Cosatu's significant voice in civil society and its ability to mobilise major support on issues critical of government. It is a sore point in inter-alliance relations.

The discussions at the upcoming Cosatu congress will define the posture of the largest formation of organised workers in the country. While its decisions on ANC leadership are bound to grab the most attention, it is Cosatu's ability to read and respond to the mood of its members which will have the most impact on society.

And with a worker rebellion close to brewing, Cosatu will need to decide now whether it will lead it or be destroyed by it. **DM**

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### **Malema: Vavi is the only revolutionary left in Cosatu**

04 Sep 2012 14:40 - Matuma Letsoalo

Julius Malema says he bears no grudges against Zwelinzima Vavi, who recently accused him of using the Marikana massacre to destabilise Cosatu.

The former ANC Youth League leader, has used the platform created by the Marikana massacre, to attack Cosatu's largest affiliate – the National Union of Mineworkers – for failing to provide leadership at Lonmin, something which resulted in thousands of mineworkers embarking on an illegal strike over salary increases.

NUM leaders, including its president Senzeni Zokwana were chased away by workers who accused NUM of siding with management at the expense of the interests of the workers. However, Vavi defended NUM.

"Suddenly politicians, far removed from the reality workers face ... are positioning themselves opportunistically as the champions of the RDOs [rock drill operators]. Their latest recruit is former ANC Youth League leader Julius Malema, a wealthy, essentially

right-wing leader, who demagogically exploits any perceived weakness to encourage workers to leave their union, their only means of defence," said Vavi.

Despite Vavi's scathing attack, Malema told the Mail & Guardian in an interview that he did not see any need to hit back at the Cosatu boss, as he was aware that Vavi was under pressure from certain elements within the alliance who wanted to remove him as Cosatu general secretary.

"I have nothing against Vavi and will always support and defend him as a brother and comrade. Unlike others who are produced by small nursing unions and do not have a history of being fighters, Vavi is a product of Cosas [Congress of South African Students]. We speak one language with him. He is the only revolutionary remaining in Cosatu," Malema said.

"He is saying all these things about me because he is under pressure from forces who expelled me from the ANC. I don't think he believes in the things he says about me. He is closer to us by virtue of the things he believes in like the call for the nationalisation of mines and other key sectors of the economy.

Soft line

"They [his opponents] are putting pressure on him [to attack us] because they believe he sits with us in corners to talk about these things. The last time I was with him was in March," said Malema.

He suggested Vavi took a soft line on the Marikana shootings because he wanted to be re-elected as a leader of Cosatu, during the federation's national congress later this month.

"He [Vavi] would have been among the first people in Cosatu to go to Marikana. But he is under pressure now. He was heavily criticised by NUM leadership after he went to the Impala Platinum mines to find a resolution to the wage dispute between NUM members and employers there," said Malema.

Earlier on Monday, Malema used his interview with Kaya FM to question President Jacob Zuma's leadership style, describing him as a liability to the ANC and that his deputy, Kgalema Motlanthe, was the only capable ANC leader who could unite the party and restore its tainted image created by Zuma.

He said Zuma's re-election at the ANC's elective conference in Mangaung would not help the movement going forward.

"The ANC has never been so divided. Our image is compromised by his [Zuma's] lifestyle. We have a leader who is [more] driven by his interests. We supported him in Polokwane because we genuinely thought he was wrongly accused [by the Thabo Mbeki government], but we realised later that we committed a mistake".

Malema also reiterated his accusations against the ANC president for sending the wrong message on the government's fight against HIV/Aids.

#### Undermining gender equality

"He [Zuma] is not inspiring with regard to the government's campaign to reduce the level of HIV/Aids in the country. He has been involved in the campaigns before, but now he is doing the contrary to all those efforts," said Malema.

Malema also said by marrying many wives, Zuma was undermining gender equality in the country. He called on ANC members to elect Motlanthe as he was the only leader who could rescue the movement.

"We have many capable leaders in the ANC, but at the moment Motlanthe is the right person. People should not be stopped from raising names of their preferred candidates," said Malema.

He dismissed concerns that Motlanthe's chances of clinching the ANC presidency were slim because he has so far not shown interest in standing for the party's top position.

"Motlanthe never showed his hand even prior to Polokwane, but he emerged as deputy president. He was secretary general before he was elected deputy president in 2007. He is not someone who raises his hand. He says branches must choose. That's a leader, not a factionalist. We don't want favours from him [Motlanthe], but to unite and bring back the image of the ANC."

The M&G last week reported that Motlanthe had told those who are lobbying for him to replace Zuma, that he would only accept nomination if it was not aligned to slates, because they were the main cause of divisions within the ANC.

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(This could be important within the broader SA economic malaise: SA was starting to be seen as "a high-risk investment destination", Mr Davids added.)

### **Marikana: Freed miners speak of torture in police cells**

Sipho Hlongwane

South Africa

4 September 2012 02:28 (South Africa)

On Monday, after a initial delay, the Ga-Rankuwa Magistrates Court began the process of releasing of Marikana miners who had been previously facing charges of murder and attempted murder. Outside the gates of the court, some of the first group of provisionally

free miners told journalists that they had been tortured in police custody. By SIPHO HLONGWANE.

After the police shot 112 striking miners at Marikana on 16 August, killing 34, they arrested 259 people and trucked them to various police holding cells in the North West and Gauteng. By 1 September, the number of arrested had increased to 270 following arrests in the squatter camp near the site of the shootings and of some people reportedly taken after being discharged from various hospitals in the area. During this time, the Independent Police Investigative Directorate (IPID), the police watchdog, received numerous complaints alleging that police were torturing the arrested men.

On Monday, after being released from custody by the court following a decision by the National Prosecuting Authority (NPA) to drop the most controversial of the charges, several of the miners said they had indeed been on the receiving end of brutal violence while in police holding cells.

Wilson Febane, a resident of Marikana and one of the first to be freed Monday afternoon, said that the police especially targeted those prisoners who used cell phones.

“We wanted to use the phone inside, but the police, they just take us outside and they beat us. They punch, they kick us. They say don’t look at us. I don’t understand how long time, but they kick us out,” he said.

“They make us stand out and they search us again. They say we must not look at them. Other of us they made us take off our clothes. It was not mine, but others.”

Photo: A freed miner demonstrates how he was allegedly tortured in police custody. He was made to stand with his hands in the air as police beat him in the ribs with their hands and sticks. Sipho Hlongwane/DAILY MAVERICK

Another miner, who did not give his name, said that at the Bethanie police station in Brits he was made to stand against the wall with his hands above his head while the police beat him in the ribs with their bare hands and a stick. He witnessed others being slapped and having their fingers stomped on with boots.

When asked why the police did this, he said, in isiXhosa, “It was the cell phone. They were searching us when we arrived and somehow they missed my phone. Then they came into the cells and the phone was just lying on the bed. I didn’t hide it at all. They asked whose it was and they said it was mine. They were very angry but I said, ‘You searched me and missed it. I wasn’t going to point that out then because you were slapping and punching us’. But they beat me anyway.”

The prisoners were not mistreated at Pretoria Central Prison and the prison in Rustenburg, where they were transferred to after their first court appearance, two other men who had also just been released said.

None of the miners who were injured were among those who were released on Monday, but another two men said they had been told those men would be released at a later stage.

Though the police had shot 112 miners – killing 34 and wounding 78 – the NPA decided to charge the 270 arrested men with murder and attempted murder under the “common purpose” provision. The decision was widely panned in the public, and eventually the charges were dropped.

Due to an administrative mistake on the NPA’s side, releasing the miners from prison took most of the day, so that by 17:30 Monday, fewer than 50 men were actually out. Some 162 men were expected to walk free, while the state would continue to hold those whose addresses hadn’t yet been verified as well as those who were suspects in the murder of 10 people prior to August 16.

Photo: Some of the arrested miners arrive at the Ga-Rankuwa Magistrates Court, shortly before they were released on a free bail. While charges of murder and attempted murder were dropped, the public order charges still stand and trial will resume on 12 February 2013. Siphon Hlongwane/DAILY MAVERICK

The magistrate assented to the bail conditions asked for by the state. The miners may now not do anything that will be seen as violence, intimidation, interfering with witnesses, or contravening the Regulations of Gatherings Act, the Firearms Control Act and the Dangerous Weapons Act.

Speaking afterwards, the freed miners said they would have to be careful not to be seen among the group of miners still on a wildcat strike at Marikana, lest they overstep the boundaries of their bail conditions. The prosecutor said police would take the men back to their homes, but the help was refused and the men got into 10 minibus taxis, allegedly provided for by Friends of the ANC Youth League, a group connected to Julius Malema.

The defence lawyers noted for the record in the court that they believed all charges against the miners should have been dropped.

“The press conference (of the prosecuting authority to announce the dropping of charges) was the result of presentations that we made to the justice minister, the national director of public prosecutions and the commissioner of police,” Dali Mpofu said. “We had said that all charges are incompetent. We understand that the hands of our colleagues were tied by the announcement made to the media. We don’t want it said at a later stage that we acquiesced to the other charges.”

The prison stint and the brutality at the hands of the police seem to have done little to stunt the demands of the men, though those we interviewed expressed almighty relief at being free at last. They will probably not rejoin the strike because their traditional weapons have been confiscated (and such an action might violate bail conditions) but the Friends of the ANC Youth League are carefully pointing their anger away from Lonmin PLC and to a new direction: President Jacob Zuma.

At the command of the man who came with the taxis, the free miners made the rolling hand gesture of change at the ANC's Mangaung national conference for the television cameras, even as some said that they weren't entirely sure what it meant. DM

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### **Freed Marikana miners arrive home**

04 Sep 2012 07:26 - Sapa

Released from custody yesterday, the over 200 Lonmin miners arrested after the Marikana tragedy arrived at the North West mine just before midnight.

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Murder charges against them were dropped at the weekend.

They were greeted by the cheers which erupted from a large crowd who had been celebrating opposite the platinum mine.

They arrived in a convoy of minibuses, supplied by the Friends of the Youth League. Families embraced and women wept as they welcomed their husbands home.

"I'm happy now because my husband is back," one woman said. Another said she was going to sleep very well knowing her husband was home.

One of the released miners, Victor Molefane, cried saying he was celebrating because his wife had given birth to a baby boy on Monday.

"We are very happy."

His wife could not join him because she was still in a Soweto hospital.

The men formed a circle in the middle of a field next to the mine for the private cleansing ceremony, which lasted about 10 minutes.

The women cheered, danced and sang religious songs. After the ceremony the crowd dispersed peacefully.

Before the miners' arrival, a group of more than 200 sang revolutionary songs and danced to the backdrop of yellow lights and smoke rising from the platinum mine, looking forward to their homecoming.

"We will always mess it up," the group sang, wielding sticks and knobkerries as police kept watch from a distance.

The first group of about 50 men was released on warnings by the Ga-Rankuwa Magistrate's Court late on Monday afternoon.

State prosecutor Nigel Carpenter confirmed the murder and attempted murder charges against all 270 miners arrested were dropped.

The miners' lawyers put it on record that they wanted all charges to be dropped.

"All the charges are incompetent and should be withdrawn," Dali Mpofu said. He said this would be addressed when the trial resumed on February 12 next year.

The workers walked out of court singing and rolling their hands in a motion associated with calling for the substitution of a soccer player.

The men's wives greeted them as they made their way out.

"I'm very happy," Matidiso Poshodi said of her husband.

"I've been looking forward to this so much."

One of the workers, Bongani Maqakalana (27) said: "I'm very happy. I get to see my child."

The workers opted to use Friends of the Youth's League's transport, instead of that supplied by the state. The organisation supports expelled ANC Youth League president Julius Malema.

"We don't feel we need that [state transport], they have been in Nyalas a while now," Sello Difeto, a local businessman said, referring to the armoured police vehicles.

Monday's proceedings were delayed because the miners needed to be picked up from various prisons and brought to court. By 3pm, National Prosecuting Authority (NPA) spokesperson Vuyisile Calaza said authorities had found 91 of the miners.

The NPA said on Sunday the physical addresses of these miners had been confirmed, and they could apply to be released on warnings.

"Those whose physical residential addresses have not been confirmed by the police will remain in custody until the next court appearance, which is Thursday," the NPA said.

Last week, prosecutors said the men would be charged with the murder and attempted murder of 34 of their colleagues on August 16. Following a public outcry the charges were provisionally withdrawn on Sunday.

The murder charges had been brought by the director of public prosecutions in the North West, Johan Smit SC. He told reporters he had evidence that armed workers went to the hilltop in Marikana to attack the police.

"It was desirable for me to put the charges in," he said. – Sapa

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### The Marikana miners have rights too

- Sipho Hlongwane
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- 3 September 2012 01:46 (South Africa)
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From the way that some people speak of the 16 August Marikana shootings, you'd think that it was a fairly-matched battle between two armies. It wasn't. And the police certainly cannot have waived the basic human rights of the miners to 'deal' with the situation.

I took my first holiday job at about the age of 13. It wasn't a job in the sense that I was hired or anything, but my brother and I just rocked up at a dairy farm one day (we knew the farm hands) and asked to help. Since this was long before the words "basic conditions of employment" or even "health and safety" meant anything in the KwaZulu Natal countryside, we were allowed to help.

These gruff Zulu men who worked at that farm took massive delight in 'schooling' two pampered boys in the traditional ways that they still lived by. They certainly were not as kind to their own children, and we got to partake of activities that were usually only the preserve of grown men. Over the next three years, we'd visit the farm every July and December for a few weeks, and learned a great deal about a culture which would have otherwise been lost to us, thanks to the fact that our parents were born and grew up in the (then) Transvaal.

One of the first things we were taught was never to touch the arsenal of traditional weapons that each man kept under his mattress, wrapped in a cowhide. Each mattress hid several knobkieries, iklwa (the specialised Zulu stabbing spear – invented by iNkosi uShaka himself, according to legend), fighting sticks and a whip or two. Some men had the traditional cowhide shield as well.

Every single weapon was named. When these men had gone through a rite of passage, and had received the approval of the other men (some of them were amabutho, or soldiers, in the tribal wars and blood feuds in the Tugela valley) they were given these weapons, which they would be enjoined to guard with their lives. The level of affection that they displayed to what looked to my eyes like curio-shop props was embarrassing at times. Then again, the level of affection that Jay Leno has for his cars is weird.

Even years later, when most of them would prefer a pistol for personal protection, they still carried these weapons around – they were phallic symbols and badges of honour more



than anything. The weapons declare: "I am a man. I've earned my place alongside the other men of the tribe. Treat me as such."

I don't mean to defend the Marikana miners with this story, but rather to question why people who ought to know better speak as if the men were armed with tanks, rocket launchers and cannons.

Cosatu president S'dumo Dlamini reportedly said, "I am not even trained as a police [officer], but I can tell you that if you come to me, carrying a spear and I have a gun, I will defend myself. You would die a very foolish death if you do not defend yourself. It is a crime to go around carrying a sharp object. If you want a peaceful strike, leave the dangerous weapons at home. We are not ashamed to say this."

Leaving aside that in Dlamini's bizarre world the police should arrest anyone walking out of Makro with a large screwdriver, I'd be interested to know if he bothered to ask any of the miners why they carried these weapons around during their strike? Were they not saying, more than anything, "We are men, take us seriously"?

Also, one hopes that Dlamini's words mean that no stick, whips or knobkieries will be carried at a Cosatu-sanctioned strike ever again.

The police at the scene on that fateful day may have been outnumbered, but the idea that they were horribly outgunned is simply ludicrous. They weren't, and the evidence shrieks out for itself: 122 miners were shot; 34 died. How many police officers sustained so much as a scratch on that day?

I fully agree that the police had a right to defend themselves if they thought that the situation warranted it. Any miner found to have been involved in the murder of the 10 people who died before 16 August must face the criminal justice system. But the events preceding that Thursday cannot have given the police carte blanche to tear up the Constitution and simply mow these men down with automatic weapons.

According to accounts by the police themselves, the two pistols that were stolen from the two dead police were recovered after the shootings. Did two pistols warrant the response? Did they have to shoot men who were fleeing? I hope the commission of inquiry will force the police answer that question.

Just because you think that the demands of the miners are ridiculous, or that they are acting in an irrational manner, or that they are guilty of some crime, does not mean that they automatically cede their rights and can be killed or otherwise ill-treated by the police and the criminal justice system. Human rights don't work that way.

It doesn't please me in the least bit to see the police act in such a way against people I don't know and struggle to relate to. I'm outraged, and I'm not going to wait until those armoured trucks are doing the same thing in the suburbs before I decide that they've gone too far. **DM**

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Marikana: A common purpose for 162 miners - freedom

Mandy de Waal

South Africa

4 September 2012 02:15 (South Africa)

It has been weeks since the families of miners last saw their loved ones. An agonising couple of weeks filled with news of how sons or brothers or husbands were assaulted or went without medicine for their chronic conditions. Then came the shock, as families discovered that the miners were provisionally charged with the murder and attempted murder of their comrades – the protestors who had been shot, killed or wounded by police. And so it was a sweet day for families who came to the Ga-Rankuwa magistrate’s court to welcome their loved ones home. By MANDY DE WAAL.

Primrose Sonti arrived just before lunch on Monday at the Ga-Rankuwa Magistrate’s Court, where 162 miners would later be released on warnings, after charges of murder and attempted murder against them were dropped. For 51-year-old Sonti, there hope was that one of those being released would be her son.

“I haven’t seen my son at all, but I hope that he is fine. We heard that the police threatened them, that they beat the miners. There were miners there that were sick but they didn’t get their medication. There were miners there that had wounds and they were not cleaning them. But today in Marikana, people are happy. But only halfway happy because they don’t know who is going to be released, who is going to be left here,” said Sonti.

“But we can just have a hope that they will leave from here. That on Thursday everyone will be home and free. My son’s name is Mishack Mzilikazi and he is a miner from Lonmin. He is a winch driver at the mine, and has worked there for six years. My son went there to the mountain every day during the protest, even on the day of the 16th when that thing happened. He went to the mountain as usual. He just said to me: ‘I am going, Mama. I am going.’ It was early in the morning. So past seven, and that was the last day that I saw him.

“We just heard from the TVs that they are going to be released, and then there was this other lawyer who phoned us,” she added, beaming at the prospect of being reunited with her son again, after what had been 19 agonising days of separation. For the first week after the Marikana massacre on 16 August 2012, when police shot dead 34 miners and wounded a further 78, Sonti didn’t know whether her son was dead or alive.

“When I heard about the shooting I was crying, I was just crying,” she told Daily Maverick. “I went to the hospital but he wasn’t there. I sent someone to the mortuary at Phokeng in Rustenburg, because I was too scared to go there, but they didn’t see him at all. Luckily on Wednesday (22 August) I got news that he is alive, and that he is at Phokeng prison. His friend told us, it took a whole week before we knew what happened to him. You know I was crying really. I thought he was dead. I thought his body was lying at that mountain or somewhere I couldn’t find it, that maybe he was rotting there somewhere and I just didn’t know.

“I have been crying so very much,” Sonti said as she sat and waited for news about when the Marikana miners were to arrive for court, on the day that would see most of them released.

Photo: Primrose Sonti wept when it became apparent her son was not amongst the first batch of miners released. (Mandy de Waal/DAILY MAVERICK)

As it turned out, it was a long wait. The miners were initially due to appear in court at 13h00, but this turned to 14h00 and then became 15h00. The miners finally arrived under heavy police guard at 16h50. But not all of them – they were being brought in batches for the legal proceedings that would realise their freedom.

The delay in getting the miners to court was caused by the paperwork. Lists of the names and particulars of all the 162 miners whose addresses had been verified, had to be drawn up. Requisition forms for their release needed to be faxed through to the prisons where they were being held. The police then needed to check these off against their lists, and arrangements needed to be made to gather the miners into groups and bring them to court. This took the better part of Monday.

Just before five in the afternoon, the sound of police sirens alerted relatives and the huge gaggle of local and international media present that the miners were nearing the court building. The back of the court was cleared, and a yellow tape cordoned off an area so the press couldn’t get too close to the miners. A heavy police presence was visible near the court where the miners would arrive, as well as around the courts and at the front gates of the court complex.

The boys in blue were decked out in bulletproof vests, padded gear, pepper-spray and handguns, but a couple carried what looked like shotgun casings across their chests. At least one had a semi-automatic weapon. The police mood was fairly tense throughout the day, and when the first batch of miners arrived, the law enforcers had their hands full trying to keep the media in check as the competition for live footage and photos began.

Once the first lot of some fifty miners were inside the court, the Public Prosecutor, Nigel Carpenter, reiterated that the state was dropping the charges of murder and attempted murder against the miners. However, Carpenter asked the state to release the miners on the proviso that they’d be warned not to contravene the Public

Violence Act, the Gatherings Act, the Dangerous Weapons Act, or the Firearms Control Act; and further be given notice not to interfere with any eyewitnesses, or any other aspect of the investigation.

Carpenter stated that the miners would still be charged with public violence, and would need to be in court in February 2013 when the case resumed after investigations and the Judicial Commission of Enquiry had been finalised. Magistrate Esau Bodigelo rubber-stamped the warning, but before the miners were released, one of their lawyers, Dali Mpofo, put it on record that the legal team wanted all the charges dropped. He said, however, that he would not contest this, but merely wanted the court to note it so that it could be addressed when the trial resumed next year.

The miners, their lawyers, the public prosecutor and his team, as well as the judge, sat in a court that was sealed off from the media. The media had to watch proceedings on two television screens in an adjacent court room. The screens occasionally flickered and gave up the ghost before coming to life again.

Outside, Sonti was fretting because she had yet to see her son on one of the screens. "I haven't seen him," she said. "I am getting so worried now." Earlier she talked about the mood at Marikana, which she said was optimistic for now. But Sonti said many families were unsure of their future. "Do you know now we are unconscious, we are disappointed, we don't know what is the right thing we must do. We don't know. But the main problem is the management of that mine is totally wrong. I say so because it was better to fire those men, not to kill them. To kill them is bad," Sonti told Daily Maverick.

"And the families that have lost breadwinners, we don't know if the mine can help them. They say nothing. There is silence from the mine management. They don't say anything about what they can do. It is just silence." Sonti added that a fear for many of the families was whether their breadwinners would come back to jobs. "The work is so very scarce, and they can't just fire these men who are coming back. To fire them will be unfair," she told us.

"I think the government must take the mines. They must own the mines. These people who own the mines they are too cruel. The living conditions in Marikana are too bad. We stay in the shacks. We don't have toilets. We don't have enough water. We don't have electricity. And even that money they earn it is not enough for their families. My son has two children and a girlfriend," Sonti said.

Standing nearby Sonti was Clement Poshaeo, who was hoping to reunite with his brother Vincent Poshaeo, 52, arrested on Thursday 16 August after the massacre. "We didn't hear from him for a long time. From the first time they took the miners we didn't hear from him, and we didn't know what happened. That is why we have come here, because we didn't see him yet and we wish to see him now. He loves the football club, and he loves to watch soccer on television. He came to South Africa

from Lesotho to work at the mine seven years ago. He has five children that live back home in Lesotho,” said Poshaeo. “I know that he was paid R4,000. I don’t know if he was angry about this, but it is not a lot of money. He has children to look after. That isn’t enough money to support his children,” he added.

Poshaeo had hardly finished his sentence when there was a flurry as Godfrey Gouwe of Friends of the Youth League tried to burst into the courtroom next door, where the miners had heard they were free to go, but that the police would be transporting them back to the mine. The public prosecutor said this was an unusual arrangement, but it was being done as a ‘special service’ for the miners.

Gouwe was livid because Friends of the Youth League had arranged transport to take their “brothers” back home. “The men are free. The charges are dropped. I am going into the court to demand their release, they can’t be held any longer.” But just as Gouwe pushed open the door in a grand gesture, he bumped up against a massive burly blonde policemen with a reddened face, twice his size. He was one of the law enforcement officers with what appear to be shotgun casings slung across his chest.

There was a stand-off, and Gouwe became decidedly less animated as the policeman becomes increasingly agitated. Gouwe was hustled out by the boys in blue. “As Friends of the Youth League, we have gotten transport for the miners so that they can go home very safe. I wanted to ensure that the miners got the instruction that we have already arranged the transport. As our fellow brothers we feel that we must give them the moral support. The police mustn’t take them home. We will take them home.” Gouwe was called back into the courtroom, and within minutes there was a sound of applause and the miners burst out of the building, massive smiles on their faces. Fists in the air, and back slapping, shaking of hands; the miners started singing.

Journalists chased after them as the Friends of the Youth League hustled them out to where the taxis were waiting. Back near the courtroom Sonti was in tears. Her son wasn’t in the first group. She was inconsolable. Daily Maverick phoned Sonti a few hours later at 21h30, and she was still at Ga-Rankuwe waiting for her son. She had stopped crying and was in better spirits. “If he is not in this third group then I know he will come home on Thursday. We must hope. We can’t stop hoping, nê?”

No, Sonti, we can’t stop hoping. That your son gets home. That justice is served to all. We can’t stop hoping, nê? DM

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Marikana murder charge withdrawal: the first glimmer of sanity

- Pierre de Vos
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- 3 September 2012 01:35 (South Africa)

The NPA seems to have regained a small sprinkling of sanity – it looks like the charges of murder against 270 protesting Lonmin miners will be withdrawn. Yet a number of so-called experts and scholars are still claiming, although feebly, that the charge could have held water. Let’s not kid ourselves – the law is perfectly clear.

The decision by the National Prosecuting Authority (NPA) preliminary to withdraw charges of murder against 270 Marikana miners for the killing of 34 of their colleagues by the police was the only remotely rational course of action to take. It is probably too late to save the NPA from becoming the laughing stock of most South Africans and people across the rest of the world, but the decision seems like a glimmer of rationality in a sea of madness.

Yet it is more than surprising that the NPA is maintaining its original decision to charge the miners was legally sound. It’s like a child denying that ate his mother’s chocolate cake when he has chocolate icing smeared all over his face. Even more surprising is that a legal academic from Wits has argued that, theoretically at least, the miners could be convicted of murder under the common purpose doctrine.

According to these defenders of the NPA, the decision was legally sound because the state would only have to prove that the miners were present at the scene of the killing and aware of an attack on the police; that the miners intended to associate with those attacking the police and had manifested their sharing of the common purpose by some act; and lastly that the miners had the intent, in the form of *dolus eventualis*, by showing the miners foresaw the (reasonable) possibility that someone may be killed by the actions of those in the crowd who provoked the police to shoot and kill some of them.

Could these views have been animated by a blinding animosity towards the miners; or by a fear of the protesting (black) hordes; or by an unexamined belief that the miners deserved to be punished collectively because one or more persons who took part in the strike had allegedly killed two police officers? Or have those who made this decision to prosecute or defended it – even if only on theoretical grounds – not studied the relevant legal materials properly?

The leading Criminal Law textbooks (quoted approvingly by the Constitutional Court in its judgment on the common purpose doctrine) illustrate that the doctrine is used to impute the criminal conduct of some members of a group to the whole group who had the common purpose to commit a crime. Burchell and Milton define the doctrine as follows:

“Where two or more people agree to commit a crime or actively associate in a joint unlawful enterprise, each will be responsible for *specific criminal conduct committed by one of their number which falls within their common design*. Liability arises from their ‘common purpose’ to commit the crime.”

Similarly, the other Criminal Law guru, Snyman, points out in his textbook that:

“the essence of the doctrine is that if two or more people, having a common purpose to commit a crime, act together in order to achieve that purpose, *the conduct of each of them* in the execution of that purpose is imputed to the others.”

This means that the 270 miners could only be convicted of murder if the conduct of one of its members could be shown to have caused the death of the 34 miners and if all the other requirements for common purpose had been met. Given the fact that the police actually shot the 34 miners, it is unclear how the conduct of any of the miners could have caused the death of their comrades.

For a successful prosecution, the state would have to prove that the miners made common purpose with the police with the intention to have their fellow workers killed. It is only where the miners can be shown to have had a common purpose with the police that the conduct of the police (who actually killed the miners) could be imputed to them. As none of the miners actually killed anyone on the day of the massacre, it would help little to prove they had a common purpose to protest or even to attack the police, because none of them were involved in the killing of the 34 miners.

That is why the Constitutional Court confirmed in the *Thebus* case that a group of people who are not co-perpetrators could only be found guilty of a crime with assistance of the common purpose doctrine if they were aware the crime was being committed and must have intended to make common cause with those who *were actually perpetrating the crime*. The crime in this case being the killing of 34 miners by the police, it would be impossible to prove that the miners made common purpose with the police to kill their fellow miners.

In any case, even if this was not so, and even if the state only had to prove that the miners acted with a common purpose with one another by walking in a group towards the police and that this led to the shooting that killed 34 of their comrades, the state would never have been able to prove the involvement of the 270 miners in this common purpose. As the Constitutional Court warned, it is the

“duty of every trial court, when applying the doctrine of common purpose, to exercise the utmost circumspection in evaluating the evidence against each accused person. A collective approach to determining the actual conduct or active association of an individual accused has many evidentiary pitfalls. The trial court must seek to determine, in respect of each accused person, the location, timing, sequence, duration, frequency and nature of the conduct alleged to constitute sufficient participation or active association and its relationship, if any, to the criminal result and to all other pre-requisites of guilt. Whether or not active association has been appropriately established will depend upon the factual context of each case.”

How would the state ever prove that the 270 actively associated with the one person in the crowd who allegedly shot at the police? Merely being proven to have been in the crowd might have been sufficient to be convicted of murder by one of the members of the crowd during the Apartheid years, but those days are long gone. The Constitutional Court decision

makes this abundantly clear. More is required now, and the state would never have been able to meet this more stringent evidentiary burden.

But apart from the evidentiary problems, there is still the problem that none of the miners had actually set out to kill their comrades. Neither had any of the miners killed any of their comrades. The police did that.

To overcome this problem, those who argue that the decision to charge the miners with murder was legally plausible say that all the miners could be guilty of murder if one of them had shot at the police because the person who shot at the police could be found guilty of murder and his guilt could be ascribed to all of them via the common purpose doctrine. But this argument conflates the requirements for common purpose with the requirements for intention.

Those who defend the NPA (as well as the NPA itself) wrongly invoke the 1981 judgment of the Appellate Division in S v Nhlapo and Another, where a guard was shot and killed – possibly by a fellow guard – in a gun battle with robbers. The court stated that the robbers – who were ready to use their guns to overpower the guards – must have reasonably foreseen that someone could get killed in the robbery and therefore possessed the necessary intention for murder (in the form of dolus eventualis). The court therefore convicted the robbers of the murder of the guard – even though the state had not proven that any of them shot the guard.

The problem is that this scenario is entirely different from what the police claimed happened at Marikana. The Nhlapo case did not deal with the common purpose doctrine because all the robbers were co-perpetrators: they all had guns, were prepared to use them, and then reasonably foresaw that someone would be killed. The actions of one robber were not imputed to other robbers via the common purpose doctrine: they were all charged because they had taken part in the shootout. Their actions caused the death of the guard and they reasonably foresaw that it could.

But the actions of all 270 miners did not cause the death of the 34 victims. At most, the actions of one miner who shot at the police could arguably be said to have caused the death of others. To hold otherwise would be to criminalise the behaviour of every member of a crowd of protestors, where the behaviour of one of the protestors might have contributed to the death of someone and where that protestor had reasonably foreseen the possibility that his actions would lead to the death. It would, in effect, abolish most of the requirements for criminal liability for anyone taking part in a protest march and would be so invasive not only of the right to protest freely but also of the right to be presumed innocent until proven guilty, that it would undermine the very essence of our Bill of Rights.

Unlike those robbers, all of the 270 miners were not armed with guns. They had not all taken part in a shooting match with the police. They were not co-perpetrators going out to overpower the police. Arguably, one of those in their midst had a gun and shot at the police. They could therefore not have been guilty of murder because they had no intention to kill their comrades. To hold otherwise would be to use the common purpose doctrine in a



situation for which it has not been designed and for which has not (and never will be) approved by our courts.

In any case, even if this was not so, no court in South Africa is ever going to find that the miners should reasonably have foreseen the possibility that the police would start shooting at them with live ammunition and would kill 34 of their comrades because one among them had a firearm.

We live in a democracy. We have a right to expect the police to obey the law and use minimum force, as they are required to do by the Police Act. We cannot and should not ever accept that it is reasonable to foresee that the police would use maximum force and would shoot and kill 34 protestors because one of them happened to have been armed with a gun. For a court to hold otherwise would be for it to hold that it is reasonable for the police at best to be untrained, bumbling, and bizarrely incompetent or, at worst, to be malicious, vengeful, law-breaking thugs.

It is a pity that some in the NPA seem to have forgotten (or might never have noticed) that we indeed live in a democracy now, and that we can reasonably expect the police to obey the law. **DM**

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### **Gold Fields strike: With or without Malema, NUM's credibility is at stake**

- Khadija Patel
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- 4 September 2012 02:34 (South Africa)
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Julius Malema, as self-appointed leader of the mining revolution, addressed striking workers at Gold Fields' KDC East gold mine in Westonaria on Monday. He listened to grievances, made the right noises, and got a rousing welcome from an audience of thousands. By KHADIJA PATEL.

Julius Malema was given a rousing welcome by striking workers at the KDC East mine on Monday. His anger, though, was significantly toned down and his message more conciliatory than it was in the Aurora last week. He did not invite workers over to the dark side of an ungovernable mining industry, but he did listen to the grievances of those who felt repressed by their employers and ignored by the branch leadership of the National Union of Mineworkers (NUM).

"Leaders of the National Union of Mineworkers should know that you can't act for workers without consulting them, and don't take workers for granted," Malema said. And workers applauded him, passionately nodding in agreement.

The urban legend of Malema's great power may well have received more support, but crucially, he was addressing a large group of workers who had grown dispirited with the opportunities available to them – opportunities to air complaints about any number of grievances, from the quality of food served to them, to suspicion that their union leaders are earning multiple salaries while the workers themselves feel their remuneration is inadequate.

"The leaders don't respect us," said one mineworker, who identified herself as "Zee".

"They show us they don't care about us," said another worker, who identified himself as "Mac-Donald".

As Malema spoke to the miners, the news arrived that the Hawks' investigation into his affair was being wrapped up and that he would soon face the justice system of South Africa. That must have distracted him somewhat.

Gold Fields, the world's fourth largest gold producer, announced last week that miners at the KDC mine had been on strike since the start of a night shift on Wednesday, over a dispute related to an internal wrangle within a NUM branch. And on Monday morning, five days after the strike began – following assurances from NUM that everything had been resolved and that there was never an internal union dispute – NUM spokesperson Lesiba Seshoka admitted to Daily Maverick that the strike had remained unresolved because of differences between the branch leadership and workers.

It was an about-turn from Seshoka, who last week insisted that it was a disagreement about a funeral policy benefit only.

"Members did not want the mine to implement a compulsory funeral scheme; they want options," Seshoka had explained.

While the strike may not be about the funeral benefit right now, it is, however, the funeral benefit that ignited the workers' ire.

The funeral policy had originally been negotiated between NUM and the mine, and all category three to eight workers would have had R69 deducted from their salaries for the policy, regardless of whether they wanted it or not. It was also applicable to workers who belonged to other unions as well those who were unaffiliated. Workers first learned of this when they received their payslips last week, and according to Malema, workers had originally been told that only R39 would be deducted from their salaries for the benefit.

A number of striking workers told Daily Maverick that NUM had acted unilaterally – without consulting workers, or informing them about the benefit.

"They didn't inform the people about the decision about the funeral policy," one worker said.

“(NUM) leadership did not come when workers called, so people now want to choose their own leadership.”

According to Seshoka, mine management agreed to make the policy voluntary on Friday.

Gold Fields, however, has begged to differ.

Spokesman Sven Lunsche contends that the funeral policy issue was resolved on Wednesday already.

*Photo: Although a core group of striking workers carried knobkerries, or tree branches the atmosphere at the strike, although angry was not threatening. (Khadija Patel/Daily Maverick)*

The differing accounts of the timeline for the resolution of the funeral policy complaint is significant because it raises questions of the communication channels between the branch leadership and the NUM bigwigs in Johannesburg.

“The problem now is an issue between the workers and the (NUM) branch leadership,” Seshoka said. According to Seshoka, workers have levelled allegations of misconduct against the NUM leadership at KDC East, and insist that elections be held for workers to choose new membership. And workers certainly do have a litany of complaints against the NUM leadership at KDC East.

“They are giving us rotten food,” one worker complained passionately.

Another worker interrupted, saying a member of the NUM leadership at KDC East actually owned the catering company that supplied the food to workers.

“When we go to them to tell them about the food they tell us ‘Go away, go to your compounds,’” he said.

More than one worker also alleged that workers had been receiving what they termed “photocopied” payslips, claiming that the branch leadership was responsible for handing out counterfeit payslips to workers. Other workers alleged that their payslips arrived in unsealed envelopes, saying again that NUM officials were somehow responsible.

And then, to top it all, workers feel they are being cheated of better salaries by union officials who have put their own interests ahead of employees.

“The money workers are getting is too little,” Zee said.

Seshoka indicated that senior NUM officials were holding out for due process at the KDC mine. "What should happen is the (branch) leaders should be suspended and then the allegations should be investigated," he said.

It is, however, a process that workers have little patience for. "The process is going to take too long," Zee argued. "We want these people removed, effective immediately."

Workers are hellbent on going forth with a vote of no confidence in their branch leadership and then proceeding with the election, but NUM does not appear to be inclined towards a compromise.

"We are hoping that the issue can be resolved between the branch leadership and the miners," Seshoka said.

According to Gold Fields, some 12,000 employees are participating in the strike, scuppering the KDC East operation production of 1,660 oz a day. Already Gold Fields management has been granted an urgent interdict to bring what they describe as "the unlawful and unprotected strike" to an end, but so far the interdict has been ineffective.

Lunsche has blamed the strike on a core group of between 1,000 and 2,000 workers, who he claims have been preventing their colleagues from going to work. In recent days, Gold Fields has repeatedly announced in statements that the strike is now a dispute among organised labour, and though the company claims to be doing all it can to help resolve the issue, it has placed the responsibility for the resolution of the strike firmly at NUM's door.

Many workers, however, still feel that Gold Fields has a role to play in steering the strike towards a resolution.

"If management is saying it's not their problem, then production is also not their problem," said one miner, who refused to identify himself. "We want management to remove the current leadership."

Emmanyel Seeiso, a pump supervisor, who works eight-hour shifts, six days a week, has a plan of action ready for mine management.

"Management must expel the (NUM branch) leadership," he said. "And we can elect a temporary committee."

In the meantime, Malema made his way to Westonaria on Monday, the latest pit stop in his mining revolution. Thus he continues to earn the wrath of senior NUM officials, who believe he is using the current tensions in the mining industry for his own benefit.

"We are very disappointed that people want to use a situation where deaths have taken place in the industry to revive their political careers," he said. "What is happening in the mining industry is not only dangerous for the industry."

Malema, however, countered the allegations of opportunism levelled against him by NUM, claiming that his attention to the mining industry was alive long before the massacre in Marikana.

“We don’t want to take advantage of our workers,” Malema said. “We are not starting (in the mines) today. We are not starting in Marikana. We have always been with the poor.”

And though Malema heard the grievances of the workers and told them more or less what they wanted to hear, when he left, workers milled around; many of them returned to their compounds while others stood, waiting expectantly. Malema has heard them; what now?

It is here, at the level of industrial unions stripped down to their branches, that ordinary workers experience their work, commitment and care. Or lack of it. And it is here that we may sense what lies in store for the business of trade unions in the rest of the country. And from the look and sound of what is happening at KDC East, there could be great tumult ahead. DM

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### **Reporter's Notebook : Marking time at the Ga-Rankuwa Magistrate's Court**

Mandy de Waal

South Africa

4 September 2012 02:21 (South Africa)

Time takes a cigarette and puts it in your mouth at Ga-Rankuwa Magistrate’s Court, where everyone plays the waiting game, as the state shuffles papers to get the Marikana miners to court. But it’s a game that’s played hard and played often in South Africa. In many ways, most of us are waiting. By MANDY DE WAAL.

Waiting. Waiting. Waiting.

That’s what people do at the Ga-Rankuwa Magistrate’s Court in the North West. At the side of the road, outside the court gates, hawkers wait for journalists to buy Sprite, frozen guava ices or soda bottles filled with water from the nearest tap.

Across the road at the entrance to the court complex, the boys in blue stand under trees waiting for full-bottomed ‘girls’ to come by so that they can leer and make wanton comments.

Outside courtroom 'H', there's a gaggle of local and international press waiting for the Marikana miners to arrive because they're big news; it's a global story and they're on deadline.

But after entering the court complex, and before you get to the main action, there are small mobile offices that act as maintenance or children's courts. The women sit or stand in huddles outside of the maintenance mobile office waiting for their case numbers to be called. The men sit pulling at cigarettes far away from the feminine crush, knowing that they'll be found and hauled into the smallish mobile office once their time has come.

There's a woman in blue waiting for a copy of her 2002 divorce decree. She's wading through Lever Arch files of paper, trying to find her name and case file number, while she's holding on for one of the court clerks to help her. But the clerk's having tea.

Photo: Ga-Rankuwa magistrate's court. A woman looks through a mountain of paper work in a shambles of a filing system, trying to get a copy of her divorce decree. (Mandy de Waal/DAILY MAVERICK)

"Can you believe it? I have to do their work and the papers are in such a mess. Nothing is on computer so I must look through all this paper. Years and years of paper. And you mustn't complain because then you get nothing. You must just do their work and wait while they have tea."

The clerk breaks from her pause, and seeing a lone pale female with a camera and a recording device, she asks why I'm here. I say I'm a journalist working the Marikana court case. She calls me into the small mobile office and closes the door. "Can you do another story? Not Marikana. There is so much corruption and nepotism here. The papers here are in a mess. We want to tell you the story, but I first must caucus with my colleagues. It has been like this for years. The Justice Department here in Ga-Rankuwa is a mess, but we are scared to talk because we will be victimised. I must even watch out to see that no one witnesses me talking to you, because it is so dangerous."

I offer my number, saying she can talk to me later off the record. I wait, and then the court clerk pops her head out of the door to see if the coast is clear, and hustles me out. She says she'll call with the story, but I wait and the call never comes.

There's a security guard on the way to the court where police, prosecutors, lawyers and the media are waiting for the Marikana miners. The security guard's waiting too, but he's biding time hoping for a better job. He studied engineering and has been sending out his CV for years now, but this is the best he can do. All he ever gets are rejections.

Before this, he worked in a mortuary and sewed people up, he says. "Some people die with their arms up," he states, striking a crucifix pose. "I had to cut their arms off because they were stuck like that. It was the only way we could get their bodies into the coffins."

At court 'H', the international TV crews are waiting, anchors with neatly coiffed hair and stylish day jackets under the first warmth of an African sun. They've been here since breakfast. The court opened at nine, and the release of the Marikana miners was due to happen shortly afterward. But it's not happening fast, so the anchors sweat, while the local journalists in jeans and Ts, and some in shorts, shoot the breeze, smoke fags and drink fizzy drinks.

Photo: Journalists waiting at Ga-Rankuwa magistrate's court. (Mandy de Waal/DAILY MAVERICK)

It is about twelve, and the defence lawyers for the miners roll up in luxury vehicles and imported gear. They drift in but won't speak to anyone until their clients arrive. And so the media wait a little longer.

Earlier I was at the Ga-Rankuwa Forensic Pathology building, where I was waiting, hoping to speak to the manager and get a view of where the remains of the 34 miners who were killed were held. The dead miners were initially taken to Phokeng Mortuary in Rustenburg, but the workers here say the post mortems were done at this facility.

In the reception room, a family is huddled in grief while they sit on the brushed steel chairs. They are waiting for their daughter to identify her child, who drowned. There's a terrible wail from the door leading off towards the right, where the mortuary is – the cry of the young mother's grief. The small dead body is indeed her child. She is brought back to the reception area weeping, where her family is waiting for her, crying softly.

I leave the reception to go and see the manager, Mr Motola, who was about to have bread and tea. But now that's going to have to wait, because this journalist pitched up uninvited and wants to see where the Marikana autopsies were done.

Photo: The forensic pathology service in Ga-Rankuwa where the Autopsies on the 34 dead miners were done. (Mandy de Waal/DAILY MAVERICK)

Motola defers to a Mr Mahlangu, who is his boss, and has just finished tea. (The 'tell' is the rumpled plastic from what was once a bag that covered white bread, and some crumbs.) Mahlangu defers to Jaco Louw, who offers a firm 'no'. The facility is being refurbished, he says, and therefore can't be viewed by journalists. My persistence sees him defer to his superior, who defers to another superior - the HOD - who requires a written application and then only will begin to consider a tour of the facility. I ask myself if that's worth waiting for when the miners' presence in court could be imminent. On the other hand, it could take a while.

Back at the courts, the journalists are still waiting. The hearing was due to start at one, but is now unlikely to start at two. Then it is getting closer to three. A Department of Justice worker steps outside to move her car because it is nearing four and she doesn't want to be parked in when the prisoners arrive in big police vans.

Down the way, some boys in blue sit outside the court on a rock. Marikana? I ask. What? they respond. Are you waiting for the Marikana miners to arrive? I ask. No, they say. We are waiting for tjaila (home time) at 4.30.

And so we wait. Like the patients in hospital waiting rooms. Like the commuters hoping that the Metrorail isn't late again. Like the Zimbabweans outside Home Affairs offices wanting to get in and get legit. Like the school leavers of 2011 still seeking jobs, or those pupils who never got textbooks.

Like most people in South Africa, holding onto the dream of a better life, we wait. And we wait. And we wait. DM

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Mariam Isa profile

**'Marikana effect' drags down SA's factories**

by Mariam Isa, 04 September 2012, 06:11 | 0 Comments

Eurozone manufacturing contraction worse than thought

MANUFACTURING slowed last month, with instability at SA's mines placing further pressure on a sector hard hit by the global slowdown, a key survey shows.

Business leaders and analysts say the violence at Lonmin's Marikana mine last month and the continuing illegal strike at Gold Fields are tarnishing investor confidence in SA.

Weak mining production over the past 18 months has started to erode demand for locally manufactured products. Mining and manufacturing together comprise a fifth of economic output.

"South African manufacturing operates on the back of the mining sector," Stewart Jennings, executive director of industry body the Manufacturing Circle, said yesterday. "Mines buy products from the manufacturing sector, like machinery ... The unrest has also knocked confidence."

However, the government insisted that the strike which led to 44 deaths at Marikana had not affected confidence in SA.

"The events of the past weeks have not yet impacted on our ability to attract investors to our country," Minister in the Presidency Collins Chabane said at a briefing to the Foreign Correspondents Association yesterday.

"We have also not had any concerns raised through our foreign offices abroad about the damage done to investor sentiments.



"Government, through the Department of Trade and Industry, has facilitated several investments in the past weeks in mining, manufacturing and business process outsourcing."

SA's purchasing managers index (PMI), a reliable health gauge for manufacturing, dipped to 50.2 last month from 51 in July in response to a sharp fall in new sales orders. That took the index, sponsored by Kagiso Tiso Holdings, close to the 50 point marking the difference between expansion and contraction. This reinforced concern that manufacturing may have curbed overall growth in the third quarter. The sector shrank by 1% in the second quarter, seasonally adjusted and annualised.

SA's PMI was in line with global trends. China's official PMI fell below 50 for the first time since November, while a similar survey yesterday showed that the eurozone's PMI was 45.1, marking the 13th month of contraction.

China is SA's biggest single trade partner and Europe is the main destination for its manufactured exports.

"We should see a further negative contribution to growth from the manufacturing sector in the third quarter if not slightly worse," said Abdul Davids, research head at Kagiso Asset Management.

Mr Davids said the PMI showed that "supply continues to exceed demand and this does not bode well for manufacturing sector production".

He also warned that the effects of the Marikana strike were starting to make themselves felt.

"Chemical companies are already seeing a cancellation of orders as a direct consequence of what is happening at Marikana."

SA was starting to be seen as "a high-risk investment destination", Mr Davids added.

Expected business conditions reflected by the PMI fell by 1.1 points to 52.9 — the sixth consecutive monthly drop. The new sales component of the index fell by 5.3 points to 46.9, while business activity slid to 50.6 from 50.8. The indices account for half of the weighting in the PMI index. Inventories, with a weighting of 10%, fell 4.3 points to 52.2.

Standard Bank said yesterday that waning business and consumer confidence "could hold the manufacturing sector to ransom for the rest of the year".

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**Vavi: Cosatu in 'difficult dilemma'**

by Natasha Marrian, 04 September 2012, 06:15 | 0 Comments

THE Congress of South African Trade Unions (Cosatu) is facing a "difficult dilemma" as it considers either abandoning the ruling tripartite alliance or building a direct line to the president's office, according to a draft political report by general secretary Zwelinzima Vavi.

Cosatu is at a turning point as it prepares for its national congress this month. Its relationship with its allies — the African National Congress (ANC) and the South African Communist Party — is an issue with the potential to divide the union federation.

Mr Vavi said there were many challenges facing the governing alliance and Cosatu had to decide whether it would be "blackmailed into silence" as the "revolution reached a dead end". These challenges included an organisational crisis in the ANC, a government in crisis, the crisis of unemployment, poverty and growing inequality, and a "growing crisis of political legitimacy and disillusionment".

He considered two scenarios, an "extreme" scenario would see the continued degeneration of the ANC and the government, characterised by a preoccupation with leadership elections and the sidelining of policy questions, Mr Vavi wrote.

This would lead to the ANC losing steam in the 2014 elections, with voters abstaining due to surging disillusionment, and the Democratic Alliance gaining a deeper foothold.

Mr Vavi said this scenario was no "fantasy, but a real possibility" if the crises in the party and the government were not addressed.

"Cosatu is in a difficult dilemma. It is seen as a hope by many, but it is also being attacked for being the hope — on the basis that it is creating an MDC (Movement for Democratic Change) alternative," he wrote.

Mr Vavi's "high-road scenario" is premised on Brazil's experience. Its former president, Luiz da Silva, a trade unionist, was credited with boosting his country's economy.

To achieve this, the alliance needed to agree on measures to ensure the "representivity and integrity" of the leadership elected at the ANC's December conference.

Mr Vavi said this scenario would also require legislation to govern conflicts of interest in the government and the ANC and a "radical economic shift", including a commitment to "review" all appointments to strategic ministries such as the Treasury and the Reserve Bank.

It would also require a legislated national minimum wage, comprehensive collective bargaining and social protection measures, including a grant for the unemployed.

Mr Vavi said such an agreement should include protocols for the alliance to ensure ANC policies were implemented and the creation of a "regular co-ordinating mechanism between the president and Cosatu".

Political analyst Steven Friedman said yesterday the Brazilian model would not succeed in SA because the ANC was a nationalist party, not a workers' party.

The report will be finalised and discussed by Cosatu affiliates at its congress, from September 17-20.

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Marikana was a Black Swan event — up to a point

by Tim Cohen, 03 September 2012, 07:08 | 4 Comments

I HAVE a horrible feeling that the Marikana shootings will turn out to be a Black Swan event in South Africa's history. If so, the immediate consequences are uncertain and the longer-term consequences are extremely dangerous.

The definition of a Black Swan event — provided by the author who popularised the notion, Nassim Nicholas Taleb — contains three elements. First, it is an outlier event in the sense that it lies outside the realm of regular expectation.

Second, it has an extreme effect. And third, in spite of its outlier status, human nature makes us concoct explanations for its occurrence after the fact — making it seem explicable and predictable.

Taleb uses events such as the First World War and September 11 2001 attacks as examples of classic Black Swan events. These were, of course, much more extreme than the Marikana shootings, but it's interesting, and perhaps even prognostic, to make the comparison.

It is possible to argue the massacre is not an outlier event as South Africa has experienced them before. Many comparisons have been made to the Sharpeville shootings. Frankly, I find this absurd.

Sharpeville happened a generation ago in totally different political circumstances, for totally different reasons. But the comparison with Sharpeville is important for the third leg of the Black Swan argument.

As for the effect of the event, I think we are beginning to see the implications already. Until the events at Goldfields on Friday, it was assumed gold mining was securely in the hands of the National Union of Mineworkers (NUM). The NUM, after all, has about 90% membership in the industry, and is almost universally recognised. By contrast, the platinum industry was considered a comparatively weak area for the NUM, which allowed the Association of Mineworkers and Construction Union (Amcu) to gain a foothold.

Yet, this difference is obviously less clearly defined than previously believed. There are actual differences between the gold and platinum industries, including the fact that the platinum industry has resisted industry-wide negotiations.

But the nature of the businesses and their labour relations are not that dissimilar. The main similarity is that recognition agreements, endorsed by Labour Relations Act, work on the basis of majoritarianism. That means for Amcu to cement its position, it has to gain majority recognition, or it has to create such an uncomfortable situation that the NUM grudgingly makes way for the new union and employers sense there is more to gain by recognising the union than by ignoring it.

That means more violent, wildcat strikes. By instigating the massacre, the South African Police Service has not only set back labour relations in an appalling, tragic way, it has also created a rallying point for Amcu, and consequently laid the groundwork for fractious labour relations for years to come.

One of the aspects of a Black Swan event is that not only is it unpredictable, but it makes all parties act unpredictably — precisely because it is so unusual and extreme. The actions of the National Prosecuting Authority are a good example. First, absurdly, charging the mineworkers with murder. And then, yesterday, withdrawing those charges. Obviously, this was the right thing to do, but as became immediately apparent at yesterday's press conference, the first question was whether there had been political pressure to withdraw the charges. The backwards and forwards process makes the authority look as though the left hand doesn't know what the right hand is doing.

As usual, President Jacob Zuma seems to be trying desperately to stay out of things — precisely at a moment he should be getting into them.

Since it was pretty obvious he was going to be fingered as the person behind the decision to withdraw the charges, I don't understand why he didn't just own up and say he instructed the prosecutors to wait until the end of the judicial inquiry before making a decision.

I guess he's not technically allowed to interfere with prosecutions, but who would take him to the Constitutional Court for that?

The other imponderable is the actions of Amcu. Presumably at some point, the union has to negotiate. But as it stands now, it can only do so in a context in which it is the indisputable winner, otherwise its foothold in the platinum industry will quickly disintegrate. Hence, I presume, the negotiating tactic will be extreme intimidation of workers — which we are already seeing — and extreme belligerence.

Already the union is backing away from something as simple as peace talks.

This is a fabulous political moment for Julius Malema. If he does not manage to manoeuvre himself into a major leadership position, I'd be very surprised.

How forlorn does Lonmin's call two weeks ago for workers to return to work look now? Amcu has been able to keep 94% of workers away from the mine for the most of last week. Lonmin's options are tricky and narrow. Closing the mine must, increasingly, be one of them.

In many ways, the most interesting aspect of the Black Swan notion is the subsequent rationalisations. Already, these have started pouring in. The most common is the notion of exploitative and cruel "white" business being ultimately responsible for the crisis by "calling in" the police, not doing enough for "the community", and not paying a living wage.

This story is made more alluring by the apparently contra-evidential fact that former NUM general secretary Cyril Ramaphosa is on the board. So that leads neatly to the conclusion that the mining industry has "done nothing" for mineworkers — only a small sliver of politically connected empowerment players have benefited.

Actually, much of the evidence is to the contrary. Ramaphosa is on the board because he and black shareholders are, by far, the largest shareholder group in Lonmin.

The notion that he is one of the politically connected empowerment beneficiaries is, of course, true. But as it happens, his company has lost a small fortune on its investment in Lonmin. Both of these facts run contrary to what might be called the "Malema narrative" so popular with the foreign press at the moment.

As for "doing nothing" for mineworkers, lawyer Peter Leon in a wonderfully insightful and wide-ranging address to the South African Institute of International Affairs, quoted a CIBC World Markets report which said that the average cost of labour, about 60% of the cost base, has increased to the order of 10% a year for at least the past 18 years.

This is not to say there isn't anything desirable in general about "wide" as opposed to "narrow" empowerment, or that mining companies are all angels. The point is that when it comes to Black Swan events, the narratives generated only seem to provide explanations. In this case, the fact that South Africa's society is changing in some ways actually provides a better explanation for the massacre than the tired and politically charged notion that it has not changed.

And in that truth, there may be a tiny glimmer of hope for the ultimate future, which will not be as bad as doomsayers predict.

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**Davies to reassure investors in the wake of Marikana**

by Linda Ensor, 03 September 2012, 18:14 | 1 Comments

THE recent events at Lonmin's Marikana platinum mine will be one of the issues that will be discussed by Trade and Industry Minister Rob Davies when he meets investors and analysts in London later this week, he said on Monday.

However, the minister stressed that the Marikana incident was restricted to one company, Lonmin, and one sector of the economy, the platinum sector. It had not resulted in a more generalised and negative reaction among foreign investors and on the inflow of foreign direct investment into South Africa.

The minister said the events called for reflection on the part of those who called for a weakening of worker rights.

Mr Davies will travel to London to participate in a conference on the role of the Brics (Brazil, Russia, India, China and South Africa) nations. He will also meet Vince Cable, the UK secretary of state for business, innovation and skills.

Topics under discussion will include changes in the investment climate in South Africa, which has resulted in positive flows of foreign direct investment over the past few years.

Mr Davies also gave details about the International Small Business Congress, which will take place at the Sandton Convention Centre from September 15 to 18. The theme of the conference will be the fostering of small businesses in new and high-potential industries worldwide.

He also conceded that South Africa's small-business development strategy had not succeeded so far in meeting its objectives. In future, its focus would instead shift to incubators to develop entrepreneurial talent and skills.

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<http://www.bdlive.co.za/opinion/columnists/2012/09/04/sa-seen-to-be-investor-unfriendly>

Business Day

**SA seen to be 'investor-unfriendly'**

by David Gleason, 04 September 2012, 06:23 ger

THE media appear incapable of denying former African National Congress (ANC) Youth League president Julius Malema the oxygen he needs to keep his persona in front of the public. Every time he says something, the media adore it.

He jumped on the Marikana tragedy involving the critical platinum industry in the true spirit of a dedicated opportunist; now he is seeking to expand the net to engulf gold mines. He is coming very close to inciting an explosive mix of civilian unrest alongside racial hatred.

Of course, I can understand why the media find Malema so attractive: he supplies great copy. And it's for that reason that we all need to pay attention because of the dreadful effect it is having on the country's reputation overseas. Many may have missed the telling comment by Pan African Resources CEO Jan Nelson (Business Day, August 31) when discussing the company's recent fund raising, nearly all of which was sourced locally. Nelson said it wouldn't have been possible to raise the cash needed overseas. South Africa, he had been told by a London fund manager (unnamed) was now deemed an "investor-unfriendly destination". It seems that between Malema and the media what the ANC strived for over its decades-long campaign against apartheid has been achieved in the space of a few weeks.

As I was writing this column the Mail & Guardian broke the news that the long-running investigation by the Hawks into Malema was nearing completion and that charges would be laid against him soon. Apparently, the charges may relate to alleged fraud and tax evasion activities. No one is saying. Have these been shelved because Malema has friends in high places; have those conducting the investigations been threatened, or are people just dragging their feet until after Mangaung? Everything seems on hold until Mangaung. One almost has the sense of being in a sort of No-Man's Land in which reality is suspended on a surreal high wire.

This is underlined by the recent statement by Justice Minister Jeff Radebe to the effect that he is seeking an explanation for the murder charges initiated against miners at Marikana, when their colleagues have been shot by police. He says he is entitled to ask these questions.

Unfortunately, it signals yet again, executive interference in the supposedly independent National Prosecuting Authority. And it sends a mixed message — why is he doing this when his own president has just announced a commission of inquiry into the Marikana tragedy? It smacks of playing politics ahead of — there's that word again — Mangaung.

When he was writing about the Marikana shootings after a two-week long investigation, Pulitzer Prize winner Greg Marinovich startlingly wondered whether the Small Koppie, where he says many of those killed actually met their end, might not be "the place where the constitution of South Africa has been dealt a mortal blow". It sounds journalistically good, but I doubt it.

And, while I am dealing with this matter, I was also surprised that Marinovich didn't discuss the stories about sangomas giving the miners "muti" to protect them from police bullets. Marinovich did us a favour with this photography and investigation. He was there for two weeks. But I would be surprised if in his investigation the involvement of sangomas was never mentioned. Deputy President Kgalema Motlanthe, seemed to think they might have played a role. Understanding a major cultural element in all this is vital.

An assumption is made that the deaths on the Small Koppie were inflicted by the police. Is that the case? How are we to know other than through a forensic examination of the bullets

and casings? Then there's the video taken from the Aljazeera camera position, which appears to show a miner shooting at police, the shot that sounds as if it may have been the initial cause of the police's nervous and devastating response.

And what about the story of the hare seen bolting in terror across the hillside ahead of the police confrontation? Don't kill the hare, a sangoma is alleged to have declaimed. If you do, there'll be bloodshed. The hare was killed. You know the rest. Was all this stuff just rural legend or did it happen? In the pursuit of truth, every stone has to be turned over.

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### **The Thick End of the Wedge: The Editor's Notebook**

by Peter Bruce, 03 September 2012

BY SOME miracle, the government has managed, in the space of just three days, to make a terrible mistake, realise what it has done without even so much as a "workshop", and reverse it. The 270 miners charged with murdering themselves in the Lonmin massacre going on three weeks ago will now not be charged with murder and, once police have been able to get a fix on their addresses, be released until all of the Zuma administration's many inquiries into the shootings are complete.

It is, of course, the prospect of imminent political meltdown that got President Jacob Zuma working the phones. Where he thinks he has time, he takes his time. Like all politicians, I suppose. If only there was a strong and big opposition party, the African National Congress (ANC) would behave impeccably. If the black middle classes were to vote Democratic Alliance (DA) in the 2014 election, it would have the most electrifying effect on the ANC and, critically, on the lives of the poor, to whom the ANC would have seriously to begin to "deliver". I know Cape Town is already clean but, equally, if the Western Cape middle classes were to vote ANC in the next local elections, Helen Zille and the DA would go to extraordinary lengths to do their jobs better. The answer to almost all of our many problems isn't revolution — it's political competition.

I was really disappointed with an article last week in the normally fabulous New York Times. Written in the wake of the Marikana killings, it raises the spectre of a country literally on the verge of social and political explosion and quotes, I'm afraid, Business Day columnist Aubrey Matshiqi and Times columnist Justice Malala as its primary sources for this cataclysmic view.

I just don't believe the doomsayers and when foreign correspondents start quoting newspaper columnists it may be time to cover, um, another country. By far the worst thing we are on the verge of is another seven years of a Zuma presidency. That's no leadership until almost 2020, the miner decision notwithstanding.

There is no point in middle-class foreign correspondents asking middle-class commentators here what's going to happen. The middle classes haven't got a clue, which is



why they always sound so scared. TV pictures of the striking Lonmin miners licking their spears seem to have done their work perfectly.

Lots of folk, religions too, have an interest in scaring the rest of us. Religions will threaten you with hell if you don't follow the rules. Similarly, the political left in South Africa want you to believe the country is on the brink. They want you to be scared enough to follow their prescriptions.

The truth is always more complicated. There is a huge but unmeasured informal economy in South Africa and it sustains millions of our fellow citizens. Some of them may even want it that way. Drive through any small rural town in South Africa early in the morning and count the number of people queueing at ATMs. They're not depositing, they're going shopping!

Let's not get hysterical. Ours is a fundamentally conservative society. It is our great strength and, at difficult times like these, post-Marikana, it always shows its mettle.

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### **Marikana: Civil Society demands justice and truth**

- Daily Maverick Staff Reporter
- 
- 3 September 2012 11:25 (South Africa)
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On Monday, Civil Society of South Africa came out strongly in favour of human rights, transparency and constitutional values. We bring you the statement in full.

Civil Society Statement Regarding the Killings at Marikana

### **A DEMAND FOR JUSTICE AND THE TRUTH**

3 September 2012

We are human rights organisations that seek to protect and promote the Constitution of the Republic of South Africa (the Constitution). We stand for the interests of the poor and marginalised and believe our Constitution's greatest strength is its promise of equality and the advancement of the political, social and economic rights of the poor.

The Marikana massacre is a defining moment in our history and cannot be allowed to pass without establishing the full truth, ensuring justice and providing redress for the victims and their families.

We are outraged by the emerging evidence of targeted killings at Marikana. The Marikana massacre and the subsequent callous responses of both Lonmin and several

representatives of the state, violate the very spirit of our Constitution and undermine the rights to life, freedom of expression, association, dignity and equality. A failure to ensure justice for the mineworkers, their wives, partners and families, both at an individual and institutional level, will deal an unprecedented blow to South Africa's democracy.

As organisations committed to social justice and the protection of human rights we state the following:

### **Background to the Killings**

We note that the Marikana massacre is part of an emerging pattern of violence and unlawful conduct by elements within the police. It is part of a continuum that runs through the killing of Andries Tatane and provides growing evidence of excessive use of force and a lack of training, preparedness and leadership resulting in police violence against the poor.

The massacre is also symptomatic of the growing strain on the industrial relations system and a lack of leadership, which are pushing many strikes into violent confrontations.

The killings occurred in a context of systemic failures, including low wages, appalling and dangerous working conditions and sub-human living conditions. These are characteristic of many mines throughout South Africa and, in particular, on the platinum belt.

We believe that the indifference of mine executives and investors to the impoverished conditions in and around the workplace ought to have consequences. For too long corporate abuse has gone unpunished, with unsustainable approaches ending in mine closures and destitute workers.

### **Police Conduct and Integrity of Investigations after the Killings**

- We are extremely concerned at the mismanagement of the processing of the crime scene. This has severe consequences for the availability and quality of evidence and impedes the pursuit of truth and justice.
- We stress the need to protect the independence and integrity of post-mortem examinations of all the deceased, the findings and that of any other necessary forensic investigations, including into alleged torture and ill-treatment of detained miners.

### **Charging Arrested Mineworkers with Murder**

- We condemn the charges of murder through the common purpose doctrine that were brought and then withdrawn by the National Prosecuting Authority (NPA).
- We call for the immediate release of all those arrested pending proper, impartial and transparent police investigations.

- We are alarmed at reports of torture of detainees, condemn any such occurrence in the strongest terms and urge the necessary independent authorities speedily to investigate and take any necessary action against such conduct.
- 
- We condemn any failure by the prison authorities to ensure that medical treatment is available to detainees. We have requested the Inspecting Judge of Prisons to investigate urgently reports that detainees are being denied access to essential medicines. This is unlawful.
- 
- We are concerned about the continuous postponements of proceedings in court, at the expense of those who remain in prison for unnecessarily long periods of time.
- 
- We are concerned at the failure to ensure that all those who were facing charges were present in the Magistrate's Court to hear the proceedings concerning their own futures.
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### The Judicial Commission of Enquiry

We welcome the appointment of the Judicial Commission of Enquiry, led by Judge Farlam, but we:

- Are concerned that its Terms of Reference do not adequately allow for an investigation into the complexity of the incident;
- 
- Require an opportunity to comment on the scope and content of the Terms of Reference, particularly in light of new evidence emerging;
- 
- Believe that the Commission will need to maximise transparency and seek ways to engage with extremely distressed, angry and sceptical community members to ensure that all voices are heard and trust is restored;
- 
- Urge the Commission to support witnesses who have been through traumatic experiences or may fear intimidation.
- 

We affirm the commitment of our collective organisations to the goals of:

- Ensuring that the miners, their families and others affected by the violence have access to justice. We have and will provide legal assistance and advice, including trauma counselling and other forms of psycho-social support, to mineworkers, their partners and the affected communities should they request it;
- 
- Upholding the rights of miners working in South Africa to bargain for decent wages, benefit from the wealth of the mines and enjoy dignified and acceptable working and living conditions;
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- Collating information, reporting and challenging all acts of torture, violence and intimidation against detainees, survivors, miners, family and/or community members;
- 
- If necessary, conducting, supporting and publicising independent investigations.
- 

We demand that:

- No witness, survivor or miner is intimidated;
- 
- All involved parties are held to account where appropriate, including police, business, government and trade unions.
- 
- The Independent Police Investigative Directorate (IPID) Enquiry
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We welcome the IPID investigation into police conduct but believe:

- That it must lead to an inquest or appropriate investigation into each individual death;
- 
- That it must not preclude individual investigations and prosecutions;
- 
- That the IPID must sustain comprehensive monitoring of police conduct in the area henceforth;
- 
- That the IPID must be given the space and resources to conduct its work independently and openly.
- 

### **The Role of the Business Community**

It is not enough for denunciation of these killings to come from civil society, trade unions and concerned citizens. Organised business must also condemn the killings and make a commitment to paying mineworkers a living wage and ending the apartheid-like conditions in which mineworkers continue to live and work.

The Chamber of Mines is morally culpable for the crisis.

We call on shareholders and investors in the mining industry and, in particular, the platinum belt, to add their voices to this outrage and demand more from the entities in which they invest.

### **Defending our Democracy**

We condemn all forms of violence and support all peaceful social mobilisation, including the work of the Marikana Solidarity Campaign, and the day of action on the 8th September to ensure that never again is our democracy so tainted.

This statement is endorsed by the following organisations:

- [Amnesty International South Africa](#)
- [Centre for Applied Legal Studies](#)
- [Centre for the Study of Violence and Reconciliation](#)
- [Equal Education Law Centre](#)
- [Human Rights Media Trust](#)
- [Lawyers for Human Rights](#)
- [Legal Resources Centre](#)
- [Marikana Solidarity Campaign](#)
- [RAITH Foundation](#)
- [SECTION27](#)
- [Socio-Economic Rights Institute of South Africa](#)
- [Studies in Poverty and Inequality Institute](#)
- [Treatment Action Campaign](#)

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(The worker's position remains, "Let the company close down if it refuses to give us the R12 500." Which raises the question, is it optimal to shoot Lonmin in the back with a financial bullet as it flees? Absolutely, at first blush. But in its current state of flight, are its accountants preparing to shut the company if the October debt call isn't met, by liquidating worker pensions and other assets, or moving them somewhere no one can touch them? The Commission just may, after all, call it like it is.)

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BBC

## **Marikana mine strike: South Africa court frees miners**

The miners left court cheering and singing

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About 50 South African miners have been freed after murder charges against them, relating to the deaths of 34 miners shot by police, were dropped.

Prosecutors decided to provisionally set aside charges against 270 striking workers from the Marikana mine following a public outcry.

About 100 miners are expected to be freed on Monday.

Earlier, security guards wounded four people with rubber bullets at a mine near Johannesburg, police said.

The group released on Monday with no bail is due back in court in February next year.

On Sunday, the prosecution announced the charges would be suspended until the outcome of a judge-led enquiry into the events of 16 August at the Lonmin-owned Marikana platinum mine.

The charges, levelled under a controversial apartheid-era law to accuse the miners of provoking police to open fire, were suspended after widespread condemnation.

The "common purpose" doctrine was used by the white-minority apartheid regime to crack down on its black opponents, and at the time was opposed by the now governing African National Congress (ANC).

Those whose addresses had been verified by police would be released on Monday, and the rest would remain in custody until their next court appearance on Thursday, the prosecution said.

Police said they opened fire on the strikers at Marikana after being threatened by a crowd of protesters who advanced towards them, armed with machetes.

The 270 miners, six of whom remain in hospital, were arrested during the protests.

Miners were demanding a huge pay rise and recognition of a new union.

Talks are continuing to resolve the dispute, which has shut the mine for the past three weeks.

#### Mine shooting

In Monday's shooting, police spokesman Johannes Ramphora said security guards fired rubber bullets to break up a scuffle between striking and non-striking workers at the Gold One mine.

The chief executive of Gold One, Neal Froneman, says the four who were injured have now been discharged from hospital.

He said they were former employees of the mine, who had been sacked after an illegal strike in June.

Continue reading the main story

#### **Marikana mine violence**

- **10 Aug:** Some 3,000 workers launch a wildcat strike; three days of clashes kill 10, including two police officers
- 
- **16 Aug:** Police open fire on miners, killing 34 and injuring 78; 270 workers are arrested
- 
- **30 Aug:** State authorities charge all 270 arrested miners with murder under apartheid-era "common purpose" rule
-

- **2 Sep:** Charges are provisionally dropped after a national outcry

- 

They had blockaded the entrance to the mine and prevented half of the mine's workforce of 500 from getting in, he added.

Some of the strikers had tried to attack the occupants of a taxi approaching the mine, and so the security staff fired the rubber bullets, Mr Froneman said.

The South African Police Service then fired tear gas and rubber bullets to disperse the group, said Gold One.

Gold production has been affected, but most of the 500 workers are now back at the mine.

Miners have been involved in a long-running pay dispute with the company.

Unrest is spreading across South African mines, with 12,000 miners at the Gold Fields company mine west of Johannesburg downing tools in an unofficial strike.

The company blamed in-fighting within the officially recognised mineworkers' union, which is facing a challenge from a more radical new union.

The mine workers, like the Lonmin miners at Marikana, are demanding wages of no less than 12,500 rand (\$1,500; £1,000) a month.

Militant youth leader Julius Malema addressed gold miners last week, calling on them to make it "ungovernable" until their demands for higher wages were met.

"Marikana is a true reflection of what SA [mineworkers] go through. Honour them by demanding what you deserve," Mr Malema said.

Mr Malema has built a steady following among the miners since the Marikana killings because he was one of the first high-profile people to address miners during the strike, while the government was seen as turning a blind eye, says the BBC's Pumza Fihlani in Johannesburg.

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### **A tale of two worlds - Sun City and Marikana**

- Siphon Hlongwane

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- 3 September 2012 01:44 (South Africa)
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In a few weeks, the platinum industry's leading lights will be at one of the industry's biggest conferences not very far from Marikana. Planned long before the police shot 112 miners on 16 August, the preliminary programmes don't promise that delegates will be made to dwell much on the human aspect of the industry. By SIPHO HLONGWANE.

Located just 70 kilometres away from Marikana, Sun City could not possibly be further away from the squalor of the squatter camps and small towns that surround the clutch of platinum mines dotted over the eastern portions of the North West province. The casino and resort is ostentation on a grand scale.

Built by Sol Kerzner in Bophuthatswana to avoid the Apartheid government's disapproval of gambling and topless revue shows, it continues to enjoy strong patronage from Gauteng's moneyed – and, fittingly, will host the 5th Platinum Conference in second week of September. The conference is hosted by the South African Institute of Mining and Metallurgy, and according to an insider, is one of the most important of its type in the world. Naturally, the topics are very industry-specific and technical. Some proposed speeches include: “Highly efficient electric smelters for the platinum industry – SMS solutions for energy saving”, “Ruthenium and iridium. Strategic metals for tomorrow”, “Investigating ion exchange for the recovery of platinum, palladium and gold from a pregnant cyanide heap leach solution” and “Analysis of critical success factors for public private partnerships in the SA infrastructure development”.

The title of the conference is “A Catalyst For Change” and promises to help build a viable industry that benefits all stakeholders.

“PGMs, and particularly platinum, are well known for their chemical catalytic behaviour, their role in minimising harmful motor vehicle exhaust gases, and their ability to increase the effectiveness of fuel cells to create a greener world. Less well known is the catalytic effect that the platinum industry has had in transforming South Africa and promoting change,” the preliminary programme says. “Central to the social transformation of the South African mining industry has been the Mining Charter, with many platinum mining companies meeting or exceeding requirements and so setting new benchmarks.”

What is sadly missing is any mention of Marikana, except that on 21 September the conference delegates will visit a smelter owned by Lonmin Platinum. While the programme that we saw was drawn up before the second week of August (on which 10 people died in fights between two rival unions and the police, and then the cops retaliated by killing 122 people, killing 34 and injuring 78), the events have now taken on a life of their own, becoming worldwide news and a political earthquake for South Africa.

For now, the people facing the most questions following August 16 are the police. But that's not to say that the delegates in Sun City might not have something to mull over themselves. The miners went on strike to demand R12,500 net pay, and things quickly got ugly from

there. Why has the same not happened in the gold and coal mining industries? Could it have something to do with the high concentration of the industry, coupled with a volatile bargaining environment and a tumbling platinum price all pressurising the industry at the same time? How have the stories of miners' lives and their deaths hurt the industry? More to the point: what can be done?

The massive concentration of mines in the Bushveld Igneous Complex in the North West and Limpopo is, naturally, because most of the world's known platinum is found in this area. Formed millions of years ago by a spectacular volcano that is today Pilanesberg, it now contains deposits of the platinum group of metals, two of which (platinum and palladium) are used as catalytic converters in low-emissions vehicles. Nowadays, the mine employees live and work within walking distance of the different mines. When unrest started at Impala Platinum – and before that, in Zimbabwe, where the company has had a pretty thin time of it lately – due to union strife between the National Union of Mineworkers and the Association of Mineworkers and Construction Union, it easily spread to Lonmin PLC, where it wasn't sufficiently contained, and then on to Royal Bafokeng Platinum, where the company did manage to get a grip on the labour dispute before it turned violent.

While Lonmin, the government and the unions are trying to broker some kind of peace deal, should it not be a concern for the entire industry that union trouble can affect them all very badly?

The platinum price is also currently undergoing a correction after a huge spike in 2007, which means that a lot of companies must either lose jobs to cut production costs and global supply. The industry must surely ask, even as it prepares for a couple of tough years followed by an upsurge in demand and therefore price, what the human cost is.

The Marikana shootings must surely prompt a more penetrating look at the price of platinum for those in the trenches. Even if it is just a speech at first, the industry must find a way to recognise and narrow the gap between Sun City and Marikana. **DM**

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### **Lonmin miners adamant over wages**

September 3 2012 at 01:59pm

By Getrude Makhafola

INDEPENDENT NEWSPAPERS

File picture - A Lonmin mine shaft at Marikane in North West. Photo: Leon Nicholas

Rustenburg - Labour department officials met resistance on Monday from angry Lonmin mineworkers who wanted nothing but a wage increase.

Director general Nkosinathi Nhleko and Commission for Conciliation, Mediation and Arbitration commissioner Abdul Soobedar tried to explain labour processes to the impatient miners.

“We do not have hope in the CCMA... many people lost their jobs at Karee mine back in 2007,” said one miner.

“If this is what you only have for us as government, then go.... People were killed. We are not here for games,” said another.

The mineworkers said they wanted nothing from Lonmin and the government but a R12 500 wage increase.

“All we want is for this to be resolved and we ask you to be patient.... We are committed to help you solve this problem,” said Soobedar.

Nhleko said negotiations were continuing.

“The parties are aware of your demand..., but Lonmin has not indicated how much they have yet.”

The workers said it would be difficult to continue working for Lonmin while it “refuses” to speak to them.

“Let the company close down if it refuses to give us the R12 500.” - Sapa

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## **NUMSA CC on Marikana, re-nationalisation of SASOL**

### **NUMSA CENTRAL COMMITTEE (CC) PRESS STATEMENT, Sunday 2 September 2012**

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#### **The Marikana Massacre**

As stated above, the CC met against the backdrop of a world in crisis, with the glaring manifestations of the inherent chronic failures of capitalism in our country and internationally, which are now firmly anchored in the heartland of capitalism itself - in the United States (US) and Western Europe.

This ugly reality of capitalist barbarity, combined with our untransformed colonial economy and society, has sharply worsened the conditions of the working class and the poor, as evidenced by daily violent service delivery protests in our

communities, and growing dissenting voices against the system, demanding housing, water, food, decent jobs and free education for the working class and the poor.

The situation is socially and economically very traumatic among the millions of our youths who cannot find work.

This is the global and national context which explains the Marikana massacre - a worsening global and local capitalist economy which increasingly will resort to bloody violence to "discipline" the working class in order to defend its falling profits.

The CC expressed its deep and heartfelt condolences to the families and friends of the workers that perished in Marikana.

The CC condemned the intransigence and insensitivity of the mine bosses towards the mining workers, and the savage, cowardly actions and excessive force used by the police, which invariably led to the deaths of 44 workers, including the police massacre of 34. Many workers were injured.

The CC holds the view that organs of class rule, particularly the police, should not be used recklessly and violently to intervene in industrial disputes involving workers and bosses.

The CC was adamant that what happened in Marikana should be correctly understood, and must go down in our history as the first post-apartheid South African State massacre of the organised working class, in defence of the local and international mining bosses and their profits.

The CC called on the working class and poor not to be fooled and blinded by anyone, but to understand that in a capitalist state or class divided country like South Africa, the state will always act in the interests of the dominant class: the class that owns, control and commands the economy, political and social life. This is, after all, the real reason for the existence of any state!

In the South African case, we understand the dominant capitalist class to be centred on the Minerals/Energy/Finance Complex and axis. We are therefore not surprised that the post 1994 South African state and government - a state and government whose strategic task and real reason for existence is the defence and sustenance of the Minerals/Energy/Finance Complex - will do anything to defend the property rights and profits of this class, including slaughtering the working class.

While the CC supports the Commission of Inquiry as announced by the Head of State and leader of the African National Congress (ANC) Comrade Jacob Zuma, we believe that the Commission must act in the interest of uncovering the whole truth surrounding the unfortunate deaths of the 44 workers. Anything short of this will render the Commission useless.

To safeguard the working class in this front of struggle, the Numsa Central Committee proposes that COSATU together with revolutionary formations of the working class constitute their own independent Commission of Inquiry, because going forward, the bourgeoisie and its apologists will in one way or the other use the Marikana tragedy to heighten the already active ideological and repressive offensive against the growing militancy of the working class at the point of production and in communities at large.

Our militancy is not borne out of our biological makeup, but is a result of the perpetual failures of the capitalist system to resolve the problems our class faces.

The Central Committee further calls for the suspension of the task force that executed the massacre. The CC calls on the Commission to find out and make public who, between the Minister of Police and the National Police Commissioner, gave orders to shoot workers with live bullets when they peacefully assembled on that fateful mountain in Marikana.

NUMSA is extremely disgusted by this display of police brutality. The actions of the police confirm that we have not, post 1994, transformed the Apartheid state and its violent machinery. The actions of the police make a mockery of everything else we thought was transformed, including parliament. By this singular act, the police have violently reminded us once again what Marx and Lenin taught us about the state: that it is always an organ of class rule and class oppression and that bourgeois democracy is nothing but the best political shell behind which the bourgeoisie hides its dictatorship.

The CC demands the dismissal of anyone in the police or in political office who led to the massacre of the workers.

No one can deny the most obvious fact: despite all the well intentioned government reforms to mining and mining rights, the Black working class on the mines are the most exploited, earn very little and live in squalor, while the mining bosses, both local and international, are reaping billions of dollars from our minerals.

Despite the reduced demand for platinum in Western Europe and the US, we know that the three platinum companies Lonmin, Implats and Anglo Platinum in the last five years have registered operating profits of more than R160 billion.

While manufacturing industry has had to settle for an average profit margin of 8%, the mining companies have averaged 29%. In fact, in the boom years of 2006 to 2008, they averaged 41%. Their R160 billion profits would have built more than 3 million RDP houses. Instead they leave their employees to an impoverished existence in shacks and then express shock and horror when those workers decide they have had enough and refuse to work until they receive a slightly less meagre salary.

The mining bosses are not fit to control the mineral wealth of our country.

NUMSA is convinced that unless that mineral wealth of our country is returned to the people as a whole, mining will continue to be characterised by violence against the working

class either, through dangerous working conditions or from the bullets of the police in defence of the profits of the mining bosses.

We see no solution to the violence against workers on the mines apart from nationalisation in defence of the lives of all South Africans.

The CC called for the immediate release of all the arrested 259 Lonmin workers. We condemn in the strongest terms, the inhuman treatment and violence meted out to the detained workers. We see no reason why bail is being denied them.

The CC condemns in the strongest terms the NPA's prosecutorial strategy of charging the detained minors for the police murder of their fellow workers, and another five charges! We understand this devious strategy is designed simply to ensure that the trial of the detained workers will last a long time, during which they will be mentally, economically and socially punished and tortured.

The NPA has deployed the combined legal principles of common purpose and *dolus eventualis* to charge the 259 Lonmin workers with murder. Murder is a crime which requires the intention to kill.

Common purpose allows the prosecution of someone who was part of a group of people when a crime was committed, even if they didn't commit it themselves. So the NPA is suggesting that the Lonmin mineworkers are guilty of murder because they were part of a group present when murder was committed. But it was their fellow workers who were murdered. So the NPA is suggesting that these 259 Lonmin mineworkers gathered together intending the deaths of their fellow workers. This is the most ludicrous charge. It is just another example of how the NPA seeks to delay the trial of the detained workers and thus punish them by prolonging their suffering at the hands of the state, in futility.

One need not be a lawyer to see that there is no rational, legal or moral basis for the use of these legal principles to accuse workers of murder because their fellow workers were killed by police in a riotous situation, triggered by the police, involving more than 3 000 people!

By this act, the NPA has further supplied us with proof of why we are informed all evidence of police bullets at the scene was erased overnight!

The callous insensitivity demonstrated by the NPA in this instance further confirms our view of the state and all its machinery - that it is a means for the oppression and suppression of the working class in favour of the mining bosses.

An important lesson from the Marikana massacre for the working class is that unity of the organised working class is sacrosanct. Further, we all must do whatever it takes to ensure that we constantly promote that unity.

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**Los Angeles Review of Books** - September 1st, 2012

**What Went Wrong At Marikana? by Alex Lichtenstein**

*If the truth be told it is shareholders in London and elsewhere that are to blame. Profits are being made at the expense of workers and communities and with the help of political patronage.*

— The Bench Marks Foundation, August 18, 2012

LONMIN PLC, HEADQUARTERED IN LONDON just steps from Buckingham Palace, is the third largest producer of platinum in the world, but it has only recently entered the global news stream beyond the financial and investment pages. The platinum giant's unsought notoriety came when South African police massacred 34 striking miners at its Marikana mines last month.

As is usually the case when a state unleashes such brutality against a civilian populace, reporters rushed to the scene to try to determine what happened, and South African president Jacob Zuma quickly cobbled together a government Commission of Inquiry. Until the Commission releases its report — and in all likelihood, afterwards as well — it will be difficult to determine with any exactitude the dynamics of a mass police killing all too reminiscent of the bad old days of apartheid. Were the miners armed, and did they attack first? Were they driven on by the false promises of sangomas (traditional healers and practitioners of witchcraft) and an “upstart” union, as police spokesmen have implied? Or were the police poorly trained, and panicked? Perhaps, as some journalists have charged, the massacre was a pre-mediated murder of miners in retaliation for the killing of two policemen a few days prior? Did the violence stem from a conflict between miners and their multinational employer, or between rival mine unions?

It may be a while before we receive definitive answers to these questions. Meanwhile, however, in the understandable frenzy to sort through the horrific events of August 16<sup>th</sup> at Marikana, the deep background of the strike and massacre has largely been ignored. But violent conflicts do not occur out of thin air. The conditions on the platinum mines of Marikana, against which striking miners protested, reflect a disturbing confluence of international capital flows masquerading as socially responsible investment, neo-liberal claims to stimulate economic growth through private ventures in developing economies, and the impact of the mining industry on local communities like the impoverished North West Province of South Africa, where Lonmin's mines are located. A quick glance at the historical record suggests that the social conflict and violent confrontation at Marikana was an entirely predictable consequence of the political economy of post-apartheid South Africa and the ANC's embrace of a neo-liberal model of development.

Lonmin's hugely profitable platinum mines are located in one of the most poverty-stricken corners of South Africa, on land that, during apartheid, was set up as a “border industry” directly adjacent to the African “Bantustan” of Bophuthatswana. Like the rest of these so-

called “black homelands,” Bophuthatswana was an ersatz independent statelet scattered throughout apartheid South Africa. The white government deliberately starved this region of resources so that its population would have to migrate as temporary workers to the mines, farms, factories, and homes of so-called “white” South Africa — including the platinum mines at Marikana, first established in 1971.

Twenty years after the end of apartheid, the mines continue to rely heavily on migrant labor. More than one third of the 24,000 workers at Lonmin’s Marikana operation are contract workers, long-distance commuters (many from as far as away as the Eastern Cape) who live in horrific conditions in shack settlements near the mines. In fact, in 2011 large numbers of non-migrant miners walked off the job to demand that the company employ more local residents. As a recent study of platinum mining released by the Bench Marks Foundation notes, these contract workers

lack job security because they are not permanently employed. Therefore, sub-contracted workers will find themselves in informal settlements, in backyard shacks or in appallingly poorly maintained and managed group/hostel accommodation provided by the sub-contract that employs them. Poor nutritional levels, lack of healthy entertainment and recreational facilities, lack of potable water and electricity in many instances mean that these workers are not properly reproduced physically, spiritually and psychologically on a daily basis. They frequently visit shebeens, use sex-workers and do not eat or rest properly. Clearly all these factors will impact on their ability to work effectively, to concentrate and to look out for danger in a very dangerous environment.

The contract workers are often employed by labor brokers, but they labor for a giant multinational mining concern which benefitted from an enormous infusion of capital from the World Bank’s private sector arm, the Investor Finance Corporation, only a few years ago. This investment, offered in the name of regional development and socially responsible deployment of capital, has reaped enormous profits for Lonmin but has done little or nothing to improve the working or living conditions of the mining communities themselves.

As Lonmin’s corporate statement boasts to shareholders, “we create value by the discovery, acquisition, development and marketing of minerals and metals.” In 2007, Lonmin’s promise to do good while it did well led the IFC to underwrite \$100 million in developmental loans to Lonmin’s operations, and another \$5.9 million in technical assistance funds designed to do things like improve worker housing. \$100 million more was made available to invest in Lonmin spin-offs that would promote BEE, Black Economic Empowerment, which might explain the coziness between Lonmin execs and ANC politicians and beneficiaries. At the time, the Lonmin CEO told the trade magazine *Mining Weekly* that his vision was:

To create thriving comfortably-middle-class communities, whose well-educated children would have good well-paying jobs and who would have a future that outlived Lonmin's long-life mines in the North West.



The loan package approved by the IFC in December 2006 rested on the presumption, as stated directly in the IFC's pre-loan "Environmental and Social Review" (ESR), that "a major component of Lonmin's future plans is its community development activities [...] the investment is expected to have beneficial results for the workforce and surrounding communities." But it probably had much more to do with a spiking platinum boom in South Africa; between 1994 and 2009 the industry grew by 67 percent. In 2000, platinum commanded \$600 an ounce, but by the time IFC approved Lonmin's loan package, it had doubled to \$1200 an ounce; a year later, the price had rocketed to \$2200 an ounce. Unfortunately for Lonmin (and the people of Marikana), in 2008, platinum prices plunged by nearly two-thirds. No doubt, this put something of a dent in the company's elaborate plans for social development in Marikana.

In North West Province, IFC site investigators in 2006 may well have crossed paths with a team from the Bench Marks Foundation, a South African faith-based NGO that promotes corporate social responsibility. Associated with the South African Council of Churches (SACC), in 2007 Bench Marks released a report entitled *The Policy Gap — A Review of the Corporate Social Responsibility Programmes of the Platinum Industry in the North West Province*. Even while the IFC applauded Lonmin's environmental, health, labor, and safety records, and noted its "robust community development framework," the Bench Marks report on the impact of the platinum boom on the 350,000 people living in the platinum mining areas of North West concluded that

much needs to be done in terms of the environment, housing, health, labour, waste management, energy and water management, clean air and geological issues. The report demonstrates huge negative impacts on surrounding communities and goes contrary to the popular myth that the benefits from mining trickle down to local communities.

It's hard to imagine that the IFC and Bench Marks visited the same communities.

As it turns out, over the ensuing five years, the men working underground in Marikana's platinum mines, and the people living in the communities on the surface, saw very little of the increased "value" the IFC loans helped Lonmin create at its platinum mines. The gap between Lonmin's extravagant promises when they secured the loans and the company's actual impact on the local community provoked a great deal of anger among the people living around the mines. Indeed, in a follow-up study released *only two days before the Marikana shootings*, the Bench Marks Foundation concluded "Overall, we have seen very little improvement in the performance of the companies surveyed on corporate social responsibility [since 2007]."

This 2012 report looks closely at the records of the major platinum producers in North West Province, including Impala, Anglo, and of course Lonmin, the big three of world platinum output. In Lonmin's case, the report highlighted "appalling" housing conditions for the company's workers, open sewage, rampant disease, an "unacceptable" level of fatal accidents, asbestos in school buildings supported by Lonmin, unguarded railroad crossings, environmental despoliation, the use of local tribal authorities to recruit workers (leading to favoritism and sexual exploitation), and an over-reliance on sub-contracted migrant

workers, most of whom lived in crime-ridden informal settlements. “Corporate citizenship and sustainability,” the report bluntly concludes, “are currently still illusions on a far horizon.”

In an August 14 press release accompanying the latest Bench Marks report, the Executive Director for the Foundation pointed out that

There is very little evidence that communities are actually consulted about their frustrations concerning the impact of mining operations on their lives. This has not changed since our last report five years ago [ ...] In addition, mines are obsessed with cutting costs and of reporting low cost operations to shareholders. Cost cutting is usually at the expense of the environment, labour and communities. This usually turns into protests about low wages and unsafe working conditions.

Bench Marks also reported that “The findings of the initial 2007 report by Bench Marks showed that despite the great value extracted from platinum mining through the years, there were harmful social, economic and environmental impacts on local communities” in Marikana and the surrounding areas. These are the sort of damning indictments the anti-apartheid movement once made against the South African mining houses when they operated under the white supremacist regime. Again, all of this information was released immediately *prior* to the killings of 16 August.

In retrospect, it is hard to avoid the suspicion that Lonmin secured a major infusion of capital from the IFC five years ago by pimping its vastly overstated claim to corporate social responsibility. Indeed, the poverty of North West Province, historically abetted by a system of apartheid designed to insure cheap mine labor, by 2007 represented another investment opportunity for the nimble forces of global capital that had impoverished the region in the first place. As long as ANC cronies ended up on the boards of Lonmin’s associated BEE corporations, the government raised little objection to this state of affairs.

“The platinum mining companies appear on the surface to be socially responsible, respectful of communities and workers and contributing to host community development. Nothing can be further from the truth,” said Bishop Jo Seoka, President of the SACC and Chairperson of the bench Marks Foundation two days before the massacre. The shocking violence at Marikana should have come as no surprise. Lonmin’s platinum mining operations there rest on a combustible mixture: global investment hiding behind a fig-leaf of “corporate social responsibility”; an ANC government more interested in rewarding its cronies with lucrative corporate Board appointments than looking after impoverished South Africans; a once-militant miners’ union (the NUM) now working hand in glove with mining companies and ruling political parties at the same time; and masses of impoverished migrant workers denied the fruits of liberation. In South Africa, this all must sound eerily familiar, as does the brutal fusillade that marked its dénouement.

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**Report warns of more tragedies like Marikana**

02 Sep 2012 00:00 - Fiona Macleod

The Marikana stand-off will not be an isolated incident if South African mining companies continue to ignore their corporate social responsibilities.

In a report published on the eve of the August 16 shootings, the Bench Marks Foundation highlighted the social and environmental ills caused by the mining industry in the North-West platinum belt. It identified the shortcomings of five companies besides Lonmin, the immediate cause of the upheavals.

John Capel, executive director of the foundation, said the blame for the Marikana massacre should be shared by the other companies listed in the report – Anglo Platinum, Impala Platinum, Xstrata, Aquarius and Royal Bafokeng Platinum.

"Lonmin is not the worst, all these companies are bad. They have all contributed to huge resentment in local communities and made false promises that lag far behind what they practise," he told the Mail & Guardian.

While most mineworkers lived in "appalling conditions" in informal settlements around the mines, discontent was being fuelled by perceptions that the companies were making huge profits and serving the interests of shareholders rather than the communities, the report said.

Though the companies produced glossy annual sustainability reports highlighting their achievements, they "have failed on the whole to meet the principles for global corporate responsibility", wrote foundation chairperson Reverend Jo Seoka. The foundation was set up by faith-based groups and launched by Archbishop Desmond Tutu in 2001.

According to the report, the corporate social responsibility programmes in the platinum belt are "top-down, designed by experts and imposed on communities. There is very little evidence that communities are actually consulted about their needs, or about their frustrations concerning the impact of mining operations on their lives."

David van Wyk, the lead researcher from the Centre for Corporate Social Responsibility at North-West University, said at the launch of the report "political pollution" caused by politicians and their families holding positions on the boards of mining companies may account for the unwillingness of companies and the government to address the problems.

Political patronage

This perception applied in particular to Aquarius, which had concluded a BEE deal with Zwelake Sisulu, Zenani Mandela-Dlamini and the Malibongwe Women's Development Agency, a project of the ANC Women's League.

"It is very difficult not to conclude that the objectives of this empowerment project are political patronage. Having senior politicians or civil servants and/or their family members on the boards of mining companies or as BEE partners and shareholders is extremely problematic and undermining of democracy," the report said.

Aquarius was taken to task for employing migrant labourers who cause tensions among local communities. It also relied heavily on sub-contracting, employing 9 434 workers as subcontracted labour out of a total of 11 072 employees, the report said.

All the companies were criticised for providing workers with a living-out allowance that is insufficient to pay for proper formal accommodation and means they have to rent shacks in the mushrooming informal settlements around the mines.

Anglo Platinum was planning to build employee accommodation, but it was part of a "home ownership scheme. This means that the houses are being sold to employees and that Anglo Platinum will merely assist employees with bank guarantees for home loans."

Anglo was also criticised for exceeding permitted air pollution levels and the harmful impacts of its operations on water resources. "The corporation reports only a 63% compliance with 688 conditions requiring legal compliance," the report said.

The main issues concerning Impala Platinum included high levels of fatalities at its operations, extensive use of sub-contracted labour and damaging environmental impacts. Lack of employment opportunities given to local youth was also creating tensions.

Xstrata was criticised for its reliance on contract workers, which had resulted in a squatter camp mushrooming on a swampy piece of land next to its operations and causing tensions with Tlhabane residents. "The Bojanala District has seen frequent outbreaks of xenophobic attacks over the years," said the report.

No local jobs

It accused Royal Bafokeng Platinum of creating tensions around the ownership of land and mineral resources in the area, while failing to provide local jobs and development opportunities for local SMMEs.

Asked for comment, Implats said it was still studying the report and Royal Bafokeng said it would not comment. Aquarius did not respond.

Anglo Platinum said its emission levels were within legal limits and it planned to build 20 000 houses in the area by the end of 2017. It had responded directly to the specifics raised by Bench Marks, but this "response in no way endorses the authenticity of the research methodology and/or findings.

Xstrata's executive manager, Songeza Zibi, also criticised the "generalisations" and a lack of consultation in the research. The company was sometimes forced to use outside specialists and was guided by the integrated development planning of local municipalities.

"Generally what the municipality says are the expectations of communities may not be what the communities want, but this is what we have to deal with," he said.

Previously, the M&G reported on a leaked report from 2006, which said there was a disjuncture between what Lonmin says it is doing in communities and what is experienced by people in Marikana.

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### **Marikana: NPA drops 'common purpose' charges, but critical questions remain**

- Mandy de Waal
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- 3 September 2012 01:31 (South Africa)
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On Sunday, the National Prosecuting Authority announced that murder charges against 270 miners being held in the North West were being dropped. Miners who last week were provisionally charged in the Ga-Rankuwa Magistrate's Court with the murder of 34 of their comrades – shot and killed by police at Lonmin's platinum mine in Marikana – would be freed. As the NPA dropped the bombshell the world had been petitioning for, there was plenty of back-pedaling and damage control. Things were going fairly well, until the man who pressed the charges got up to cover his back. By MANDY DE WAAL.

It must have been a hell of a week for Advocate Johan Smit, Director of Public Prosecutions for the North West and the man who took the final decision to charge 270 Marikana miners with the murder and attempted murder of their comrades.

Smit had to battle his way into the Ga-Rankuwa Magistrate's court through throngs of protestors and miners' families kneeling on the ground in desperate prayer to stave off the murder charges against their loved ones, kin, colleagues and friends. ANC treasurer general Mathews Phosa called the charges "absurd"; Justice Minister Jeff Radebe said more or less the same thing, but without the same economy of words: "There is no doubt that the decision has induced a sense of shock, panic and confusion within the members of the community and the general South African public. It is therefore incumbent upon me to seek clarity."

President Jacob Zuma was tight-lipped about the murder charges at the Socialist International congress held in Cape Town on Friday, the same day that attorneys for the miners sent our president a letter demanding the release of the accused miners by 13h00 on Sunday 02 September 2012, if he didn't want to face an urgent high court action compelling him to do so.

By Friday 31 August 2012, Smit had a report on the desk of acting national director of public prosecutions, advocate Nomgcobo Jiba, explaining the rationale of the charge; by Saturday 01 September Jiba was reviewing the charges with her top team, after she had “picked up the various concerns from various parties reported in the media”. By Sunday 02 September, Smit was in his car, driving down to Pretoria from the North West for a media briefing. At the briefing he knew he’d have to explain that ‘absurd’ charge to a large media contingent.

In said media briefing, thick with dulcet tones, carefully worded condolences, and measured statements about how seriously the NPA took the matter, Jiba dropped the not-so-unexpected bombshell. The Marikana miners accused of public violence, along with the murder of their comrades shot dead by police under a ‘common purpose’ legal vehicle, would be freed, the charges against them dropped.

“The decision and pronouncement on final charges to be preferred against any persons involved will only be made once all investigations have been completed,” Jiba said at government’s communication head offices in Pretoria. Then she added: “The murder charge against the current 270 suspects, which was provisional anyway, will be formally withdrawn provisionally in court on their next court appearance. Other provisional charges will remain.” The other charges include attempted murder in relation to the 78 protestors shot by police, and public violence.

Jiba went to great pains to explain that the initial murder charge was based on “a sound legal principle which has not only been part of our legal system for decades, but continues to remain relevant and applicable in our democratic dispensation.” She read from a prepared statement while standing at a podium in a briefing room, flanked to her left by Willie Hofmeyr (fired by Zuma as the head of the Special Investigating Unit late last year, now head of the asset forfeiture unit); Smit, who peered at the media from beneath his heavily knitted brow; and his side-kick, public prosecutor Nigel Carpenter.

Jiba took care to explain that the decision to charge the miners with murder was taken by Smit. “In terms of the NPA Act, Directors of Public Prosecutions are heads of prosecutions in their respective areas of jurisdiction. They are responsible for prosecutions in their respective areas of jurisdiction and they therefore have the legislative mandate to make the primary decisions with regard to the prosecutions,” she said, before clarifying her own role in the matter.

“The National Director of Public Prosecutions, in terms of the same Act, has powers to review prosecutorial decisions taken by the Directors of Public Prosecutions after consulting the DPP (Smit) and taking representations from the complainant and accused.

“All decisions, including those to add murder charges, were taken by the DPP for the North West, Advocate Johan Smit and members of the prosecutions team,” she added.

Jiba's spin was perfectly on pitch. "I have faith in the prosecutors handling this case," she told media asking questions, and confirmed the NPA's independence; saying that the decision to drop charges wasn't informed by Zuma or anyone else.

Things were going well for the NPA until Smit got up from his seat to answer questions about his decision to go for the murder charge, based on the legal principle of 'common purpose'.

But first Smit pointed out that the murder charges related only to the killing of the 34 protesters. "The question of the killing of the other ten people, this is a totally separate issue." Smit said seven suspects had been arrested for the killing of two policemen prior to the Marikana massacre on Thursday 16 August 2012. One person had been charged with the murder of the two security guards, and no-one had as yet been charged for the murders of the six others in the run up to the police stand-off.

And then Smit answered the question about why the murder charge had been made at such an early stage, before all the investigations had been completed. The answer came in many parts, and was almost like a theatrical performance. "As soon as there is evidence in a criminal case, that covers all the elements of an offence, in this instance murder, and the evidence is able to link a specific suspect, with that offence, murder, it is the duty of the prosecution and the prosecutor more specifically, to bring that charge into play by entering it into the court book onto the J15, the charge sheet. The reason for that is very important," Smit explained, saying this importance had everything to do with ensuring the court had all the information it required when making decisions about bail. This brought an end to act one of the answer, in which Smit declared how thoroughly he was doing his job.

"In other words, let me give you a simple example. If I have a murder case, and the accused in the murder case also committed an assault, it will be totally wrong of me only to put the assault case – the lesser charge – on the charge sheet, because then the court, which enquires about bail, will not have the full picture and they come to a wrong conclusion because all the facts are not revealed to them. So it is a duty that the prosecution has," Smit said in his over-explanation.

The question had been more than adequately answered, but given the media fracas about his 'common purpose' decision and the political to-ing and fro-ing, it seems Smit just couldn't resist the urge to explain why the decision for his murder charge against the miners was so "sound".

To do this, Smit referred to the legal precedent of *S versus Lungile and Another*, a case where a group of robbers were confronted by police and in the ensuing shoot-out a bystander was killed. After greeting "all the pretty ladies" in the room, the advocate pointed out: "This is a 1999 decision of our new South Africa; it is not a case that comes from the old South Africa."

Basically, he was trying to illustrate how relevant and "sound" the legal dictum was, despite the fact that it was used during Apartheid to net MK cadres for the crimes of their

comrades. Smit's decision to use *S versus Lungile and Another* is smart, because it follows a 1991 ruling on the 'Upington 14' case, where the court ruled that a crowd couldn't form the intent to kill, and only individuals could.

Smit quotes from the robbery case: "During the course of policing intervention in an armed robbery in progress, there is an exchange of gunfire between a policeman and a robber, and the bullet discharged by the policeman kills an innocent bystander, the fact that the policeman was acting lawfully when he discharged the fatal shot does not avail the robber...."

At this point the Afrikaans Smit, who worked in Vryburg as a private attorney, in Kimberley for the Department of Justice in the bad old Apartheid days, and in Bloemfontein as a prosecutor before that, began to roll his 'rrrrrs' with guttural relish. "I sound like a boer when I say robberrrrr – but if I do it differently, it may not come out on the record. I don't normally speak like this. I just wondered if you can hear me clearly," Smit played to the crowd, who laughed a little.

"In such circumstances, the death of the deceased was factually caused by both the robber and the policeman," explaining how the robbers were at fault in this instance, even though they didn't kill the bystander. "Now, the evidence of this case [is] precisely the same," Smit says confidently. "You have evidence of a group of people who arm themselves to attack the police. The actions of the police will be sorted out still. We are not ignoring that. There is a commission of enquiry. There is a police investigation into that," Smit said, assuring the journalists the police matter was being dealt with, even though to date it has appeared to be happening neatly behind the scenes.

"The legal principle is very similar, and if you have a look at the evidence that we have available already, it was sufficient, and it was proven, and it was actually desirable for me to put those charges in so that the court may be able to take an informed decision about that. Circumstances have changed in the interim since then, and by Thursday the State's attitude...changed substantially," he said, building up to the denouement before his big bow.

"A case like this, ladies and gentlemen – please remember – it is not a dead thing. It is a live thing. It is being investigated daily. New evidence comes in. We consider the evidence and you might find...on a daily basis [that] you may have to reconsider what you intended yesterday to do, because of new evidence that is valid. It is a live thing, and once that live thing is full-grown and all the evidence has been accumulated, as far as possible, and then the decision is taken to go finally to court with whom, and with what charges."

But then a pesky journalist went and asked a very inconvenient question. "You are citing an example of a criminal in a robbery," she said, pointing out that the accused are protestors who sat on a mountain for five days without launching any assault on the police. "Where did you get the information they attacked the police? I understand that there was a stand-off, and shooting ensued and people died. But where do you get the facts that they should



be charged with murder?" she asked, as Smit desperately tried to interject. By the time she'd finished her question, Smit was livid, and was bearing over the podium.

Voice raised, he replied: "I am talking about the evidence that I have. I am not in the habit of arguing my cases in the media; I prefer to do that in court. But what I can tell you is that I have evidence to the effect that I have just mentioned, and that is why the principle in the robbery case is exactly the same there. Madam, if you feel you are in a better position to argue for the defence, you are welcome to do so."

The media erupted into protests; Hofmeyr lifted a writing instrument to pen notes to his peers; and the NPA's communications head rushed in for a bit of damage control. The dulcet tones returned as Hofmeyr finished scribbling instructions to Jiba et al. The media briefing was contained; last questions were taken. The media was reminded that the NPA was doing them a favour by speaking out, that this government office shouldn't actually be speaking to the press. That the case is *sub judice*, that the merits of the case can't be debated publicly.

And with that, the veil was drawn over all the power struggles that brought the investigation, the NPA, and Zuma's appointed judicial commission of inquiry to this very moment. A fragile moment in history where the world's faith in South Africa was shaken; where Cosatu's fractures were exposed; where Zuma's leadership was (again) questioned; and where hope and faith in justice were lost.

Marikana remains South Africa's long night of the soul, and morning has far from broken.  
**DM**

<http://dailymaverick.co.za/article/2012-09-03-marikana-mpa-drops-common-purpose-charges-but-critical-questions-remain>

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Far away from murder fields of Marikana, a funeral

Greg Marinovich

South Africa

3 September 2012 01:50 (South Africa)

His name was Andries Motlapula Ntsenyeho. A father of five, husband, miner. A human being. On Saturday, after his life was violently cut at the age of 42, he was returned to earth. By GREG MARINOVICH.

After the ritual at the site of his death, the white hearse took Andries Motlapula Ntsenyeho's corpse away from Marikana and headed east and then south. Hours later, it was again slowly negotiating dirt roads, but this time in Sasolburg, a chemical-industrial

town built to host a plant for refining oil from coal. The township of France is an expanse of depressingly similar cheap RDP houses.

The settlement had its origins in 1998 as shacks built on as land occupied by people from Zamdela township, as well as those forced off farms by lack of jobs. The name was chosen in honour of the 1998 football World Cup that was held in France. The RDP houses were built later as the needs of those people for land was accepted.

Ntsenyeho's body was delivered to his widow and five children at house 11356. It was here that an overnight vigil was held, the coffin behind a screen and women wrapped in blankets sitting on the floor with their legs to one side, squashed together in the tiny room.

It was the deceased's brother, Tebogo, who washed the body. He saw three wounds, one at the juncture of the neck and collarbone, and two in the upper thigh/groin area on the left leg.

Early the next morning, a bitter wind whipped the sand and ash into the eyes of women preparing large three-legged pots of food. Men gathered under the stark branches of a peach tree that prevaricated on budding. They were Ntsenyeho's miner comrades. They were angry.

Some spoke isiXhosa, others Sesotho. Sam, a bespectacled man, said the miners would not return to work until their demand for R12,500 net pay was met. "It would be a betrayal of our fallen comrade."

All agreed on this, and Sam further voiced that they would stop the 10% or so who had returned to work. Another chimed in, "We pay Zuma's salary so that he can have all his wives."

"I and my friends will never again vote ANC. Never," Sam said. On being quizzed as to whom they might vote for, he responded "No one."

Their friend's body was found at Small Koppie they said, where they had prayed the day before. He was one of the 14 who were killed there. They were convinced police had murdered Andries Ntsenyeho.

Let us see what we can find out about this man, who lived between Marikana and Sasolburg.

He was 42 and hailed from Meqheleng, in the Eastern Free State, aka Ficksburg, before moving to Zamdela township where he hoped to get work. In 1998, he was one of the first to erect a shack at France.

He was married and had five children. He worked for Lonmin, as rock drill operator at the Marikana mine. His Lonmin employee number was 20039750, and he was employed on July 22, 2011. According to his April pay slip, his basic wage was R5,197. After overtime,

stope bonuses, housing allowance, etc., and various deductions and tax, his nett pay was R6,742.

As rock drill operator, he had the toughest job on the mine and was a paid up member of NUM, the National Union of Mineworkers. He was also one of the core group of workers who began the strike for better wages, a leading member of the informal inner council of men from underground. One of his fellow miners, let's call him Mpo (his real name is known to Dinformed Ntsenyeho was in charge of miner discipline. On the 16th he was to ensure no one ran; that they stayed on the mountain. But then all hell broke loose.

In the chaos that followed the initial shooting, Mpo said, he saw Ntsenyeho running towards Small Koppie. He believed Ntsenyeho was identified and targeted by police.

The police certainly knew who the leadership was – they met in tight huddles in front of the mass of the miners on several occasions. They might well have decided to target the leadership.

Other witnesses said Xolano Nzuzza, the most prominent of the leadership, was followed by a police helicopter as he fled across the veld. He is said to only have managed to escape when another miner gave him his shirt to throw police off his tracks.

Another prominent leader killed, allegedly by police, was a man called Mambush. Versions of how he died differ; some said he was killed in the first fusillade of gunfire, others that he was wounded and taken to hospital where a lethal injection was administered. I do not give credence to this, but many of the miners believe it to be true. This version is based on the belief that Mambush, Ntsenyeho and three other key leaders were protected by some secret and powerful intelezi, or magic potion, which was supposed to protect them from bullets.

Whatever the truth of what happened to Ntsenyeho and Mambush, the release of the autopsy reports will lay the debate to rest.

Under a blue and white tent that subsumed most of the front yard, the miners stood close around the coffin. Ntsenyeho's wife sat among the women of the family in the front two row of chairs. One by one, mourners passed by the coffin, peering at his glass-covered face, bidding a last farewell.

Ntsenyeho's remains were carried to the hearse, which led the funeral procession to the cemetery. Friends stayed behind to spray down the dusty yard and wash off the traditional mourning whitewash from the windows of the house; cleansing the house of death. DM

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Marikana and Mangaung: Where tragedy and political theatre meet

Ranjeni Munusamy

South Africa

3 September 2012 01:36 (South Africa)

Had the Marikana massacre happened at any other time, the state's conduct and the ANC's hands-off approach would probably not have as many consequences as it does now. But fate timed the massacre in the year of the ANC's 100th anniversary and in the politically charged atmosphere of its Mangaung conference. Can the great mop-up operation by government and back-peddalling by NPA reverse the damage? By RANJENI MUNUSAMY.

The next four months will see two processes playing out simultaneously, and both will compete for the top spot on the news agenda: the ANC will no longer be able to contain succession talk and the factional battles that have been bubbling under will now break out into the open.

Once the ANC head office, Luthuli House, completes its audit of branches the formal process of nominations for senior leadership positions will begin. We are likely to see a range of names being thrown into a pot for the top six official positions, to be whittled down depending on whether the contenders accept nomination and whether they have sufficient support to remain in the race.

There is likely to be fierce horse-trading between the party's provinces and leagues over the top six posts once their respective nominees are revealed. They will also be negotiating to get their candidates into the reduced National Executive Committee (NEC) positions – the ANC policy conference decided to reduce the number of seats to 60 from 80. Every word uttered by President Jacob Zuma, Deputy President Kgalema Motlanthe and Human Settlements Minister Tokyo Sexwale, all likely to be nominated for the position of ANC president, will be dissected and interpreted in the context of their campaigns.

Also unfolding during the same period will be the Farlam Commission of Inquiry into the Marikana massacre. Due to the massive public interest around the matter, it is likely to be broadcast live and reported on extensively. The hearings are likely to be emotionally charged, particularly when the Lonmin mineworkers give evidence on what unfolded on 16 August. An investigation by Daily Maverick has unearthed shocking evidence of police wantonly shooting the workers with the intention to kill them.

The terms of reference has cast the spotlight on the Lonmin platinum mine, the police, the trade unions and the Department of Mineral Resources. Evidence will be led against and in defence of all these parties and is likely to leave all sides battered, as culpability in the saga is clearly widespread. There is likely to be much public debate and analysis of the testimonies and evidence presented to the commission as the country grapples with who is to blame for the 44 deaths at Marikana.

The added dimension, which is not covered by the terms of reference, is the state's conduct in the aftermath of the massacre. The police arrest and prolonged detention of 259

mineworkers and 10 others who were later discharged from hospital; the botched attempt by the National Prosecuting Authority (NPA) to prosecute the mineworkers for their colleagues' murders, as well as the effort by National Police Commissioner Riah Phiyega to absolve the police of liability has compounded and muddied the case further.

All of these depict a government aggravating a national tragedy through bungling and trampling on the rights of workers. The workers had not only been kept in custody for an extraordinarily long time without being formally charged, but they also lost their jobs as a result of their arrest. Then all 269 were charged last week with 34 counts of murder under the "common purpose" doctrine, which caused mass outrage.

Justice Minister Jeff Radebe and ANC heavyweight Mathews Phosa publicly questioned the NPA decision to use the Apartheid-era law to prosecute the workers, and lawyers acting for the miners appealed to Zuma to release the prisoners. Zuma refused, but it was clear the NPA was under tremendous heat when Acting National Director of Public Prosecutions Nomgcobo Jiba called her senior management into an emergency meeting on Saturday.

On Sunday, Jiba had to make public climb-down by announcing that the murder charges against the mineworkers would be withdrawn and that they would be released on warning pending the outcome of further investigations, including that of the Farlam Commission. The decision was inevitable, as apart from public and political pressure the NPA would have had an uphill battle trying to make the case legally.

But the NPA's backpedalling on the murder charges would do little to undo public perceptions of a callous state trying its damndest to throw the book at the Lonmin mineworkers. The deployment of an inter-ministerial committee to help identify and bury the dead has also been a small consolation to counter government's involvement in Marikana's misery.

But it is really the ANC that will pay the biggest price for the sins of its government. Apart from its detached approach to the Marikana massacre and lack of support and care for the traumatised community, the ANC will forever stand accused of being in charge of a state that shoots and kills its people.

Zuma's detractors have every intention of playing this up as his fault in the run-up to the Mangaung conference, as evidenced through the fiery statements of expelled ANC Youth League President Julius Malema. The massacre is already being drummed up on the campaign trail, particularly in the Eastern Cape, the home province of many of the miners. Zuma's support in the province was already on the wane, and the massacre will further dent his popularity.

Zuma seems to think his establishment of a commission of inquiry will set him apart from his police and mineral resources cabinet ministers, and that it will carry the burden for him. Unfortunately for him, Police Minister Nathi Mthethwa is the key campaigner for his second term bid and is in for a rough ride for the duration of the commission of inquiry.

Zuma will likely have to carry Mthethwa rather than the other way around as the inquiry points fingers at who is responsible for the massacre.

The strategists in the ANC factions will soon have to factor in the proceedings of the commission of inquiry into how they run their campaigns in the final stretch to Mangaung. They will be short-sighted if they do not realise that the inquiry is bound to escalate emotion and anti-government sentiment in the crucial pre-Mangaung period.

In fact, both processes are likely to climax simultaneously in early December and there is no way that the proceedings of the inquiry will not impact on the ANC. For some reason, the ANC deferred the handling of the Marikana situation completely to government, and the party therefore now needs to own the clumsy actions of the state.

It was ironic that the ANC's centenary flame was travelling around the North West Province during of August, yet none of the party leaders thought it appropriate to take it to the area where the light had gone out. Marikana may not hold historic or symbolic significance for the ANC, but the party could have demonstrated its care and relevance in a community in crisis through the multiple failures of those in charge.

Marikana may not make or break ANC presidents, but as its truths unfold it will define good and bad leadership in the ruling party. Therefore, though Mangaung and Marikana are hundreds of kilometres apart, their paths are destined to collide in the not-too-distant future. DM

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(Any idea what pressure was applied, and how it can be intensified?? Can this unsightly duet combining class and racial apartheid be pushed altogether off stage? "Neither Jiba nor the man responsible for the original decision to press the murder charges, North West NPA prosecutions director Johan Smit, admitted any error in the decision to put those charges before the court." As he has consistently done, Mac Maharaj believes EVERYthing in this case must wait the Commission, so let's hope he continues to exercise his predictive powers... but what a shame the M&G's obviously embarrassed wet-behind-the-ears Phillip de Wet continues his Fog-of-War reporting, referring to the Marikana victims: "**at least some of whom were killed by police.**" See way below for more evidence of the lad's folly.)

### **Murder charges against Marikana miners withdrawn**

02 Sep 2012 15:00 - Nickolaus Bauer, Deshnee Subramany

The National Prosecuting Authority has provisionally withdrawn murder charges laid against 270 Marikana miners, pending further investigations.

"We have decided to withdraw charges against the incarcerated miners and will release them from prison until the further investigations are undertaken," Acting NPA head Nomgcobo Jiba told reporters in Pretoria on Sunday.

Jiba explained the decision was made after "intense deliberations" and was not final.

"The NPA wants to wait for judicial inquiry, but won't necessarily do so if a prima facie case in front of it," she said.

Jiba said some miners would be released at their next court case, which was due on Monday, while the rest would be released on September 12 once their addresses were confirmed.

Murder was added to the charge sheet against the miners last week after originally being charged with public violence, illegal gathering and attempted murder.

A deadly shootout with police occurred on August 16 at Lonmin's Marikana mine in the North West during a protest over wage agreements. Thirty-four people were killed and 78 were wounded.

Another 10 people were killed in what was thought to be union violence a week before the incident. Two security guards were also killed during the protests.

### **'Common purpose'**

The miners were charged under the "common purpose" doctrine, which was frequently used by the apartheid state to implicate an entire group of people in crimes by a few individuals – in spite of those being charged on the periphery often being innocent.

The director of Public Prosecutions in the North West, Johan Smit, explained on Sunday the case of the other 10 miners who were killed a week before the shootout would be handled separately, as it occurred at a different time and at a different place. He added the NPA had seven suspects for those killings.

He also said one suspect was being questioned for the killing of the two security guards.

The move comes as lawyers representing the miners were preparing an urgent court application to be brought against President Jacob Zuma, demanding their immediate release in the North Gauteng High Court on Monday.

Presidential spokesperson **Mac Maharaj said via a statement the president could not "accede to the demand" and that he would wait for the Farlam commission of inquiry's recommendations before undertaking any action.**

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## **Murder charges against Marikana miners based on 'sound principle'**

02 Sep 2012 16:42 - Phillip De Wet

The National Prosecuting Authority did not admit to any error in the decision to charge the Marikana miners for the deaths of 37 of their colleagues.

At a press briefing on Sunday, the NPA said at least 140 of the arrested Marikana strikers could be released by as early as Monday, with the balance of the group of around 270 due for release as soon as their home addresses were verified.

That is, unless a court should decide that the men should remain in prison, despite the National Prosecuting Authority no longer opposing bail or, for the time being, accusing the group of the murder of their fellows – **at least some of whom were killed by police.**

The strikers are to be released on a warning, and will not be required to post bail.

"The decision and pronouncement on the final charges to be preferred against any persons involved will only be made once all investigations have been completed," said acting national director of public prosecutions Nomgcobo Jiba. "The murder charges against the current 270 suspects, which was provisional anyway, will be formally withdrawn provisionally in court on their next court appearance. Other provisional charges will remain."

The most serious of the remaining charges relate to illegal gathering with dangerous weapons.

Neither Jiba nor the man responsible for the original decision to press the murder charges, North West NPA prosecutions director Johan Smit, admitted any error in the decision to put those charges before the court, and so causing a public outcry.

"It is of the utmost importance that as soon as there is evidence to prove the elements to link somebody, that charge has to go to the court in order for the court to make an informed decision about bail," said Smit. It was the duty of prosecutors to raise the possibility of a murder prosecution, he said.

And Jiba said the original decision to institute the murder charges was based on a "sound principle" that is applicable in a democracy, effectively leaving the door open for similar charges to be pressed against the group at a later date.

Whether the group or any members are ultimately charged with murder may depend, in part, on the findings of the judicial inquiry appointed by President Jacob Zuma into the



killings. Both Jiba and Smit said they would prefer to wait for those findings before finalising charges, but were not legally obliged to do so.

Jiba said the decision to withdraw the murder charges, for the time being, was entirely hers, based on her function of reviewing such decision by provincial prosecuting offices and that there had been no contact with the Presidency on the matter. Nor, she said, had the NPA had any interaction with the inter-ministerial committee set up to deal with the aftermath of the Marikana killings. The decision followed "intense deliberations" within the NPA, she said.

The withdrawal of the charges will not affect seven other men currently before the court of the murder, earlier in the week of the massacre on 16 August, of two police members. Smit said another individual was being investigated on the murder of two Lonmin security guards, but that there were no cases in front of the NPA regarding the six miners also killed that week.

Neither Jiba nor Smit could provide any detail about investigations of police members, whether charges would be pressed against police members, or when details of autopsies or the forensic site report would be released.

"The actions of the police will be sorted out still," Smit said. "We're ignoring that."

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### **Marikana miners' lawyers say murder charges are 'bizarre'**

01 Sep 2012 12:30 - Sapa

In a letter to President Jacob Zuma, lawyers Maluleke, Msimang and Associates have questioned how the miners could be charged with the murders.

The decision to charge 270 arrested Marikana miners with the murders of their 34 colleagues who were killed in a violent confrontation with police was "bizarre", their lawyers said in a letter to President Jacob Zuma.

The letter was sent to Zuma on Friday by the miners' lawyers, Maluleke, Msimang and Associates, demanding that the president use his powers to secure their release.

"It is our instruction to inform you that it would be the understatement of the century to call this turn of events bizarre in the extreme.

"It is inconceivable the South African state, of which you are the head... can genuinely and honestly believe or even suspect that our clients murdered their own colleagues and in some cases, their own relatives," the letter read.

On August 16, police opened fire on striking workers gathered on a hill near Lonmin's Marikana mine, in North West, killing 34 of them and wounding 78.

When the 270 men were arrested, they were initially charged with public violence but the National Prosecuting Authority (NPA) changed the charges to murder and attempted murder on Thursday.

### **Exempted**

Maluleke, Msimang and Associates asked Zuma to secure the prisoners' release by 1pm on Sunday, failing which the legal firm would launch an urgent high court application compelling him to do so.

Such an application would draw on the fact that Zuma's appointed judicial commission of inquiry into the deaths had not yet submitted its report.

"If the South African state is correctly awaiting the outcome of the inquiry in order to determine the possibility of criminal charges, how can the same state logically sustain its actions in charging our clients before the Enquiry has even started its work?"

Unions, the mine owners and the police had been exempted from prosecution until the report was complete, and so it was unclear why this protection was not afforded to the miners, the letter continued.

"At the risk of stating the obvious, the fact that it was the police who killed the 34 deceased protesters [sic].

### **Extraordinary**

"It was admitted by the national police commissioner [Riah Phiyega]... Her only qualification was to the effect that the police had killed the protesters in self defence. That they killed the protesters is not in dispute."

Presidency spokesperson Mac Maharaj said he had not received confirmation that the letter had been received by the president's office in Pretoria.

He said Zuma could only intervene in the matter through Justice Minister Jeff Radebe.

On Friday, justice department spokesperson Mthunzi Mhaga described the lawyer's demand for the men's release as "extraordinary".

"If they are adopting that stance, it would be an extraordinary route to explore from a legal point of view," he said.

"We would expect them to approach the courts." – Sapa

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### **Marikana: Blood trails lead into a maze**

31 Aug 2012 00:00 - Phillip De Wet

Without key forensic data, one's interpretation of events at Marikana depends on what one wants to believe.

The ultimate tragedy of Marikana may be that we will never know exactly what happened on the day so many died at the hands of the police, or that South Africa will never agree about the events.

To date, there are three different versions of the events that killed 34 strikers at Marikana on August 16.

The official story from the police, as told by national commissioner Riah Phiyega, is of a concerted attack by a mob and the inevitable deaths as officers defended themselves. This version lays the blame squarely on armed and belligerent strikers.

Interviews with police on the scene and video news footage provides a slightly different picture: panicking police firing wildly on people who may be rushing to attack them or may be trying to get away, or a mixture of both. In this version, you have to look at events leading up to the shooting to assign blame and it is hard to declare either side entirely blameless.

Then there is the narrative of cold-blooded slaughter, first put forward by academic Peter Alexander and his research team, based on interviews with strikers and an examination of the scene after the police forensics team had left. In this version, the police engaged in a "well-organised, premeditated slaughter".

#### Extraordinary evidence

That is the version now strongly supported by a report from Greg Marinovich, which has the weight of his international reputation as a photojournalist behind it. And although it is an extraordinary claim yet to be supported by extraordinary evidence, it is not impossible. The brutal murder of two fellow policemen earlier in the week provided motive and the confusion amid the chaotic attempt to disarm the strikers provided opportunity. As for method, Marinovich's interpretation of the scene is compelling.

But there are many potential loopholes in that interpretation that - depending on which way you are predisposed to lean - could be used to debunk the theories, or be seen as a way for those in the policy guilty of premeditated murder to avoid justice.

Both the Alexander group and Marinovich considered blood left behind at the scene of the killing, but unlike the police forensics team they could not determine whether that blood was human at a scene in which animals were slaughtered the preceding week. Both the investigations rely heavily on eyewitness accounts from miners, accounts that have been contradicted by other strikers or have apparently suffered some embroidering along the way. Both assume that the absence of any wounded police show that police were not under immediate threat.

Could a striker armed with a handgun and holed up among the rocks of the koppie, hostile either in fear or panic or because he believed in protective muti, been shot at and killed before he could fire in return? Could men have tumbled down rocks after being shot, leaving no blood trail as they fell? And are these scenarios any less likely than police walking among those rocks, randomly executing cowering men?

#### Unprovoked police action

There are similar problems with the accounts of how police officers Hendrick Tsietsi Mohene and Sello Ronnie Lepaaku were killed earlier that week. Some say they were alone when they were dragged from their vehicle and killed. Now, some time after the fact, a conflicting account tells of a battle between police and strikers initiated by unprovoked police action.

Crush injuries would be less ambiguous even than people shot in the back. The veld in the area around the Marikana koppie is rarely thick enough to obscure a man lying down, which would make claims that armoured vehicles drove over prostrate strikers unwittingly more than a little dubious. But such injuries have yet to be independently verified.

In the midst of all this uncertainty, information that could us help to reach firm conclusions remains scarce. It seems fairly certain that most of the deaths on August 16 were out of view of much-analysed television footage, unobserved by journalists. As early as that night, forensic specialists confirmed that they were at work on two sites. People in the area remain guarded and suspicious of outsiders and some of those who are willing to talk tend to tell wild tales that cast themselves in key roles. The police, meanwhile, are saying nothing, but it seems unlikely that officers are not comparing stories and getting them straight ahead of the judicial inquiry.

The most crucial information is also still closed to journalists and the public. A source close to the investigation into the aftermath said on Thursday the intention remained to process and consider all evidence before releasing any findings, or responding to any allegations. That may change, but only on political orders.

Again, there are at least two interpretations possible. It could be that investigators and their managers are determined to not jeopardise the prosecution for murder of either strikers or police. Or it could be that silence and time will give them the opportunity to massage the evidence and hide the truth.

Ultimately, and sadly, it depends on what you wish to believe.


Disclosure: Phillip de Wet was previously the deputy editor of Daily Maverick, the website where Greg Marinovich's article on the evidence at Marikana was first published.

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*(What were police doing using deadly force and moving into the Small Koppie anyway? What was their aim? ... In the days following the hacking to death of the two police officers, gruesome cellphone pictures were circulated throughout police circles. Policemen around the world view the killing of their own with extreme anger. We are informed by the comments that range from Bheki Cele and Susan Shabangu's shoot to kill statements, to current police commissioner Riah Phiyega's following the massacre, that the policemen at Marikana had done no wrong.)*

*Daily Maverick*

### **Marikana's Small Koppie: 14 dead, 300 metres away from Wonderkop. Why?**

-  Greg Marinovich
- 2 September 2012 01:52 (South Africa)

Since the publication of the article positing that police had murdered some of the miners at the Small Koppie, individuals close to various arms of the investigation have approached us, verifying the main thrust of the argument. We can now confirm the frightening details: 14 dead at the Small Koppie, 300 metres away from the better known massacre, minutes after the much-televised stampede. Yes, we were disturbed, too. By GREG MARINOVICH. The unseasonal heat baked Nkaneng settlement on Friday, 31 August. Litter was strewn across the empty veld like peculiarly ugly wild flowers. In the distance, thousands of denizens waited patiently outside Lonmin's Marikana plant for their turn to board a minibus taxi or a bus for a grim trip to the Eastern Cape or Lesotho. The majority of the slain miners were Pondo speakers, to be laid to rest in remote villages there, most of them over the weekend.

Next to the squat cone of Wonderkop, a sparkling white hearse made its way along the rutted dirt road that circles the hill. Eventually the hearse halted; it could drive no further. The rear door was opened, as if to give the corpse a breath of fresh air, and the handful of men who had followed the vehicle continued on foot.

The group approached Small Koppie, and passed by a large patch of blood that someone had fenced with branches. An open container of snuff lay in the centre. It was an offering to the ancestors by relatives and colleagues who had earlier come to take the slain miner's spirit to accompany the corporeal remains home. It was here that crime scene investigators had named two bodies A and B.

Passing the bloodstains of A and B without breaking stride, the group of mourners swiftly climbed over the largest of the granite extrusions, leaving behind several spray-painted yellow dots, the meaning of which I could not discern.

They eventually stopped at a nondescript patch of earth. This was where Lonmin rock drill handler Andries Motlalepule Ntsenyeho died, aged 42. The earth showed no yellow paint markings, nor letters to demarcate key evidence or bodies. I myself had unknowingly walked over this spot several times. A man gathered soil and gave it to Ntsenyeho's younger brother, Tebogo, to put in a crumpled white plastic bag. Then they lowered their heads and prayed quietly.

(There are two logical layman's possibilities to this apparent oddity of no spray paint showing where Andries Ntsenyeho had died: that this is not where he died, or that the spray paint on the sand has been walked over and weathered in the two weeks since the scene was investigated. The third possibility is that the esoteric requirements of the crime scene investigators do not need to put paint next to bodies lying in the open, where they are easily detected in an aerial photograph, and matched to GPS co-ordinates.)

I was at Small Koppie with CityPress's Charl Du Plessis. We wanted to try to find the missing letters and fill some of the gaps in our understanding of the tragedy. While clambering some four meters up on a boulder, Du Plessis found a stick and a pipe. Nearby were bloodstains. Then, precariously close to the edge, he spotted a bullet. A bent and scraped bullet that looked very much like an R5 bullet. It had obviously ricocheted once or even twice off the granite.

We called the Independent Police Investigative Directorate, IPID, who sent investigators within a couple of hours, as well as a specialist crime scene investigator.

It was instructive, and morbidly fascinating to watch: the site of the bullet was logged and contextualised with regard to the other forensic markings. The blood was swabbed and samples taken, to see if they matched any of the bodies.

The police trio would not be drawn out on any of the evidence (so ungrateful of them, really, after we had found them the bullet). They did not need to.

Since the publication of the article positing that police had murdered some of the miners at the Small Koppie, individuals close to various arms of the investigation have approached Daily Maverick, verifying the main thrust of the argument.

Our reliable sources tell us that only one firearm was found at the scene – a pistol – at F. We have subsequently found that the demarcations go up to the letter X and that some of them show where bodies lay. G and H were indeed two miners who died next to each other, as were E and D, and J and K. X, too shows where a body lay.

The critical letter N was, however, incorrectly marked: it should have been the letter M. The file might reflect M for the position marked N on the rock. This is something that could have led to a lot of confusion, clouding events, making justice elusive. Whatever the crime scene error, the rock marked N above the pool of blood indeed does mark a body. And thus miner N (or M) did die there, trapped. The rocks and trees round him bear no sign of bullet marks. He was not killed in a wild spray of bullets.

And now, for the main point: There were indeed 14 corpses found at Small Koppie, including that of Andries Ntsenyeho. We have been told that many of the corpses were shot in the back. Some of these corpses apparently had three bullet wounds in a close grouping. These point to the miners being shot at close range by automatic gunfire. There are

precious few rocks that display bullet marks. I counted less than ten, rendering a theory of spraying of the area with long-range bullets a lie. Ntsenyeho had three wounds, one in the neck and two in the groin area.

So did the police, as they were attacking Small Koppie, think they were in danger from the trapped miners? Only the one handgun was found at the scene, at F. Despite this, the police could have believed they were in danger, if they went in on foot. Yet large tyre tread marks and small trees pushed over at one of two possible entries into the central clearing, where several bodies were found, indicate that armoured Nyalas could and did indeed enter. It is not clear when they did, but they could have ferried the police into the clearing on that fateful afternoon, and been able to afford the police protection.

We have eye-witnesses who saw Nyalas encircle Small Koppie in the events that followed the televised shooting at Wonderkop, some 300 meters to the southeast. Complete physical protection was available to police involved.

The police were either not in extreme danger, or could have chosen not to be in danger.

This may have been personal choice or an order from their commander.

And this begs the question: What were police doing using deadly force and moving into the Small Koppie anyway? What was their aim? The police state that their aim on the day was to disperse the miners. This had already been achieved by the time Small Koppie was attacked. If they wanted to arrest those who might possibly have been involved in the killing of three miners, two security guards and two police officers in the previous days, they would not have ended shooting 14 people; the miners were trapped already. If the bringing to book of potential killers, alive, were on their mind, no assault rifles need have been used.

So what was on their mind, if I may collectivise this, following the recently much-used logic of common purpose?

In the days following the hacking to death of the two police officers, gruesome cellphone pictures were circulated throughout police circles. Policemen around the world view the killing of their own with extreme anger. We are informed by the comments that range from Bheki Cele and Susan Shabangu's shoot to kill statements, to current police commissioner Riah Phiyega's following the massacre, that the policemen at Marikana had done no wrong. In the afternoon heat of 31 August, the handful of family and fellow miners of Andries Ntsenyeho swiftly made their way back to his coffin. I asked if they had seen the autopsy report. His brother Tebogo answered that they had the death certificate: "It only says that he died of unnatural causes. Nothing more. We have many questions."

As do we all. But the true story of what happened on the Small Koppie on 16 August 2012 is out there and, every day, we're getting closer to it. **DM**

*Photos by Greg Marinovich*

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### **Rage by Miners Points to Shift in South Africa**

President Jacob Zuma of South Africa spoke to a group of mine workers near the Lonmin platinum mine where 34 people were killed in a clash with the police over a wildcat strike. [More Photos »](#)

By LYDIA POLGREEN



*Published: August 31, 2012*

JOHANNESBURG — When 360,000 gold and coal miners walked off the job in South Africa in 1987, protesting the poor pay and grim working conditions of apartheid-era mines, a charismatic young man named Cyril Ramaphosa, the firebrand leader of the National Union of Mineworkers, led the charge.

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But as the police opened fire on workers engaged in a wildcat strike at a platinum mine two weeks ago, killing 34 people, Mr. Ramaphosa, now a multimillionaire business tycoon and senior leader of the governing African National Congress, found himself in a very different position: on the board of the company the workers were striking against, the London-based Lonmin.

Mr. Ramaphosa's journey from hunted labor activist to industry titan and perennial presidential contender is an emblem of South Africa's spectacular transition from brutally enforced white minority rule to a multiracial democracy where, in theory at least, anyone with talent has a chance to succeed.

But the low pay and tin-walled hovels of the miners who went on strike at Lonmin's mine — conditions in many ways reminiscent of the ones faced by the miners Mr. Ramaphosa led — starkly demonstrate the failure of the A.N.C. to deliver its own slogan: "A better life for all."

Now, as the shock of the killings reverberates through the nation, the party that liberated South Africa is facing perhaps its gravest challenge since it took power in the country's first multiracial elections in 1994: seething rage from the poor in one of the world's most unequal societies and a sense that the A.N.C. has created a wealthy black elite, including men like Mr. Ramaphosa, without changing the lives of ordinary people.

"South Africa is a social, political and economic disaster waiting to happen," said Aubrey Matshiqi, a political analyst. "The anger is there. All you need is a spark, and then you will have social and political and economic veld fires burning out of control."

These days it can seem that South Africa has been turned upside down. Relying on apartheid-era legal tactics, prosecutors have said they are charging 270 miners arrested after the melee, not the police officers who fired the bullets, with the murder of their colleagues.

It is not the first time an arm of government has been accused of adopting strategies from the apartheid era. Efforts by the government of President Jacob Zuma to criminalize publication of a broad range of information, to limit the independence of the judiciary and to give greater powers to unelected tribal monarchs have bled away support from the A.N.C.

While the end of apartheid transformed South Africa's political and institutional landscape, placing blacks at the helm, it left the economic hierarchy largely untouched. A favored few



black businessmen, many of them with deep ties to the A.N.C., have become wealthy. But for a vast majority of blacks, inequality has deepened.

The failure to transform the economy is one the A.N.C. freely admits. At a party conference in June, Mr. Zuma urged more radical steps, but such calls may have come too late, as younger, more aggressive leaders whip up the anger of the poor and unemployed.

Days before Mr. Zuma went to speak to miners in the town of Marikana, where the strike occurred, the populist youth leader Julius Malema, who was expelled from the A.N.C. amid a fierce battle with Mr. Zuma, stood up to address them. Mr. Malema has advocated nationalizing mines and seizing white-owned land, positions the A.N.C. is unlikely to adopt. "President Zuma has presided over the massacre of our people," he told the miners, drawing loud cheers.

As Mr. Zuma stood last week before a crowd of angry workers near the spot where 34 of their colleagues had been killed, an attendant holding an umbrella to shield him from the sun, his Everyman roots seemed to fail him, and he struggled to find the words to stem the tide of their rage.

The image of corporate stooge that Mr. Zuma's opponents paint would seem an ill fit. He rose to power on a populist surge of anger against his predecessor, the tweedy, cerebral Thabo Mbeki, whose embrace of laissez-faire economic policy angered many on the left. A grade-school dropout turned freedom fighter, Mr. Zuma could not be a starker contrast to Mr. Mbeki, a University of Sussex graduate with a fondness for quoting Yeats.

But now Mr. Zuma may find himself in Mr. Mbeki's shoes, battling to remain head of the party at a vote in December, and to serve a second term as president. The Marikana killings have fed a groundswell against him, currently gathering force around his vice president, Kgalema Motlanthe, who is widely reported to be considering a move against Mr. Zuma much like the one that removed Mr. Mbeki.

Whoever becomes South Africa's next president will face the deepening sense of betrayal that after 18 years, little progress has been made to tackle joblessness, inequality and poverty.

"It might make many of us quiver with fear, but here is the cold, hard truth: they will opt out of the current social, economic and political arrangements and they will choose anarchy," wrote Justice Malala, a political analyst, in *The Times*, a South African newspaper. The rage that had long been focused on white rule and white capitalism has turned on the A.N.C. South Africa's liberation party has become the establishment. It has forged deep links to the white business class, and through its affirmative action policies a small but wealthy black elite has emerged.

Even the venerable left-wing unions are seen by the have-nots as co-opted by the haves. The violent strike in Marikana began as a struggle between the National Union of Mineworkers, the country's biggest mine union and a major partner in the alliance that governs along with the A.N.C., and a radical upstart union that pushed workers to strike. Miners have been fleeing the National Union of Mineworkers, which has acquired a reputation, fairly or not, for coziness with big business. Its new leader recently received a 40 percent raise, according to *The Mail and Guardian*, a newspaper in Johannesburg, to more than \$12,500 a month.

The radical union and Mr. Malema pose a serious challenge for South Africa, which has enjoyed a remarkably peaceful transition from white rule to multiracial democracy. By whipping up workers who arm themselves with machetes, spears and cudgels, and setting

them against a government from which there are increasingly alienated, they risk a return to the kind of violence seen in the bloody years just before apartheid's end.

The shooting of strikers reminded many of the killing of unarmed protesters by the police during apartheid, and some have compared it to the Sharpeville massacre, when white policemen killed 69 people at a protest in 1960. It was a singularly galvanizing moment in the struggle against apartheid.

The images of workers from rival unions hacking one another to death also evoked another grim chapter in South Africa's history: the fratricidal wars between rival political and ethnic groups, egged on by the apartheid government, that killed thousands in the run up to elections in 1994.

Mr. Malema, with his penchant for Breitling wrist watches and his sprawling house in the wealthy suburbs of Johannesburg, would seem just as pampered as the A.N.C. elite he criticizes. He is facing multiple investigations into his mysterious fortune. Indeed, his strategy seems less about starting a new movement than ousting his onetime mentor, Mr. Zuma, and persuading whoever replaces him to let him back into the party.

Mr. Ramaphosa has escaped that kind of taint. He played a central role negotiating the end of apartheid, was a close aide to Nelson Mandela and in his biography on Lonmin's Web site he is heralded for helping build "the most powerful union in South Africa." Yet his dual role — as businessman and political leader — raises tough questions about why so few black business leaders have emerged without deep connections to the party.

Writing in *The Sunday Times*, he said events at Marikana were "probably the lowest moment in the short history of a democratic South Africa," and that "underpinning all the factors that led to this tragedy are the extremes of economic inequality, poverty and underdevelopment that continue to characterize our society."

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Zuma will not free Marikana miners  
01 SEP 2012 18:33 - SAPA

President Jacob Zuma will not release 270 arrested Marikana mine workers as their lawyers had demanded, the Presidency has said.

"The President cannot accede to the demand," said presidency spokesperson Mac Maharaj in a statement.

"President Zuma will not interfere in the work of the Marikana Commission or any other processes, including the prosecution of persons associated with the tragedy."

On Friday, the miners' lawyers, Maluleke, Msimang and Associates reportedly sent a letter to the president, requesting that he release the 270 Marikana miners by 1pm on Sunday.

The City Press reported that if their request was not met, Zuma would face an urgent high court application compelling him to release the miners.

Maharaj said the president would respect the independence of all institutions.

"Including those in the legal sphere, which need to execute their responsibilities without fear, favour or interference," he said.

On August 16, police opened fire on striking workers gathered on a hill near Lonmin's Marikana mine, in North West, killing 34 of them and wounding 78.

Initially, the arrested group was charged with public violence. On Thursday, the NPA announced they would also face murder and attempted murder charges for the deaths of their colleagues. – Sapa

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AMANDLA JOURNAL (September 2012 Issue)

THE SLAYINGS GROW MORE SINISTER

by Ronnie Kasrils

Our initial horror and outrage does not subside but deepens. Credible monitors, independent researchers and investigative journalists engaged in crime-scene investigation, research and interviews are uncovering a web of vengeance and extra-judicial executions. These point to a scenario as sinister and chilling as anything from our horrific colonial-apartheid history.

Our gut reaction as we recoiled from the police shootings partially captured on TV cameras, that this was not some Rorke's Drift style defensive action by police, but part of a deliberate punitive deployment, is being compounded almost on a daily basis. I refer to such documentation as the Benchmark NGO monitoring; "The Daily Maverick" account of "The Slaying Fields" (30<sup>th</sup> Aug); "The Star" (27<sup>th</sup> Aug) leaks of autopsy results; bizarre murder charges brought against the 270 detained striking miners for the deaths of their comrades on the Marikana Hill called Wonderkop. Methinks something in the state of our country is extremely fishy and reprehensible, which must be exposed and cannot be tolerated.

I will return to these sinister developments later. First I want to go back to that fateful day on 16<sup>th</sup> August looking at events as they unfolded and questions I initially raised in a "Sunday Times" article (26<sup>th</sup> Aug).

An order was given to deploy almost 500 police armed with automatic weapons, reinforced by armoured vehicles, horsemen and helicopters; they advanced on a desolate hill where 3000 striking miners were encamped. That denoted an order from on high with a determination to carry out a dangerous and dubious operation to clear an isolated, stony outcrop of desperate strikers armed with the sticks and spears often referred to as "cultural" weapons in our country. Yes *pangas* (machettes) were sharpened and extremely menacing in confrontation. But the vast majority of strikers carried sticks and I used the term "cultural weapons" so that we be reminded how often crowds of our people traditionally act in circumstances where they wish to show defiance or act in solidarity – invariably with no loss of life.

These strikers were hardly occupying some strategic point, some vital highway, a key city square. They were not holding hostages. They were not even occupying mining property. Why risk such a manoeuvre other than to drive the strikers back to work at all costs on behalf of the bosses who were anxious to resume profit-making operations?

If by occupying that hill the strikers constituted a threat to other workers, officials or rival unionists, then a feasible solution could only be through reasonable, patient negotiations and remedies, no matter the timeline — not a deployment of state force that could only end in the dreadful manner witnessed: 34 strikers dead, 76 wounded, their families devastated. In my reaction to the TV news report that fateful 16<sup>th</sup> of August was that it may well have been instinctive fear that caused the police to open fire as a group of miners apparently desperately charged them, or even possibly tried to get out of the encampment. My question then as now: why put the law enforcers there in the first place?

The police manoeuvre was akin to poking a hornet's nest with a stick. What mind-set was behind the police intention?

Who set the agenda? What was the government's hand in this? This cannot be kept secret, or can it?

First it was our new national police commissioner who told the nation: "This is not the time to point fingers."

Our President reiterated the call, word for word, soon thereafter. He naturally announced that an independent judicial inquiry would be appointed. The usual recourse of government's the world over: shelve the pressing need to take immediate action such as apologising and ensuring that those in charge resign with immediate effect. Above all avoid explanation and hold one's tongue rather than give leadership. And of course judicial inquiries look at legalities and so often when the report is finally delivered are biased in favour of established order. Minister Collins Chabane, presiding over an inter-ministerial committee sent to attend to burials and commiserate with the survivors and families, repeated the refrain "we must not point fingers". It seems the national police commissioner had set the politician's agenda. We dare ask: is this not a recipe for avoiding accountability and just plain stalling until the hue and cry dies down?

We have heard much about the illegality of the strike and the panga-wielding strikers who, it is alleged, used *muti* (medicine to make one invincible) and brought the disaster on themselves, a clear-cut case of blaming the victims, victims who are among the most exploited of our workforce and who labour under the most dangerous and dreadful conditions — truly the wretched of the earth. By the way the *muti* reference in a society where traditional belief systems and superstitions has been allowed to freely gain ground in current South Africa is particularly disingenuous.

The President, who believes that a shower post an unprotected sexual encounter can protect one from HIV AIDS, hints that there is much that lies behind this incident. Who knows what is implied? Sounds like the stuff of plots and conspiracy. Watch this space and do not be surprised by more obfuscation.

Of course, much lies behind the catastrophe: chiefly the exploitative mine owners and the horrendous conditions under which our country allows mineworkers to toil and their communities to fester. Add to the mix trade-union rivalry, demagoguery and intimidation, and previous killings. Yes ten died the week before the 16th August massacre: six miners, two security guards and two policemen. The reference to the latter is how gruesomely they were hacked to death. Was this the reason why the police sought vengeance? I have heard fellow comrades and former colleagues, including trade unionists, blaming the strikers. My knowledge of trade union struggles and worker strikes the world over from America to Europe and beyond is of the killing of scabs and agents out of desperate struggles to survive. Not pretty but let us not be hypocritical in this case. It is from "The Daily Maverick"

(Aug 30<sup>th</sup>) that we learn of the circumstances in which a group of miners fought their way out of a police ambush on August 13<sup>th</sup> in which the two policemen died as well as two miners. An event the report links to the police intention to punish the strikers.

Then there is as ever the blatant, arrogant, mean, insatiable greed of mine owners and management to blame and confront; disputes about pay and conditions; victimisation and dismissals. Their cynical role must be exposed but whatever manner of cause and effect may be discerned, there is no escaping where the finger needs to point in the here and now. And that is right at the trigger fingers responsible for mowing people down as at a duck shoot. For if we do not point at those who pulled the triggers and who issued the orders, and behind them whoever quite possibly gave the nod of approval, then we allow the whole bloody event to be diverted and bogged down by the bigger, overwhelming picture. Yes, we can and must deal with this total picture because ultimate responsibility lies with our whole exploitative system, but there is time and scope for that. I say let us get to the immediate truth which is not as complicated as the police, mining houses, government, sections of the media and some analysts would have us believe? We dare not allow the reality of the ghastly killings to be disguised and demobilise a gathering energy of the outraged.

Let us not do what the forces of apartheid automatically did in the past and hide the truth about state violence. Let us not create a fog of war around this massacre and declare that fingers must not be pointed, because in effect what that implies is that we shall not point to where responsibility lies.

We shall not point to those who fired the weapons; to those who gave the orders; to those who have encouraged the police to maintain a bellicose culture of "shoot to kill"; to those who failed to train them in acceptable methods of crowd control; to those who decided that the time for reckoning with striking mineworkers had arrived. To adopt such a course will mean that leadership will be exonerated and accountability will become yet another victim. If we do not point fingers at the right targets, the politicians — who bear executive authority for those who may have given some kind of green light, or by dereliction of responsibility left the police to their own devices — will go unscathed.

We are asked to put our faith in a judicial commission and let the dust settle. Nice, sober talk. But in a democracy that has sworn to make such massacres a thing of the past we need to cry out in the name of humanity and justice and demand full transparency and accountability.

Indisputably the mine owners and managers are guilty for their greed and arrogance. But then we are all guilty for allowing this extreme exploitation of our working people to persist into the 19<sup>th</sup> year of freedom.

If by default we fail to hold our police system and government accountable for the systemic brutality — actually what is beginning to look like a cold-blooded premeditated execution — we run massive risks, detrimental to our very security and democratic freedoms.

A national crisis like this requires frank talk by all concerned South Africans. We need to mobilise and demonstrate solidarity with the victims. Our history reverberates with the words: Do not blame the victims!

For we have seen it all before, from Sharpeville to Bisho and last year's vicious police killing of the activist Andries Tatane during a protest demonstration. If we fail to point to the cause of the gunfire, the fingers will be pointed at the victims as they lie dead in the fields or the streets. And the shootings will continue.

I asked those questions in the immediate aftermath of the shootings. The developments I referred to at the beginning of this article make things look far, far worse.

Let us briefly refer to some of the very latest information now pointing to an extremely ominous and sinister chain of events on that fateful August 16<sup>th</sup> day, indicating a deliberate intention to execute strikers on the spot beyond the range of the media (as reported elsewhere in this issue).

The very reliable and meticulous Benchmark NGO that has been studying and reporting on the situation in the platinum mines for months, has reported that the police rolled out their razor-wire fencing to herd the strikers in particular directions, and enclose them into separate sections, so as to deal with them – and leave no avenues of escape. Was it no wonder then that with tear-gas being dropped from helicopters there was pandemonium on the hill and the strikers were desperate to flee. Quite possibly those dozen men we saw mown-down on TV were not as supposed charging the police but were desperately seeking to escape the ring...

Desperate to escape like the other luckless dead investigated by “The Daily Maverick” (30 Aug), whose Pulitzer prize-winning journalist, Greg Marinovich, has revealed the extent of what appears to have been merciless slaughter of some twenty miners at a spot behind the hill and out of sight of the media, where they were trapped with no avenue of escape, tried to hide in crevices and despatched at point-blank range. Those findings make the most chilling reading..

It the light of this the leaked autopsy reports referred to by “The Star” indicating that many dead were shot in the back and crushed by police vehicles – is believable. We await the outcome.

Marikana is undoubtedly a turning point in our history. If we fail to act decisively, we do so at our peril and we leave the space to the demagogues. If, as a young democracy we are to emerge stronger and better we need the truth and we need to spare nobody’s position or reputation. Above all we need a new deal for our mineworkers and we need a system based on economic justice for the poor of our land. We need a political leadership not distracted by holding on to their positions at all costs, but one focused night and day on urgently solving our people’s problems and serving their needs. We can achieve that but only by concerted efforts and mass pressure on the powers that be.

There needs to be an inquiry by a commission set up by workers and trade unionists – and that needs to probe in the first instance the shootings and where full responsibility lies. I stress again the need to focus on the shootings. This will not let all the other role players off the hook. The mine bosses, union rivalry, the wider economic issues, all need to be examined but we must in the immediate period focus on the shootings themselves. Some are making the search for the truth sound like a mammoth exercise. This runs the risk of sidelining police and government responsibility. Already the police have stated that the weakness of public order policing goes back to 1994. They are shifting their culpability to democratic change. They will be assisted by serving politicians eager to allocate blame to the pre-Polokwane Mandela-Mbeki administrations. Yes, there surely is a case for the 1994 compromises on the economy coming back to bite us and that must also be examined. But the statement is a cynical ploy to exonerate the police. Is the truth really as complicated and diverse as some would have us believe – disguising the reality of the very massacre? What has happened stems from deliberate police planning, decisions and orders.

We need to demonstrate in solidarity with the victims, their families, those on trial.

We should collect funds on a vast scale to assist the victims, their families, their children. We need to demand compensation for those killed and injured. All strikers must be given their jobs back.

We expect the working class of our country to unite behind the victims, the dead, injured, striking workers and their families – and we expect this from all our citizens who believe in truth and justice.

We must not leave an inquiry to the judicial commission alone but encourage investigative journalism and monitoring groups to help get to the bottom of the crime and expose all that is sinister and still at work.

Ronnie Kasrils is an author, activist and former ANC government minister

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<http://ccs.ukzn.ac.za/default.asp?2,40,5,2732>

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**Major challenge to ANC government after reports that many miners were shot in the back, and now murder charges against other miners, no police charged**

Vishwas Satgar interviewed by Paul Jay 31 August 2012

**PAUL JAY, SENIOR EDITOR, TRNN:** Welcome to The Real News Network. I'm Paul Jay in Baltimore.

On August 16 in South Africa, at the Lonmin mine in Marikana, police killed 34 miners who were on strike amongst hundreds in a confrontation with police. A postmortem exam, according to a local television station, revealed that most of the miners killed were shot in the back while they were fleeing police, not as they were, according to the police, about to surround and attack the police.

Now there have been charges laid for these murders. Two hundred and seventy miners were charged in the deaths, and no policemen.

Now joining us to help us make sense of all of this is Vishwas Satgar. He's a grassroots activist in South Africa for the past 28 years and he's a senior lecturer at the University of Witwatersrand. And he's recently helped form something called Solidarity with the Marikana Minors. Thanks for joining us.

**VISHWAS SATGAR, SENIOR LECTURER, UNIV. OF THE WITWATERSRAND:** Thanks. And thanks for having me.

**JAY:** So lead us through the basic story here first of all, just to kick it off. If I understand it correctly, miners were on strike for higher wages. There is a division within the unions. There's a newer, more militant union and an older, people would say, less militant union allied with the ANC government, and this confrontation develops. So give us the context of

what happened, and then we'll get into how it is that the miners get charged and not the police.

**SATGAR:** Yeah. I mean, all these essential facts you point to are key, but we just need to take a step back to sort of August 9, when workers at this particular mine, particularly the rock drillers, came together to really think crucially about their work situation and then, of course, make a demand to the management. The management response to their immediate demand for higher wages was to suggest some kind of minimal back pay. In the minds of the workers this really meant that, you know, this mine was a cash cow and, you know, the management could respond in a more serious way to this substantive proposal.

This then snowballed since August 9, with the workers first marching to the National Union of Mineworkers office, which many of these workers were members of and probably still are. On their way to the offices of the National Union of Mineworkers, they were shot at, according to, and allegedly, by members of the National Union of Mineworkers. This led to the death of two workers.

Subsequently this just spirals. Two security guards are killed. Two policemen are killed. Another six workers are killed.

And then the infamous day of August 16, where the workers gather on a location, on a little mountain, what is called a koppie in South Africa, close or adjacent to the mine. The mine calls in a rival union to the National Union of Mineworkers called AMCU and basically tries to get AMCU to try and pull these workers off the koppie and get them back in to work. AMCU tries. They go and speak to the workers. And that is unsuccessful. The National Union of Mineworkers also around this time tries to speak to these workers.

And one of the issues, material facts here that rarely comes out in the sort of witness accounts and the narrative by the workers themselves is that they were addressed by the president of the National Union of Mineworkers while he was inside a police armored vehicle. And that really also irked them and angered them, and while in a context in which they were completely surrounded on this hilltop.

Subsequently, it would seem—and this is based on an academic reconstruction of what happened on August 16 done by a professor at the University of Johannesburg. He essentially went to the site and interviewed various workers and witnesses and put together the sequence of things. And what seems to emerge from this picture is that the police surrounded these workers, they put barbed wire fence, razor wire fence around the perimeter, they left a very narrow opening for these workers, and basically opened fire with tear gas and rubber bullets. The workers then ran for the one and only opening they could see in the barbed wire fence.

Now, a lot of media coverage shows this particular scene and it comes across as though the police are on the retreat and the workers are attacking offensively. But actually it's seen from—according to the professor at the University of Johannesburg, this was the only



opening left for those workers. And at least about ten of them were gunned down at that entrance or that opening.

Now, there are other kind of bits of information coming together and are now beginning to come to light in the public arena. It would seem that most of the workers ran in the opposite direction while—from the top of the koppie or the mountain, and they were then gunned down systematically in cold blood in different locations. A journalist link to the Maverick Magazine today has basically carefully documented the various sites where these workers were killed and basically has put out the story that, you know, in the difficult rocky crevices and so on, this is where mineworkers were shot. At the same time, there are reports coming out increasingly from eyewitness accounts that many of these workers were also run over by police motorized or armored vehicles. So this is basically the kind of picture that's beginning to emerge around the facts and the details.

**JAY:** This seems systematic. It seems like the police were given—what's the word?—some direction on this. Or should I say, does it seem police [were] out of control? But it seems like there's more going on here than that.

**SATGAR:** Well, on August 17—and this, again, is according to newspaper accounts and some eyewitness accounts that the senior police commissioner of the area basically made a public statement that they were going to stop the strike. In addition, the National Union of Mineworkers made a public call on national radio and national news for the police to intervene and deal with the situation and the violence. So the kind of perception created is that this clearly was an orchestrated, a planned sort of attack by the police.

Also, just the precision around which they kind of surrounded the whole area, the way they kind of intervened, the kind of firepower—I mean, you know, there were helicopters, there were armored vehicles, I mean, just many, many police in the area. And apparently, according to even the head, the president of AMCU, who spoke at a public meeting, he was quite taken aback by the scale at which the police were handling this operation. Initially, after he made his appeal to the workers to come down and end the strike, they walked away from the situation and they passed what seemed like a very sophisticated sort of command center.

**JAY:** Okay. So I don't quite get this, what happened on Thursday, then. We have evidence that the postmortem examination of the bodies are that most of the miners that were killed were actually running away. You say there's evidence now from this professor that they were actually sort of kettled, in a way, with barbed wire and led towards the police. And then the miners get charged, 270 miners get charged with the deaths of the other miners. What's the logic there?

**SATGAR:** Well, actually, it's illogical, but it does point to a deepening crisis of our postapartheid democracy.

There are four elements to the state response post the Marikana massacre. The first response has been to continue a heavy police presence in and around the communities that make up the Marikana area. And that has also led to a lot of police harassment.

The second element of the response has been the state president of the country, Jacob Zuma, announcing a judicial commission of inquiry, headed up by three judges. He's defined the terms of reference, which is important, but also has certain limitations.

The third element has been [for] the state to call for a peace court process. Right now in the town of Rustenburg is an attempt by the minister of labor to sit down with the unions and hammer out some kind of peace agreement.

The fourth element in this whole equation has been the charging of the mine workers that are currently in police custody with the murder of their colleagues.

Now, this all really doesn't add up. Increasingly, it would seem that what's at heart of the state response is really an attempt to stop the kind of demands, the kind of worker militancy from spreading throughout the platinum belts right now. So there's a lot of doublespeak coming out of government. It doesn't add up, it doesn't make sense, and really the government is not contributing to a climate of trust. There is deep skepticism on the ground within the community about the intentions of the South African [crosstalk]

**JAY:** And what are these miners actually charged with?

**SATGAR:** Well, that's the thing. They're charged with the murder of their 34 colleagues.

**JAY:** But they use some law about—that because they were there in common purpose, they created the scene where the police shot—they're responsible. I mean, it's something along these lines?

**SATGAR:** Yeah. I mean, it's—I'm no lawyer, but, I mean, clearly they're trying to kind of construct a legal argument or a legal case, you know, trying to kind of, you know, pin it on them collectively. They had a common intention, a common purpose.

But, you know, again, this—the whole thing about the charging is embroiled in a larger kind of political battle. The workers themselves went to the police station, and this together with Julius Malema, the former Youth League president in South Africa, ANC Youth League president, and he, together with the workers, charged the police for murder. Now, it would seem that the state response is a counter to this, and it's really beginning to become a tit-for-tat issue, sadly, in this situation.

**JAY:** We're going to do a part two of this interview where we step back and look at the bigger picture, at the conflict amongst this new and more militant union challenging the older traditional union allied with the ANC, and then what this incident of the shooting of the miners has sparked in South Africa, which is a whole examination of the state of inequality and the state of ANC leadership. And the whole neoliberal policies of South

Africa are now under a new kind of examination. So part two of our interview is going to take us there. So please join us for that on The Real News Network.

**therealnews.com**

Vishwas Satgar has been a grass roots activist in South Africa for the past 28 years. He is currently engaged in supporting the Solidarity Economy Movement in township communities, supporting food sovereignty campaigning, climate jobs campaigning and defending popular democracy in South Africa. His academic interests include a focus on African political economy, Empire and Global crisis, Green Global political Economy and Transnational Alternatives. He is a Senior Lecturer at the University of the Witwatersrand.

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## **Department of Justice and Constitutional Development, Media Statement, 31 August 2012**

### **Minister Radebe to Seek Explanation on Marikana Murder Charges from NPA**

Following recent National Prosecuting Authority's decision to charge the Lonmin miners with 44 counts of murder relating to the Marikana shooting incident, I have requested the Acting National Director of Public Prosecutions, Adv Nomgcobo Jiba to furnish me with a report explaining the rationale behind such a decision.

Section 179 (6) of the Constitution reads "*The Cabinet minister responsible for the administration of justice must exercise final responsibility over the prosecuting authority*".

Section 33 (1) of the NPA Act reads:

*" the National Director shall, at the request of the Minister-*  
*(a) furnish the Minister with information or a report with regard to any case, matter or subject dealt with by the National Director or a Director in the exercise of their powers, the carrying out of their duties and the performance of their functions;*  
*(b) provide the Minister with reasons for any decision taken by a Director in the exercise of his or her powers, the carrying out of his or her duties or the performance of his or her functions"*

There is no doubt that the NPA's decision has induced a sense of shock, panic and confusion within the members of the community and the general South African public. It is therefore incumbent upon me to seek clarity on the basis upon which such a decision is taken in my capacity as Minister of Justice and Constitutional Development under whose department the NPA falls.

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***Issued by the Department of Justice and Constitutional Development: Media Research and Liaison***

***31 August 2012***

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And more indications of officially suicidal insanity, backed by the finest apartheid-educated legal minds:

**National Prosecuting Authority, 31 August 2012  
Charges brought against Marikana miners based on evidence before prosecutions team**

The National Prosecuting Authority (NPA) wishes to confirm that it has brought the following charges against the accused in the Marikana case:

- Murder
- Attempted Murder
- Public Violence
- Illegal Gathering
- Possession of Dangerous Weapons
- Possession of Firearms and Ammunition

The NPA has noted the public concern arising from the decision to charge the miners with murder.

Ordinarily, the NPA does not favour the stance of engaging in public about its prosecutorial strategy. Even in this instance this is no attempt to do so, but to briefly set the record straight as we recognise the significance of this case and the national and international attention it has attracted since it started in the past week.

We would like to stress that decisions in criminal cases are taken on the basis of all the facts available to the prosecution, and not only on what has been captured on television and in other media. The prosecution has evidence that it is confident is sufficient to sustain the charges that have been brought against the miners.

In terms of the law, co-perpetrators may be held liable for the death of members of their group or of others where there is enough evidence of foreseeing that death may result as a consequence of their collective action, and nonetheless proceeding with that action. This approach is based on sound legal principles that are well established in law and there is case law to support the approach the NPA has adopted.

The principle of *dolus eventualis* is well established in our law see *S v Nhlapo* and another 1981 (2) SA 744 (A). It holds that a person may be convicted of murder where someone

dies as a result of an act by a person who should have foreseen that someone may die as a result of the action, and reconcile himself or herself to possible fatalities.

In such cases, co-perpetrators may be held liable for the death of members of their own group or of others where there was sufficient evidence that they foresaw that death may result as a consequence of their collective action. The NPA believes that the state is obliged to test this principle in court.

It is important to acknowledge that the Marikana incident was not isolated to one day (16 August), to which much media attention is given, but it developed over a number of days during which other people were brutally killed, including two policemen who were robbed of official firearms, one of which was later recovered from the miners.

The NPA wishes to emphasise that this matter has been dealt with at the highest level. Advocate Johan Smit, the Director of Public Prosecution (DPP) for North West and head of the NPA in the province, has personally approved the possible charges based on evidence available.

He is one of the most experienced and longest serving DPPs in South Africa, and personally prosecuted the landmark case of the murder of Constable Francis Rasuge where a murder conviction was obtained without a body being found.

The national head of the prosecutions service in the NPA has also been briefed on the matter, and is satisfied that the approach is sound legally.

**Let justice be served.**

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## **The Bulletin**

Socialist Project • E-Bulletin No. 689  
August 31, 2012

### **The Marikana Massacre: A Turning Point? Martin Legassick**

The massacre of 34, and almost certainly more, striking mineworkers at Marikana (together with more than 80 injured) on 16 August has sent waves of shock and anger across South Africa, rippling around the world. It could prove a decisive turning-point in our country's post-apartheid history.

Marikana is a town situated in barren veld, dry brown grass in the winter, with occasional rocky outcrops (kopjes, hillocks). The Lonmin-owned mines – there are three, Karee, West and East Platinum – are situated on the outskirts of the town. Alongside two of them is a settlement of zinc-walled shacks festooned with lines of washing called Enkanini where most of the mineworkers live.

Towering over the shack settlement are the surface buildings of the mine, together with a huge electricity sub-station, with giant power pylons marching across the veld. This is the mineral-energy complex (MEC) which has dominated the South African economy since the 1890s, basing itself on the exploitation of cheap black migrant labour. But now platinum has replaced gold as the core of it. South Africa produces three-quarters of the world's platinum (used for catalytic converters in cars and for jewellery) and has dropped from first to fifth in production of gold. The underground workers at Marikana are still predominantly from the Eastern Cape, the area most ravaged by the apartheid migrant labour system. One third are contract workers, employed by labour-brokers for the mines, with lower wages and no medical, pension, etc benefits.

### **Working Conditions**

Platinum rockdrillers work underground in temperatures of 40-45 degrees celsius, in cramped, damp, poorly ventilated areas where rocks fall daily. They risk death every time they go down the shafts. At Marikana 3000 mineworkers were and are striking for a wage increase from R4000 to R12,500 a month.

The juxtaposition of the MEC with Enkanini, where outside toilets are shared among 50 people, where there are a few taps that will only trickle water, where raw sewage spreading disease leaks from burst pipes, and children scavenge on rubbish dumps, symptomatises the huge inequalities in South African society today. (More details on living conditions can be found in "Communities in the Platinum Minefields: Policy Gap 6.")

Inequality has increased since 1994 under the post-apartheid ANC government. CEO's earn millions of Rands in salaries and bonuses while nearly one third of our people live on R432 a month or less. The top three managers at Lonmin earned R44.6-million in 2011 (*Sunday Independent*, 26/8/2012). Since 1994 blacks have been brought on board by white capital in a deal with the government – and engage in conspicuous consumption. Cyril Ramaphosa, former general secretary of the National Union of Mineworkers (NUM), who is now a director of Lonmin, recently bought a rare buffalo for R18-million, a fact contemptuously highlighted by Marikana workers when he donated R2-million for their funeral expenses. Unemployment in South Africa, realistically, is 35 to 40 per cent and higher among women and youth – the highest in the world.

The media have highlighted police shooting automatic weapons at striking mineworkers running toward them from the rocky kopje where they were camped, and bodies falling to the ground dead. The police had erected a line of razor wire, with a 5-metre gap in it, through which some mineworkers were attempting to return to Enkanini to escape teargas and water cannon directed at them from behind.

Researchers from the University of Johannesburg (not journalists, to their shame) have revealed that the main killing did not take place there. Most strikers had dispersed in the opposite direction from Enkanini, trying to escape the police. At a kopje situated behind the hill-camp there are remnants of pools of blood. Police markers in yellow paint on this

“killing kopje” show where corpses were removed: there are labels with letters at least up to “J.” Shots were fired from helicopters to kill other escaping workers, and some strikers, mineworkers report, were crushed by police Nyalas (armoured vehicles). Within days the whole area was swept clean by police of rubber bullets, bullet casings and tear-gas canisters. Only patches of burned grass are visible, the remains of police fires used to obscure evidence of deaths.

There are still workers missing, unaccounted for in official body counts. The death toll is almost certainly higher than 34.

The cumulative evidence is that this was not panicky police firing at workers they believed were about to attack them armed with machetes and sticks. Why otherwise leave a narrow gap in the razor wire? Why kill workers running away from the police lines? It was premeditated murder by a militarized police force to crush the strike, which must have been ordered from higher up the chain of command. This is further confirmed by autopsies which reveal that most of the workers were shot in the back (*Cape Times*, 27/8/2012).

Because of the global capitalist crisis, with a slump in demand for new cars, the price of platinum has been falling, squeezing Lonmin's high profits. Lonmin refused to negotiate with the striking mineworkers, and instead threatened mass dismissals, a favorite weapon of mining bosses. They were losing 2500 ounces of platinum output a day, amounting to more than \$3.5-million. It was in Lonmin's interest to smash the strike. A platinum CEO is quoted as saying that if the R12,500 demand was won “the entire platinum mining sector will be forced to shut down.” (*New Age*, 20/8/2012)

But the massacre has rebounded in their face. It has reinforced the anger and determination of the Marikana mineworkers to continue striking. “We will die rather than give up our demand,” said one at a protest meeting in Johannesburg on 22 August. Moreover after the massacre workers at Royal BaFokeng Platinum and Anglo American Platinum joined the strike, though now (27/8) at least some appear to have been persuaded to return to work.

The police chief, Riah Phiyega, visited police in Marikana in the days before the massacre. On the day of the massacre a police spokesperson declared “Today is unfortunately D-day” (*Business Report*, 17/8/2012). After the killings Phiyega said “It was the right thing to do” (*The Star*, 20/8/2012). The ANC government is implicated in these murders – in defence of white mining capital.

Certainly the massacre has severely damaged the moral authority that the ANC inherited from the liberation struggle. Since 16 August President Jacob Zuma has gone out of his way to distance himself from the killings. He has deplored the tragedy, visited the site six days later – to a cool reception from the mineworkers – declared a week of mourning and established a commission of enquiry. He is hoping to restore the image of the ANC and of himself before he has to face re-election at an ANC conference in Mangaung in December. The commission has five months to report – which he hopes will cover up discussion of the

events until after Mangaung. “Wait for the report before making a judgement” will be the watchword of the ANC and its allies in the next months.

Suspicious of the official commission, the mineworkers have called for an independent commission of enquiry, and the dropping of charges against 259 workers who have been arrested. “The same person who gave the order to shoot is the one who appointed the commission,” said a worker (*Business Day*, 23/8/2012).

Expelled former ANC Youth League president, the populist Julius Malema, has taken advantage of the massacre to visit Marikana, denounce Zuma, and give assistance to the dead mineworkers’ families. Also all leaders of the parliamentary opposition went as a delegation to a meeting in Marikana on 20 August to offer condolences – like flies hovering around a dead body. At the same meeting a procession of twenty or more priests each sought to claim the loudhailer.

The media have claimed that the violence was precipitated by rivalry between the NUM and the Association of Mineworkers and Construction Union (AMCU). This is nonsense. When the Marikana rockdrillers went on strike they wanted to negotiate directly with management, not to have any union represent them. This was made absolutely clear at post-massacre meetings in Marikana, and (including by the AMCU general secretary himself) at the protest meeting on 22 August.

The strike was violent. In the week before the massacre ten people died, six mineworkers, two mine security guards, and two policemen.

### **NUM and AMCU**

Historically the National Union of Mineworkers, with a present membership of some 300,000, born in the struggle against apartheid, has represented mineworkers. It has a proud history of struggle, including the 1987 mineworkers strike, led by Cyril Ramaphosa. But since 1994 it has increasingly colluded with the bosses. At Lonmin it had a two-year wage agreement for 8 to 10 per cent annual increases.

When the rockdrillers struck for more than doubled wages, NUM tried to prevent them. The strikers assert that the NUM was responsible for the death of two of them early in the strike. Two days before the massacre NUM general secretary, Frans Baleni, stated of the strikers, “This is a criminal element” (*Business Report*, 15/8/2012). Since the massacre Baleni has claimed it was “regrettable” but he has not condemned the police, only “dark forces misleading the workers” (see the video on the NUM website). Baleni earns 77,000 rand a month, more than 10 times what the rockdrillers earn. NUM members in Marikana have torn up and thrown away their T-shirts. At the Johannesburg protest meeting on 22 August an NUM speaker was shouted down by Marikana mineworkers.

The beneficiary is the AMCU, which before the strike had only 7000 members at Karee, a part of the Marikana mine where workers did not strike. (Its membership there was drawn



in by a disaffected NUM branch leader after a strike last year.) Now workers from West and East Platinum are joining AMCU.

AMCU was formed after 1999 when its present president, Joseph Mathunjwa was dismissed by a coal mine in Mpumalanga and reinstated because of worker protest, but then faced a disciplinary hearing from NUM for “bringing the union into disrepute.” He was expelled by the NUM (whose general secretary, ironically, was then Gwede Mantashe, now general secretary of the ANC) and formed AMCU.

Today AMCU claims a membership of some 30,000. It represents workers at coal, chrome and platinum mines in Mpumalanga, and coal mines in KwaZulu-Natal. It has members at chrome and platinum mines in Limpopo, and is recruiting at the iron ore and manganese mines around Kathu and Hotazel in the Northern Cape. It has focused on vulnerable contract workers. In February-March this year it gained membership in a six-week strike of 4300 workers (in which four people died) at the huge Impala Platinum in Rustenburg, a 14-shaft mining complex with 30,000 workers. At this stage it is unclear whether it can build solid organization for platinum workers, or merely indulge in populist rhetoric.

AMCU is affiliated to the National Council of Trade Unions (NACTU), rival union federation to the 2 million strong Congress of South African Trade Unions (COSATU), both of them also born in the struggle against apartheid. COSATU, however, is allied with the ANC and partly compromised by its relationship to government.

The platinum strikes and the massacre take place on the eve of COSATU's 11th congress to be held on 17-19 September. COSATU has long differed with the ANC on economic policy, and in the recent period has been racked by internal differences over this and over whether or not Zuma should have a second term as ANC president and hence, in the 2014 elections, as likely president of the country. COSATU's president, Sdumo Dlamini, supported by the NUM and the National Health and Allied Workers' Union (NEHAWU) supports Zuma. General secretary Zwelenzima Vavi, together with the National Union of Metalworkers of South Africa (NUMSA) and the South African Municipal Workers Union (SAMWU), is less keen on Zuma's re-election. Other unions are divided.

Vavi's political report to the Congress writes of “total state dysfunction” (concerning the failure of the ANC government to provide textbooks to Limpopo schools) and states there is “growing social distance between the leadership and the rank and file” of the ANC (*Mail and Guardian*, 10-16/8/2012).

### **Workers' Control?**

At its June Congress NUMSA passed resolutions on nationalization of industry and declared “that nationalization of the Reserve Bank, mines, land, strategic and monopoly industries without compensation must take place with speed, if we are to avoid sliding into anarchy and violence as a result of the cruel impact of... poverty, unemployment and extreme inequalities in South Africa today.” Under workers' control and management, this policy could rapidly end inequality and poverty in South Africa.

(Malema and the ANCYL also favour nationalization of the mines, but this is interpreted as a desire to enrich predatory black businessmen who could sell their assets to the state).

NUM is less keen on nationalization. "We are for nationalization, but not a nationalization that creates chaos," said an NUM spokesperson recently. In a June document NUM criticized "populist demagoguery... calling for nationalization as the solution to... challenges" such as socio-economic conditions and failures by the mining industry to adhere to transformation or mining charter requirements (miningmx, 19/8/2012).

Vavi in his political report also drew attention to "a growing distance between leaders and members" within COSATU unions (*Mail and Guardian*, 10-16/8/2012) – which applies to the NUM, for example. Recently the NUM general secretary in a private meeting with Vavi warned him to cease his "one-man crusade" or face being unseated at the COSATU Congress.

Now the shock-waves of the massacre will reverberate through the congress. The differences could be magnified, and some observers even predict that COSATU could split either at or after the congress. Both factions of the COSATU leadership, however, are threatened by the erosion of the NUM and the growth of AMCU and other unions attracting disgruntled COSATU members.

A COSATU statement (23/8/2012) speaks of "a co-ordinated political strategy to use intimidation and violence, manipulated by disgruntled former union leaders, in a drive to create breakaway 'unions' and divide and weaken the trade union movement." It says the COSATU Congress will "have to discuss how we can defeat this attempt to divide and weaken the workers, how we can ... cut the ground from under the feet of these bogus breakaway 'unions' and their political and financial backers." The threat to workers' unity is a powerful stick with which to temporarily re-unite the factions in COSATU. This strategy will be backed by the South African Communist Party, which is influential within COSATU. In reality, of course, it is the NUM leadership who are dividing the working-class, through their failure to represent the workers adequately, causing them to leave the union.

Were COSATU to split, were AMCU and other dissident unions to link up with this split, favourable conditions would be created for the launching of a mass workers' party on a left-wing programme that could challenge the ANC for power. It would represent a combination of splits in traditional workers' organizations and the emergence of new organizations. But this is not the most likely immediate scenario.

The consequences for Zuma at Mangaung are as yet unpredictable. They depend on how reaction to the massacre unfolds in the next months. Already it is reported that members of the ANC national executive are incensed at Zuma (*Sunday Times*, 26/8/2012). Unless the ANC can manage the situation successfully, the waves of shock and anger could catalyse the beginning of the end of ANC rule. Certainly nothing will ever be the same again. •

Martin Legassick is active in housing issues in the Western Cape and a member of the Democratic Left Front, an anti-capitalist united front. He visited Marikana in the aftermath of the massacre.

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**Umsebenzi Online, Volume 11, No. 31, 30 August 2012**

**Red Alert:**

**Some of the underlying systemic factors behind the Marikana tragedy**

**By Cde Jeremy Cronin, SACP 1st Deputy General Secretary**

The SACP's reaction to the Marikana tragedy has been deliberately careful - not because we haven't felt absolute outrage and exasperation. Our responses have been considered, not because we think that a radical response is inappropriate - on the contrary. However, we have never confused the demagogic enflaming of popular anger for personal short-term objectives with genuine transformative radicalism. Just as we have never confused parliamentary electoral opportunism ("fire the ministers", "fire the police commissioner", "bash the unions") with a thoughtful contribution to understanding the collective responsibilities and challenges we have as a country.

At least one of the silver linings in this dark cloud has been the widespread public revulsion at the vulture-like behavior of some of the more demagogic interventions since the tragedy. We trust that those, whether in the media or even in parts of the progressive trade union movement, who had continued to flirt with illusions about "economic freedom fighters" now understand exactly what the SACP said back in 2009 when we characterized this tendency as anti-union, anti-worker and even as "proto-fascist".

As the SACP we have welcomed the Presidential Judicial Commission of Inquiry and the other related investigations and judicial processes (including into the murders of 10 people in the days prior to the events of 16th August, as well as into allegations of police assaults after arrests were made). We should await the outcomes of these processes, while ensuring that they are thorough-going and objective.

Another silver lining in this dark cloud is a growing appreciation that, if we are to learn constructive lessons to be taken forward into practical transformative interventions, then we need to understand the tragedy in a much wider systemic context. So what are some of these wider systemic factors?

**The folly of union-bashing - even for private capital**

In the first place, there are welcome signs that the mining houses are coming to realize the tragic folly of their attempts to undermine established unions. Whether this will be an enduring realization will, of course, not depend on the good-will of the mine bosses, but upon the organizational capacity of NUM on the mines (and, as we shall see in a moment, in

the surrounding communities), as well as determination by the state. The origins of AMCU can be traced back to BHP Billiton Coal at Witbank deliberately financing a union split to undermine the strength of NUM.

But AMCU is just the latest example of this strategy employed over and over by the bosses. In the late 1990s and early 2000s, for instance, the Rustenburg platinum belt was rocked with violence and instability associated with the so-called Workers Mouth Piece Union led by the "Five Madoda". The hand of corporate management in fostering the rise of this pseudo-union, and of shadowy white Afrikaner con-men ("The Peoples Assurance Brokers" based in Klerksdorp) has been documented by, amongst others, David Bruce ("The operation of the criminal justice system in dealing with the violence at Amplats", April 2001, [www.csvr.org.za](http://www.csvr.org.za)).

### **"Free market" competition - or collective bargaining?**

The tragedy at Marikana also had some of its immediate origins in the fact that the platinum mining corporations have not entered into collective bargaining arrangements with the unions as in other key mining sectors, preferring instead to compete amongst themselves, and even reneging on negotiated wage agreements at the individual company level. This was exactly what happened in the violence and instability earlier this year at Implats near Rustenburg.

In the face of the global capitalist economic crisis and falling platinum prices, there has been a fierce competition between the platinum mining corporations, including a competition to attract categories of mine-workers with relatively scarce skills. Earlier this year Implats unilaterally scuppered a negotiated wage settlement with NUM by offering higher salaries to mine-workers with blasting certificates. This angered other categories of workers who had been told that the original settlement was "the best that could be achieved" and that there was "no more money". AMCU exploited their anger and turned it against NUM. Violence was directed against NUM shop-stewards, there was a wild-cat strike, and the dismissal of 9000 workers.

The resulting instability has definitely fed into the general context of the Marikana tragedy. At the multi-stakeholder engagements in the course of this week the prospect of moving towards collective bargaining across the platinum sector has been raised. The SACP supports a move in this direction and it will be an important worker victory if achieved. Of course, ultimately shop-floor organization and strong trade union capacity should be used not to moderate working class demands, but to unite the working class in a common struggle. While management has tried to play off different unions and different categories of workers against each other - the real scandal is the enormous difference in remuneration between the top executives and the hundreds of thousands of workers involved in difficult and dangerous work.

### **The global capitalist crisis and the South African platinum sector**

The violence and instability on the South African platinum belt cannot be seen in isolation from the impact of the global capitalist crisis. Platinum prices have been severely hit by the crisis in Europe, the main market for our platinum. The retrenchments, inter-corporate rivalries, and union-bashing noted above have intensified as a result. There is also talk of a global over-supply of platinum, a "platinum bubble".

This raises a wider question. South Africa possesses some 86% of known platinum reserves, and some 56% of all current global platinum sales are from our mines. Yet we have allowed the supply of platinum onto the global market to be a function of short-term profit maximization, corporate greed, and rivalry. This was tacitly admitted last week by Terence Goodlace, the new CEO of Implats, in an interview with Geoff Candy of Moneyweb. The relevant Q's and A's are worth quoting:

**"GEOFF CANDY:** I was going to ask you because a lot of talk has been made of how many mines are marginal at the current price level, from Impala's point of view where would prices need to go before you would consider cutting production?

**TERENCE GOODLACE:** Well...if you're going to get sustained numbers of around about \$1400 per ounce ...then we would seriously need to start thinking about how do we rationalise the industry.

**GEOFF CANDY:** Would that have to be at an industry-wide level because one gets the sense that in order to speak with one voice may be a much better thing going forward, perhaps, than each mine doing its own thing.

**TERENCE GOODLACE:** Ja, I think we've got to be very careful from that perspective, I think we would make our own decisions, vis-à-vis what we would need to do to make sure our profitability is right. I'm not professing for one stage here that we get together and decide on production levels.

**GEOFF CANDY:** [Laughing] I didn't mean it quite in that sense {in what sense DID he mean it??} but in one of your notes you do say that the platinum sector, as it stands, is a price taker. Is there any way to become a price maker to some greater extent in South Africa or is that completely impossible?

**TERENCE GOODLACE:** Ja, from my perspective I probably don't know enough about that..."

Both Moneyweb and Terence Goodlace can see that it is bizarre that SA, with 86% of the world's platinum reserves, is a "price taker" and not a "price maker", but the logic of their narrow private corporate outlook means that they are unable (or unwilling) to consider what obviously requires serious consideration. All they can think of is more "rationalization", that is retrenchments to protect profits. It is here that the proposals around platinum marketing in the ANC-commissioned "**State Intervention in the Minerals Sector (SIMS)**" policy document require serious consideration. Again, it is worth quoting the relevant section:

"South Africa has the bulk of global resources of platinum (80%). Given the relative inelasticity of platinum supply and demand (no viable substitutes) our producer power could be used to negotiate supply and local beneficiation with the international PGM [platinum group minerals] customers (beneficiators). Platinum, like gold, has become an international investment instrument...and accordingly should be treated like gold in our Exchange Control Regulations. The Minister of Finance should be tasked to amend the Exchange Control Regulations to prohibit the sale of 'Precious Metals' without Treasury exemption (currently this clause only applies to gold sales), which will also give the state the right to market platinum, in addition to gold."

In other words, we should be using our dominant position in platinum to advance our national developmental objectives - including price-making, averting volatile global booms and busts, including through local beneficiation and industrial job creation. At the moment this massive resource is simply left to the profit-maximising agenda of largely foreign-owned multinationals.

### **A lost opportunity for a new, post-apartheid urbanization**

Our vulnerability to global market forces on the platinum market is a symptom of a basic fact - 18 years after a democratic breakthrough, SA remains locked into the same apartheid-colonial growth path dominated by the mineral-energy and financial oligopolies. But perhaps an even more tragic symptom of the same problem relates to the squalid social conditions in which our platinum belt mine-workers are living. The 167-page, church-sponsored Bench Marks Foundation report, "Communities in the Platinum Minefields" makes for sobering reading.

The global platinum boom that has now come to a dramatic halt has seen massive industrial investments across our platinum belt, but these investments and the multi-billion rand profits they have secured, have been accompanied by an appalling degradation in the social conditions in which mine-communities are living. The Bench Marks report details how all of the mining houses have window-dressed on their "social responsibility" commitments. Squalid shanty-towns surround most of the mines, and there is the continued use of a significant proportion of sub-contracted labourers from Pondoland in the Eastern Cape and from neighbouring countries. Under-resourced district municipalities and overwhelmed local traditional leadership structures have also not been able to provide basic social infrastructure.

And it is within this milieu that warlord, vigilante structures have asserted their authority. David Bruce's earlier study, noted above, is particularly useful in documenting the connections between anti-stock theft vigilante networks in Pondoland infiltrating, via sub-contracted labour, into the North West platinum belt shanty-towns. Bruce documents how these vigilante structures control the liquor, dagga, sex-work and herbalist trade in these settlements, and how they exact tributary payments through shack-lordism. To assert their control they use violence to challenge alternative organizational and authority structures. In the Amplats violence in the early 2000s, NUM shop-stewards and local traditional leaders were assassinated. And, certainly in the Workers Mouth Piece case, these vigilante

networks were then the base upon which a challenge was made to capture union levies. There is growing evidence that what we have seen at Lonmin's Marikana mine has very similar, vigilante network features. The Judicial Commission of Enquiry will certainly need to investigate these kinds of factors.

What all of these points to is that we have to place our economy on to a new growth path. And this new growth path cannot just focus on economic infrastructure, for instance. We need to ensure that our mineral resources are used to drive upstream and down-stream industrialization, but also sustainable, non-racial urbanization. This will require an effective and determined developmental state, nationally, provincially and locally; a united and effective trade union movement linked to local progressive civic structures; and the political will to ensure effective state intervention into mining (not least the platinum) sector.

**Asikhulumel!**

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***DOP-ED CONTRIBUTOR***

Mining for Stories

***By IMRAAN COOVADIA***

***Published: August 28, 2012***

***<http://www.nytimes.com/2012/08/29/opinion/a-tragic-tale-at-a-south-african-mine.html?hp>***

***Cape Town***

THE 34 miners killed by the police earlier this month in a wildcat strike at a Marikana platinum mine, in northern South Africa, were immediately engaged as bit players in various morality tales. Marikana reminded some of the 1960 police massacre at Sharpeville; suggested to others that poverty and division had survived apartheid; or foretold a sharp confrontation between capital and labor. To many, it either predicted or confirmed the political and moral disintegration of the ruling party, the African National Congress.

I hesitated in choosing among these fables because a writer's single item of professional knowledge is that a story is a speculation about the world, composed under the sign of luck rather than of law or reason. Good stories, like bad stories, have a way of escaping the facts.

If the international press framed Marikana as a tale about deprivation and inequality, it missed the specific dynamics of a strike in a country ruled by former unionists, Socialists and Communists.

At Marikana the radicalized strikers broke with the National Union of Mineworkers, a credible but more temperate union aligned with the government, and went on to kill two

policemen and two guards in the first days of the strike. Three thousand men, many of them tough rock-drill operators, they were all too ready for confrontation, armed with magic potions, spears, machetes and a revolver taken from a downed policeman. Indeed there were some voices in South Africa who, having managed to find nothing positive in two decades of democracy, for the first time defended the actions of the government faced with mob violence. I didn't wish to agree; by convention writers don't side with repression. Yet I wondered with what intent and foresight the miners had appeared as an army.

There are wise audiences who nevertheless see Marikana in moral black and white, stung by the devastating use of police power in defense of an imperial mining corporation based in London, Lonmin, and its almost unreconstructed layers of white management. One friend recalled a Lonmin executive whose obligatory Rolex watch and Mercedes typified the heedless gaudiness of money in such a divided country.

Yet this story is interrupted by the figure of Cyril Ramaphosa — probably the best president we will never have. As a leader of the National Union of Mineworkers in the 1980s, he courted death and detention and was a great organizer of the working classes. But outmaneuvered by Thabo Mbeki in the '90s, the former unionist chose business over politics, became a rand billionaire and joined the Lonmin board as part of South Africa's black economic empowerment program.

While economic empowerment is as important as the vote, it creates anomalies when applied to individuals. Mr. Ramaphosa has acquired a billionaire's unusual habits. In his spare time he breeds exotic animals, black and white impala alongside the aptly named golden wildebeest. His investment group pledged two million rand (\$240,000) to funeral expenses at Marikana. It was not enough to forestall the criticism from Julius Malema, the portly, improbable, ill-disciplined but shrewdly articulate radical recently expelled from the ruling party. Mr. Malema argued that the miners had died to protect Mr. Ramaphosa's investments, and he made hay of the tycoon's recent offer of more than \$2 million for a single oversize buffalo cow.

Perhaps that wasn't fair. But luxuries like the buffalo cow, Mercedes-Benz and Rolex watch suggest the possibility, perhaps not unfamiliar to Americans, that workers' violence endangers the country less than the unreal ways in which the superrich take pleasure and show power. The 1994 settlement between Afrikaners and African nationalists treated the hopes of the poor and excluded as a problem to be managed. It went far, maybe too far, in turning Socialists and unionists into capitalists. In such an unequal society, social justice is not an ideal but the purest form of pragmatism.

For me, as for many Capetonians, Marikana is on the other side of the country. But it is an occasion for broader anxieties. Nearby townships have long been alight with stonings and protests, vigilante murder and the death by burning tire that we call — in a phrase that no longer registers as a figure of speech — the necklace. This violence has no political name, no obvious moral, and may yet pass. But it is a sign that the country has jettisoned its principles of fellowship and equality too rapidly and at far too low a price.



In any case, a mine is a difficult place to learn or teach a principle. As a schoolboy I went down a coal shaft as a guest of the Chamber of Mines, which wanted to encourage children to become mining engineers. For an hour we plummeted into dark heat and noise, passages of shivering wooden pillars, rock ceilings sloping almost to the floor that wept hot water. We passed men bent over their clanging and clattering drills who could not even stand up straight where they worked. To go in and come out of such a place, each day of a short life, was, I suspected, placing too much strain on the human heart. One could do it only if one didn't know that, in 2011, three Lonmin executives earned the same as the combined salaries of 3,600 rock-drill operators.

In the years since 1994, South Africans chose money, and faith in the growth of gross domestic product, as our country's story line. It is a strange twist to the narrative that many of the northern mines, despite good platinum prices, are almost unprofitable.

*Imraan Coovadia teaches creative writing at the University of Cape Town and is the author, most recently, of the novel "The Institute for Taxi Poetry."*

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David Van Wyk

After the Marikana shooting the ANC and NUM has become a swearword among mine workers. They are leaving NUM in droves to join splinter unions. The ANC leadership fell into a trap set for them by mining capital. While the government fumbles in confusion, being entirely compromised by the collusion between party bigwigs and mining, the mining corporations are laughing all the way to the bank: the platinum price is up, the value of the rand is down, favouring the industry, and the surplus of platinum in the global is fast becoming a deficit. The mine bosses are playing the government like a puppet! The ANC thought it could invite the bourgeoisie onto its 'broad bus' but now the ruling class comprising mainly of mining capital has hijacked that bus. Throughout our history the over reliance on mining has prevented the diversification of our economy. Throughout the 20th century. It has also prevented the full education of our population because of the reliance on cheap labour and a reserve army of unemployed to sustain cheap labour! NUM has been compromised by this situation into become the personell and labour managers for mining instead of being a trade union. NUM also grew comfortable with the notion that it is a conduit into the NEC of the ANC and from there to mine shareholding and wealth. Ramaphosa, Mantashe and Kgalema all have NUM backgrounds and instead of using their deployments to promote the interests of workers they used their positions to accumulate mining capital and serve the mine bosses.

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(The stayaway continues... Who is this prosecutor Nigel Carpenter? I only find records of him fighting in the Eastern Cape against rich people's holiday cottages and a Mandela relative who sounds like a tyrant. What is he up to? Is it, like Pierre de Vos says, a ruse charge of murder? "Perhaps they are clumsily trying to stigmatise the miners in the eyes of the public. Maybe they are trying to intimidate the miners in an attempt to break their

spirit. Maybe they are trying to turn workers against AMCU, which is making inroads against Jacob Zuma supporting NUM. Maybe they are trying to protect the police or the minister of police and the president, and believe attack is the best means of defence." Also fascinating is that Ray McCauley - horrible evangelist - reflects society's disgust for the working and living conditions in Marikana.)

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**Lonmin work attendance decreases**

Sapa | 30 August, 2012 13:58

Striking platinum mineworkers gather for a report back on negotiations at Lonmin's Marikana mine in South Africa's North West Province, August 29, 2012.

**Image by:** MIKE HUTCHINGS / REUTERS

### **Lonmin platinum mine's work attendance decreased to a 6.6% average at all the company's shafts today.**

"We expect that employees are waiting for the outcome of the peace accord meeting," the company said in a statement.

On Tuesday eight percent of the company's 28,000 employees were at work. This fell to 7.7 percent on Wednesday.

"There has been no increase in intimidation this morning or overnight. No incidents of violence have been reported. Management is appealing to all stakeholders to remain calm." This morning, a meeting convened by the labour department and the Commission for Conciliation, Mediation and Arbitration, entered its second day behind closed doors. Four unions, Solidarity, Uasa, the National Union of Mineworkers, and the Association of Mineworkers and Construction Union, were meeting with worker representatives and Lonmin management in an attempt to broker a truce.

Lonmin said the parties intended bringing peace and stability to the area, and finding a lasting resolution to the matters in dispute.

"We continue to communicate with our employees to reassure them that we are all working together to bring resolution and we encourage them to come back to work," it said.

Workers at the world's third-largest platinum producer went on strike earlier this month, demanding a monthly salary of R12,500. They had vowed not to return to work until their demand was met.

The strike turned violent and 10 people, including two policemen and two security guards, were killed between August 10 and 12. On August 16, 34 miners were killed in a confrontation with the police

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### **Lonmin in bid to stave off \$700m debt recall**

by Allan Seccombe, August 29 2012, 06:07

LONMIN, the world's third-largest platinum producer, is trying to stave off a recall of a \$700m debt facility from a consortium of foreign banks as its profit-to-debt ratios reach critical levels, says its acting CEO, Simon Scott.

Production at the company's Marikana mine ground to a halt after more than 3,000 workers embarked on an illegal strike, at a cost of 45,000 ounces of platinum. Since the strike began three weeks ago, 44 people have been killed by the strikers and police.

Only 8% of the 28,000 workforce reported for duty on Tuesday. All the parties involved in the strike are meeting on Wednesday to thrash out a peace accord.

Lonmin has debt facilities of \$950m, of which an equivalent of \$250m is in rand backed by three major local banks.

The balance of \$700m is a syndicated dollar facility provided by seven international banks, including BNP Paribas, Citigroup Global Markets, HSBC and JPMorgan.

Because of the production stoppage, Lonmin was forced to warn the market that it may breach debt-to-profit covenants due to be assessed next month.

"We are in discussions with all the banks involved in the \$950m facility and we're keeping them all well informed. The possible breach relates to the \$700m syndicated facility," Mr Scott said.

"The sooner these disruptions are resolved and the sooner the workers get back to work, the more constructive those discussions will be," he said on Tuesday.

If the covenants are breached, the banks can call for the debt to be repaid. At the end of March, the company's net debt was \$356m.

"What we are doing is being proactive and highlighting that when these covenants are measured, there may be a breach," Mr Scott said.

"We don't see an overall problem with the level of debt. What we don't want is for our debt to become callable because we've breached the covenants. That's why we're having a discussion with the banks so that those facilities are available through the cycle.

"It's not a liquidity issue, it's just to keep the funding structure in place so it's not interrupted by what's happened in recent weeks," he said.

Lonmin has raised the prospect of issuing shares to raise capital, but Mr Scott said this was only one of a number of options and nothing had been finalised. Deutsche Bank has said Lonmin could raise \$700m.

Platinum miners have raised the prospect of negotiating with unions on a collective basis via the Chamber of Mines. "If that helps to resolve the issues we've had, we'll be part of that discussion. It may help in some aspects, but it's not a complete solution for all the problems," Mr Scott said.

Elize Strydom, industrial relations adviser to the chamber, said the benefit of collective bargaining was that the unions could not play companies off against each other. If the companies stood together, they could be in a much stronger position than negotiating alone.

Asked if the recent fall in Lonmin's share price had made it a takeover target, Mr Scott said: "Nothing has come to my attention regarding that."

South Africa, as the world's major platinum supplier, had to stabilise production, and resolve labour issues and soaring input costs to ensure a steady source to the market.

"As a country, it's really important for us to re-establish ourselves as a reliable source of supply so that we don't see everybody looking for opportunities to increase supply from recycling or ways to substitute away from platinum," Mr Scott said.

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**Focus on jobs in ailing platinum industry**  
**by David Holland and Brian Kantor, August 31 2012, 05:43**

THE Rolling Stones captured the disillusion of the 1960s counterculture in their hit song, You Can't Always Get What You Want. It was released in 1969 after the initial wave of 1960s optimism had surged to anger and disenchantment. The song suggests that we should strive to get what we need, since we're bound to fall short in getting what we want.

The platinum industry has been one of great hope and now disillusionment. Has it been profitable and created value? Is it profitable today and what is implied in the share prices of platinum mining companies? By answering these questions, we can begin realistically to untangle economic wants and needs.

We've aggregated the historical financial statements of the four largest platinum miners (Anglo American Platinum, Impala, Lonmin and Northam) and calculated the inflation-adjusted cash flow return on operating assets. From 1992 to 1997, platinum miners were generating an unattractive return on capital, which slipped below the cost of capital. The years 1999 to 2002 provided the first wave of extraordinary fortune for the industry. The real return on capital exceeded 20%, making it one of the most profitable industries in the world at the time. The rush was on to mine platinum and build company strategies around this effort. Lonmin bet its future on platinum.

The second wave of fortune was during the global commodities super-cycle from 2006 to 2008. Again, platinum mining became one of the most profitable businesses in the world. The good times ended abruptly with the Great Recession in 2009, and platinum miners saw their real return on capital drop below 2%, well below the cost of capital — the return required to justify committing further capital to the industry.

Unfortunately, operating returns have not improved much and have remained below the cost of capital throughout the global slowdown due to increasing labour and excavation costs and lower platinum prices. Platinum miners aren't producing sufficient returns to satisfy shareholders, resulting in cost-cutting, layoffs and cuts to capital expenditure plans.

What does the future hold? We've taken analyst expectations for this year and next and estimated the real return on capital. It remains very poor at a wealth-destructive level of 2%. There is no hint of a return to superior profitability in the share prices of platinum miners. At best, the market has them priced to return to a real return on capital of 6%, which is the average real cost of capital.

It looks highly unlikely that platinum miners will be able to satisfy the wants of their stakeholders. All parties should focus on what is realistically possible and economically feasible. The workers and the unions would be wise to focus on job retention rather than further gains in real employment benefits. Though grave damage to employment prospects in what was once a promising industry has already been done, northern Europe's response to the Great Recession remains a potential template for management and labour. Capital in the form of sophisticated and robotic equipment will continue to replace labour. Management will have had its mind increasingly focused on such possibilities by recent events.

SA has a responsibility to the global economy to supply platinum in predictable volume; the motor industry depends on this.

Higher platinum prices would encourage the search for alternatives to platinum for car catalytic converters. This would mean a decline in platinum prices over the long term.

Unless the industry can come to deliver a cost of capital beating return, its value to all stakeholders will decline — perhaps even to the point where nationalising the industry with full compensation might seem a tragically realistic proposition.

Nationalisation will not solve the problem of poor labour relations and the decline in the productivity of both labour and capital in the industry. It would simply mean that taxpayers, rather than shareholders, carry the can for the failures of management. To its financial detriment, the government would have to invest scarce funds in a capital-intensive industry that is not generating a sufficient return. Workers might think management would be a softer touch, but this would lead to the spiral of greater destruction of economic value and ultimately fewer jobs. All parties need to focus on what is realistically possible and economically feasible.

- Holland is a senior adviser to Credit Suisse. Kantor is chief strategist at Investec Wealth & Investment.

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### **Diversity not enough to keep miners out of trouble**

by Ron Derby, 31 August 2012, 05:43 | 0 Comments

THE big mining houses are all in a bad space right now as hopes of a soft landing in China shift to the possibility of a much harder landing in the world's second-biggest economy. With demand for commodities driven primarily out of that country, with Europe and the US on a bit of an extended recess, metal prices have seen some big downward pressure.

Anglo American is trading at its lowest level in almost three years and over the past three days its shares fell more than 6% to its weakest level since October 2009, the year the global economy emerged from recession.

Larger rival Rio Tinto has seen its London-listed shares plunge more than 26% over the past 52 weeks and trades at its lowest level since November 2009.

Vale, which produces iron ore, nickel and coal among a host of other minerals, has seen its Brazil-listed shares fall more than 19% over the past 12 months and is now trading at its lowest level in just under three years.

Big mining is in trouble and even the diversity of these three conglomerates isn't enough.

In the case of Anglo, copper and iron ore contribute more than 60% to operating income. Both metals have a close correlation to China's infrastructure ramp-up, which has been slowing.

Falling demand has seen copper ore drop than 17% over the past 12 months. Iron ore could decline as much as 16% from its lowest price in more than two years, US bank Morgan Stanley said this week. Prices have dropped 28% this year.

Another contributing factor to the company's poor performance is its relatively high exposure to SA and in particular the platinum fields, compared to its rivals.

Rio and Vale share a dependency on iron ore, which contributes more than 70% to the miner's earnings before interest, tax, depreciation and amortisation (ebitda). Ferrous Metals, the bulk of which is made up of its iron-ore business, makes up more than 58% of Vale's ebitda.

Shares in Xstrata have dropped more than 9% over the past 12 months, as copper is a significant part of its portfolio.

Big mining is in trouble, except if you are BHP Billiton, which has just that extra bit of diversity in its portfolio. Billiton's difference to its rivals is its exposure to oil. Unlike other resources, oil has been one of the few to gain on the geopolitical pressures and weather concerns in the US, among other factors.

Petroleum makes up about 22% of the miner's ebitda. The company has operations in the deep-water Gulf of Mexico, US onshore and in Australia, UK, Africa, the Middle East, and Asia.

Over the past 12 months, it's been the only one of the large diversified miners that has seen its shares gain, up 5.3% on the JSE.

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### **Marikana: No common purpose to commit suicide**

Aug 30th, 2012

*by Pierre De Vos.*

**News that the National Prosecuting Authority (NPA) has decided to charge 259 arrested Marikana miners with the murder of their 34 colleagues who were shot**

**dead by the police, is bizarre and shocking and represents a flagrant abuse of the criminal justice system in an effort to protect the police and/or politicians like Jacob Zuma and Nathi Mthethwa.**

In the dying days of the pre-democratic era, under increased internal and external pressure from opponents of Apartheid, the state relied more and more on the provisions of the Riotous Assembly Act as well as the common purpose doctrine in an attempt to criminalise the actions of all people involved in protest against the National Party government.

Section 18 of the Riotous Assemblies Act of 1956 (which, incidentally, was never revoked by the new Parliament and is still on the statute books) states that any person who conspires with any other person to aid in the commissioning of a crime or incites or instigates any other person to commit a crime, is guilty of a crime – as if he or she committed the actual crime him or herself. Incitement to commit a crime is also a criminal offence in our common law.

The Apartheid state often used this provision to secure a criminal conviction against one or more of the leaders of a protest march, or against leaders of struggle organisations like the ANC (and later the UDF) whose members (on the instructions of the leader or leaders), had taken part in sabotage activities or the assault or killing of representatives of the Apartheid state. Even where that leader had not taken part in the sabotage or killing, he or she would be convicted of inciting the assault or the killing.

Later the state began to fall back on the common purpose doctrine, which originated in English law and was introduced into South African law via the ominously named “Native Territories Penal Code”. At the time the courts interpreted this doctrine to apply to all members of a crowd who had “actively associated” with criminal conduct committed by one member of the crowd – even if those charged were not involved at all in the commissioning of the crime.

In 1988, for example, 26 people were convicted of the murder of a councillor in Upington because the state could prove (although even that proof was rather flimsy) that they were all members of the crowd who congregated outside the councillor’s house before the killing occurred. The so-called “Sharpeville 6” were similarly convicted and sentenced to death with the help of the common purpose doctrine and only escaped being killed by the state thanks to the moratorium placed on the execution of the death penalty by FW de Klerk in February 1990.

In 2003, in the case of *Thebus and Another v S*, the Constitutional Court declined to abolish or water down the common purpose doctrine, affirming a narrower definition of the doctrine developed by the lower courts which states that a person could only be convicted in terms of this doctrine if he or she:

(i) was present at the scene where the crime took place; (ii) must have been aware that the crime was being committed; (iii) must have intended to make common cause with those who were actually perpetrating the crime; (iv) must have manifested his or her sharing of a common purpose with the perpetrators of the crime by performing some act of association with the conduct of those involved in the crime; (v) must have had the requisite intention, which in the case of murder would require that he or she must have intended the victims to be killed, or he or she must have foreseen the possibility of their being killed and performed his own act of association with recklessness as to whether or not death was to ensue.



Unless what we saw on our TV screens never happened or unless the NPA is hiding shocking and bizarre conspiracy theory-type evidence from us that places the events we saw on television in an entirely different light, there could be no possible valid reason for the NPA to have charged the 259 miners with the murder of their 34 comrades killed by the police. Not in terms of the incitement laws, nor in terms of the common purpose doctrine. Frank Lesenyego, the NPA's regional spokesman, is reported as justifying the charges of murder on the basis that:

It's technical but, in legal [terms], when people attack or confront [the police] and a shooting takes place which results in fatalities... suspects arrested, irrespective of whether they shot police members or the police shot them, are charged with murder.

This statement is, unfortunately, not true. In the 25 years since I first studied criminal law, I have never ever heard of such a thing.

The statement is also clearly wrong from a legal perspective. The NPA seems wrongly to conflate (either deliberately or out of shocking ignorance) allegations that the miners provoked the police, on the one hand, with allegations that the miners themselves incited the police to shoot at them because they had the intention to commit suicide by getting the police to kill them.

Even if it was true that the miners provoked the police, this could never, ever, make them liable for the killing of their comrades. At most, provocation could be a factor taken into account in judging whether the police officers involved in the massacre should be found guilty of murder or not.

One can only be convicted of incitement to murder if it can be shown that one communicated with another party (in this case the police) in an attempt to influence their minds and get them to shoot and kill the miners (the very people charged with incitement). This is so far-fetched that if one of my students had written it in an exam I would have asked student counselling to have a word with that student to see if he or she were emotionally stable.

Neither can they be convicted of murder by relying on the common purpose doctrine. No court is going to find that those charged intended to make common cause with the police to shoot their own comrades. Neither will a court find that the miners acted in a way to demonstrated that they associated with the actions of the police who killed the 34 miners.

I cannot imagine that even the out-of-their-depth prosecutors and members of the NPA leadership really believe that any court will find the miners guilty of murder for the killing of their comrades by the police. This means they charged the miners with murder, knowing full well that the charges would never stick, with an entirely different aim.

Perhaps they are clumsily trying to stigmatise the miners in the eyes of the public. Maybe they are trying to intimidate the miners in an attempt to break their spirit. Maybe they are trying to turn workers against AMCU, which is making inroads against Jacob Zuma supporting NUM. Maybe they are trying to protect the police or the minister of police and the president, and believe attack is the best means of defence.

No matter what, the decision seems to flout the NPA Act as well as the Constitution, which requires every member of the NPA to act without fear, favour or prejudice. Instead they have acted with fear, favour and prejudice to advance some or another political agenda, further eroding the little trust South Africans might still have left in them. It is, indeed, shameful.

<http://constitutionallyspeaking.co.za/marikana-no-common-purpose-to-commit-suicide/>

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Reporter's Notebook: Finding a wounded miner is harder than you'd think

- Siphon Hlongwane
- South Africa
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- 31 August 2012 03:21 (South Africa)

Curiouser and curiouser: The strange events after the 16 August shooting at Marikana only become more bizarre as the days go by. The oddest one yet has been the revelation that the detained miners will be charged with murder of their own colleagues, even though it was the police who pulled the triggers. Also, there are now 270 miners in court, instead of the 259 originally arrested. Eyewitnesses say those survivors who are discharged from hospital are carted straight to police holding cells. By SIPHO HLONGWANE.  
Trying to unravel what happened at Marikana on 16 August, and for a week prior to that, would have been difficult even without the contradictions now dogging anyone attempting

to get to the facts. Depending on who you ask, it is possible to get five or six versions of the same story, each one tweaked to suit the agenda of whoever you're talking to.

The line fed to the public by the police has been the one to take the heaviest battering. Speaking in the aftermath of the August 16 shootings, national police commissioner Mangwashi Riah Phiyega said that the police had opened fire on the striking miners in self-defence. An examination of the footage caught by several news organisations did not make their claim that clear-cut. While some miners had pistols (film footage shows one being fired in the general direction of the police line), it seemed as if the police had panicked and reacted with a hail of bullets from automatic weapons.

The Star then reported that most of the men who were shot had exit wounds on their chests – they were shot from behind. As we interviewed more and more miners who still continue to strike at Wonderkop, tales surfaced of bullets from helicopters above and Nyalas (police armoured trucks) crushing the dead bodies on the ground. Whenever there is a delegation to the meeting area where the miners assemble, one of the leaders first recounts the events preceding the shooting. From the very beginning, they mentioned a “second koppie” where the majority of the murders happened. An examination of the spot told a grim story. The markings in the area did not tell the story of police firing in self-defence.

On Thursday, I wanted to see if I couldn't find a survivor in hospital. Perhaps some of the injured men would tell of being shot in the back.

Getting into any hospital is not a dawdle under normal circumstances. These aren't tourist spots, after all. But at the Andrew Saffy Memorial Hospital, located on Lonmin PLC property in Marikana, the security guards flat-out refused to let me in. Media members are not allowed in without special permission from Lonmin's communications department, I was told.

According to two people interviewed outside the Lonmin hospital, the only way to get inside was to mention a name that would then be verified against the list of the dead or injured. The security guard modified that a little – you would be *told* if the person you sought was dead or not. Sometimes relatives were allowed inside, but other times they weren't, because the person had been discharged into the custody of the police. The people outside said the same thing. Some people had been discharged and taken away by the police.

“At Ga-Rankuwa magistrate's court, there are 270 people there. Originally they only arrested 259. So the rest are the people who are taken from hospital,” said one man, who identified himself as a Lonmin employee. He said that one of his friends had been taken to the Netcare Ferncrest Hospital just outside Rustenburg.

At the Ga-Rankuwa court, a small group of people protested outside the gates. Inside, just outside the packed courtroom, I came across one of the men who spoke when the inter-ministerial committee that visited the striking miners a few days ago. He confirmed that some people in police custody were taken from hospitals.

An activist closely connected to the miners said that some of the injured had been taken to Ferncrest, Life Peglerae and other hospitals in Rustenburg. Asking there proved fruitless as well. Weirdly, at most of these places, merely asking if any guys from Marikana were brought in provoked an immediate defensive response. Most said there were never any. Almost at the same time, asking the security guards yielded this answer: “Hmmm. I'm not sure if they're still here.”

Lonmin spokesperson Sue Vey said that the ban on random visitors at Andrew Saffy wasn't sinister at all. "We ensure that we safeguard the privacy of our patients. It got so crowded last week with people wanting to see the injured that it became a hygiene risk. [The ban] has nothing to do with police arresting those who are discharged, but it is a hygiene issue," she said.

She also confirmed that the peace accord was going ahead, and that the unions and representatives of the striking miners were part of the talks.

Lonmin is still handling the matter as one of public disorder rather than a labour dispute, Vey said.

This leaves the miners facing a lengthy court battle with the distinct possibility that any deals struck will exclude them, even if they are found innocent. Charged under archaic Apartheid legislation such as common purpose, the prosecution is attempting, on the face of it, to find the people who were shot at guilty of the murders and attempted murders of those who were dead or injured.

That places those who were injured and now in holding cells in the startling position of facing attempted murder charges for the bullet holes in their own bodies.

This is far beyond "curiouser and curiouser"; it is now well into the realm of "madder and madder".

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### **Miners' 'hidden' murder charges contested**

August 30 2012 at 02:10pm

By LEOGANG SEALE

Johannesburg - Four suspects in the Marikana massacre are being treated in hospitals under police guard. One of the four is chained in an intensive care unit.

A fifth suspect is appearing in court nursing two gunshot wounds.

This emerged in the Ga-Rankuwa Magistrate's Court yesterday from lawyers representing 270 people arrested in connection with the fatal shooting of 34 people on August 16, while police were trying to disperse striking mineworkers.

Initial evidence was that there were 260 suspects, but their number increased by 10 on Wednesday.

They have all been charged with public violence, attempted murder and a more serious section 6 offence. This offence was confirmed as murder, according to the National Prosecuting Authority, although this was not stated on the charge sheet.

On Wednesday, the defence disputed the murder charge, arguing that its introduction amounted to an ambush, and that there was no evidence linking the suspects to murder.

"When one peruses the charge sheet, there is no charge of premeditated murder against the accused," said Simon Tlhatlha, for the defence.

Advocate Lesego Mmusi, the lawyer leading the defence team, described the murder charge as perplexing.

In reply, State prosecutor Nigel Carpenter said the defence had known that the schedule 6 offence could only have meant murder. "There are three types of schedule 6 offences: rape, robbery [with aggravating circumstances] and murder. In this case it's clear no rape or

robbery was committed. It's clear that the only offence they could face here is murder," said Carpenter.

He added that the only reason the murder charge was not categorically stated was that not all the dead people had been identified and the State could, therefore, not determine the number of murder charges.

Only 24 of the 270 are appearing in court. Earlier suggestions were that this had been an arrangement between the State and defence as there was not enough space in court.

However, the defence said on Wednesday this was an infringement of their right to a fair trial. "If this case was to go to the Constitutional Court, [the judges] might say 'how do you represent the accused when they are not in court?'"

Carpenter has requested, on behalf of the State, a "further seven-day postponement".

Magistrate Esau Bodigelo was expected to hand down judgment today.

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Miners lack a sense of ownership

August 27 2012 at 10:15am

By Ray McCauley

Comment on this story

ST\_1marikana1 (28042906)

INSLA

ALL EARS: National Police Commissioner Riah Phiyega at a press conference on the killing of Lonmin miners. Pastor Ray McCauley says the police service is supposed to uphold human rights. Picture: Paballo Thekiso

LIKE many South Africans, I was extremely saddened by the loss of life and injuries at the Marikana Lonmin mine recently.

We last saw this kind of bloodbath during the days of apartheid when an uncaring regime visited violence on unarmed people, such as the community of Sharpeville in March 1960, students in Soweto in June 1976, Boipatong in June 1992 and Bisho in September 1992, among others.

Of course, this time around the protesters were armed with all sorts of sticks and sharp objects. There is an allegation that at least one of them had a pistol.

While we should all wait for the findings of the commission of inquiry that President Jacob Zuma has appointed, it should concern us that the shootings were carried out by members of a police service of a democratic government that is supposed to uphold human rights.

This was certainly the deadliest incident of violence between police and the civilian population in South Africa in the post-apartheid era, prompting President Zuma to declare six days of mourning.

It might well be that the police were under threat – after all, two of their members had already been killed – but we are left wondering whether things could not have been better handled.

The situation had been brewing in Marikana for some time and before the loss of 34 lives, 10 people had already died. Did the management, union leaders and law enforcement authorities respond quickly enough to what was clearly developing (if it wasn't already) into a crisis situation?

And then there is the issue of working conditions and wage levels for mine workers. I am not a mining expert, but it does strike me as odd that mines, which have been the main driving force behind our economy, often exist in the middle of poverty and underdeveloped areas

This past week I was part of a group of religious leaders who visited Marikana. The conditions in the area do not suggest that just nearby is a mine which is a subsidiary of the world's leading platinum producer. Is there no corporate citizenship conscience to improve the lot of the people in the area?

Until people get a sense that they are sharing in the wealth of the companies that do business in their vicinity, the hostility between capital and communities will remain.

The same applies to capital and labour. The hostility between Lonmin and a section of their workers played out, rather tragically, in the past few days. What is now known as the Marikana tragedy was essentially sparked by an illegal industrial action and it degenerated into a disaster.

The question we should ask ourselves is: why would workers be so violently opposed to management and owners if they had a sense of ownership or sharing in the wealth of the mine they work for? These are the questions, I suggest, that the mining industry and owners of capital in general must start to tackle with the seriousness and urgency they deserve.

Workers must feel appreciated in the manner they are remunerated and their working conditions looked after. We still hear stories about 160 mine workers sharing four ablution facilities. There is no way such workers can be expected to feel any sense of affiliation with their employer or to feel motivated to work as well or efficiently as workers who feel valued. They will jump at the slightest opportunity for industrial action.

Having listened to some of the workers and followed the debate on Marikana, I am convinced that the recognition of unions at our mines is something that needs to be

reviewed. The Labour Relations Act requires that a union needs to have at least a certain percentage (say 30 percent) of the total workforce to be recognised.

What happens with a new union that has about 100 workers registered in a workforce of, say, 7 000? If they are victimised, they cannot be protected by the union pending their gaining recognition as per the act or agreement at shop-floor level. This is what lies, among other factors, at the core of the sometimes deadly clashes between the National Union of Mineworkers (NUM) and other, alternative, unions that may be emerging. Currently, NUM is the biggest union in the mining sector.

Finally, I must say it was a low moment last week at the memorial service held at the Wonderkop informal settlement when five cabinet ministers were forced to leave after Julius Malema had taken the stage and said they were there merely to pose for pictures.

The opportunistic use of the Marikana tragedy to score political points is morally repugnant and insensitive to the families who have lost their loved ones. We also saw this during the debate in Parliament. Such behaviour is, in my view, another form of worker exploitation. Let us not exploit the pain and tragedy of the poor. It's simply distasteful.

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### **Set in platinum, sharp divides**

Mallika Shakya

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AP Striking miners gather on a hillside at the Lonmin mine near Marikana, South Africa, on August 15, 2012.

The recent shootings at the Marikana mine in South Africa show that the end of apartheid has not necessarily brought social and economic liberation to everyone. Half a century after the Sharpsville massacre that raised international outrage against apartheid, last week's shootings at Lonmin's Marikana mine in South Africa seemed like déjà vu. While apartheid is now safely a thing of the past, the Marikana site of 44 casualties, just 80 km northeast from the capital Pretoria, is a reminder of how inextricably race, class and representation are enmeshed in democratic South Africa's trade union rivalries. At the heart of the strike that provoked police shooting were the mine workers carrying out the lowliest paid but hardest job of drilling the rock underground. The rock drillers earned \$500 a month for risking their lives on a daily basis while working in pitch dark pits sometimes 400 metres below the earth's surface. There was little or no support for this demand from their trade union, the National Union of Mineworkers (NUM), which commands a vast membership of over 3,60,000 members and boasts an impeccable record of anti-apartheid struggle since the 1980s, called this strike illegal. Workers attributed this to NUM's revolutionary past getting unforgivably rusty: its founding father, Cyril Ramaphosa, now sits on the board of the London-listed and World Bank-advised Lonmin; its general secretary Frans Baleni, who earns a comfortable monthly salary of \$13,000, allegedly likened the rock drillers' strike to "sharks attacking under water" and hence needing dewatering.

Elitism within trade unionism led a large number of platinum mine workers including the Marikana rock drillers to flock to the new Association of Mineworkers and Construction Union (AMCU), founded by disgruntled leaders from NUM. As the Marikana strike turned violent and NUM agreed to the mine owners' call for a heavy handed police intervention, AMCU saw the writing on the wall. On the ill-fated day of the shooting, its leaders went among the striking workers to convey the danger in no uncertain terms. NUM leaders also addressed the workers, but they felt so threatened by the workers that they refused to leave the safety of a police-armoured vehicle while addressing the crowd. There were no political negotiations and the workers refused to return to work. Within 10 minutes of AMCU leaders leaving the scene, the police fired at protesters.

### **Animosity**

The South African Police Service has maintained that the police acted in self defence. Video footage of a group of workers charging on the police is widely circulating in the national media. True, there were violent clashes between police and striking miners in the days preceding the shooting, making the police especially paranoid. However, the alternative account is that the workers seen in the footage may have been fleeing since the police had shot on striking workers from behind, out of sight of the media. President Jacob Zuma has now ordered a judicial inquiry into the incident and it will take another four months for a detailed report to be put together.

Beyond the immediate unfolding of events leading to the strike and eventually a massacre, however, Marikana is quickly turning into a battleground for politics of class and culture. To start with, rock drillers are mostly uneducated people from the rural Eastern Cape and the mountains of Lesotho whereas their elected Union leaders are usually educated and shrewd men from towns. Even though there are two unions to choose from — NUM and AMCU — the animosity between them has given rise to such extreme opportunism that rock drillers are deeply suspicious of both. In fact, in the days immediately before the shooting, it was reported that a large number of workers had consulted local *songomas* or traditional healers for substances that would make them invincible to bullets.

Some commentators were quick to attribute this to mob mentality among the striking miners while others see in it the desperate search for the last straw by workers drowning in defeat.

### **Three issues**

What does Marikana say about South Africa's current politics of race and class? In the immediate aftermath of the massacre, the NUM was publicly booted out of mine workers' gatherings, and its rival AMCU is rapidly gaining ground in the platinum belt. Even then, AMCU and the workers disgruntled with NUM still have a tough battle to fight because NUM is after all an important wing of the liberation party African National Congress (ANC) which has ruled South Africa since the end of apartheid in 1994. The NUM-AMCU rivalry is thus not just about the clash of few egos; it puts a big question mark on the legacy of the anti-apartheid movement for today's South Africa.

Second, post-apartheid South Africa saw a small number in the black population quickly rise to elitism — thanks to the programmes of affirmative action such as Black Economic Empowerment which sought to redistribute wealth between the blacks and the whites — but did little to ensure a meritocratic and progressive process of transfer. The yawning gap between the earnings of the striking miners and their NUM leaders brings home the reality



that the end of political apartheid has not necessarily brought social and economic liberation for everybody.

The third issue is of the ownership of natural resources. The striking miners are right to point out that the platinum they extract goes to the accounts of a few chosen fat cats, most of whom are white, while they themselves risk their lives on a daily basis for a meagre wage and oppressive working conditions. Beyond the immediate issues of trade unionism, the discontent has fuelled the call for nationalising the mines. Indeed, Julius Malema, the radical youth leader of ANC, who carried the banner of nationalisation until he was suspended a few months ago on charges of corruption and incitation of violence, is making a political comeback in the platinum belt.

Trade union politics has never been straightforward. Class is never bifurcated but multifurcated, and its manifestation in the multi-racial and multi-ethnic context is decidedly complex. Marikana reminds us once again that class theorisations based on the pre-multicultural Europe are bound to be redefined in societies facing the overlapping issues of race and class as well as specialised forms of political elitism. Added to this are challenges of perspectives and interpretations: centuries long portrayal of Africa as the Dark Continent makes stories of witchcraft, mob and police brutalities too tempting a narrative, but underneath lie the threads of national transition and social disquiet that may be common elsewhere.

*(Mallika Shakya is Senior Lecturer, University of Pretoria.)*

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(There are so many spindoctors, it's hard to know what is really going on... Just on this question of Amcu starting out as a sweetheart union of BHP Billiton, as alleged again by the SACP yesterday... is that true? See below, in an earlier profile on Mathunjwa: "The first retrenchment that we fought through the Labour Court was at BHP Billiton in 2005 and we won the case- that was our starting point.")

### **Numsa trips on ANC succession, wants Vavi back**

- Ranjeni Munusamy
- 31 August 2012 03:09 (South Africa)

The battle of Mangaung is definitely not for the faint-hearted. As metalworkers union Numsa is finding out, you first need to reach internal consensus before engaging in the ANC showdown in December. By RANJENI MUNUSAMY.

Cosatu's most militant affiliate, the National Union of Metalworkers of South Africa (Numsa), had wanted to decide on its preferred leaders for the ANC conference in Mangaung by the time it concluded its Central Committee meeting Friday. This now looks unlikely. Until late Thursday night, Numsa's Central Committee was battling to reach agreement on the ANC leadership issue. But Numsa still intends pushing Cosatu and the ANC towards major structural changes to the economy. And it wants answers on Marikana. While Numsa had pronounced after its national congress in June that it wanted major change in the ANC leadership, agreeing on candidates is proving difficult.

Divisions have been brewing within Cosatu on the ANC leadership question, with major unions such as the National Union of Mineworkers (NUM) and the National Education,

Health and Allied Workers Union (Nehawu) supporting the retention of the status quo in the ruling party and Numsa agitating for change.

Numsa insiders now say that, contrary to popular perception, even within Cosatu the senior leaders of the union do not want President Jacob Zuma removed. However, some of Numsa's own regional structures are differing with their leaders on this issue. The matter is now being sent back to the regions for further discussion.

Numsa General Secretary Irvin Jim would not be drawn on the nature of the debate on ANC leadership at the Central Committee, but did say they were unable to conclude the matter. "It is still going to be finalised. There are a lot of different views."

The wrangling inside Numsa is a precursor to the intense debate likely to happen at the Cosatu 11th National Congress in three weeks, when the trade union federation will also have to pronounce its stance on the ANC leadership. So far, Cosatu has resisted declaring whether it will support Zuma or any of his challengers due to divergent views between the affiliates. This is a far cry from the position Cosatu took in 2007 when it unanimously championed Zuma's candidacy at the ANC's Polokwane conference.

Numsa is scheduled to announce the outcomes of its Central Committee to the media Sunday, but is unlikely to make public its preferred list of candidates for Mangaung. But while its position on which ANC leaders to support will continue being debated, there is one person Numsa is rallying behind: Cosatu General Secretary Zwelinzima Vavi.

Jim said Vavi had become a "target for isolation", and Numsa was therefore calling on workers to defend the Cosatu general secretary, who is up for re-election at the federation's congress starting 17 September. Jim said Numsa is throwing its weight behind Vavi to "keep Cosatu as an independent voice of the working class".

"We generally support the return of the leadership of the federation with particular focus on retaining Vavi. We think this would be in the best interests of the federation. If Cosatu ends up with a wishy-washy leadership, it would be a terrible setback," Jim said.

Asked where the attack against Vavi was coming from, Jim said there were people "within the liberation working in the shadows". "There is a particular grouping working 24 hours to contest him. If they do not succeed at that, they want to weaken him," Jim said.

It was reported earlier this month that plans were afoot by some senior leaders of Cosatu affiliates and the SACP to put up Fikile Majola, general secretary of Nehawu, to challenge Vavi for his post.

Jim said Numsa will ensure Vavi walks the election and continues to speak out against failures and wrongdoings in government and the ANC. Numsa intends to champion its "revolutionary programme" at the Cosatu congress, particularly on radical transformation of the economy.

"We have done a detailed analysis of what is happening in the country, especially now. The country is on fire. People need to be led," Jim said.

He said Numsa will be persuading Cosatu to push for major changes to the macro-economic framework in order to transform the structure of the domestic economy and regain South Africa's competitive advantage in key sectors.

"If we do not drive Cosatu to take this position, Mangaung will not deal with these issues. We are not dealing with the dominance of white monopoly capital, the economy is not transformed and the vast majority of our people do not have access to the economy. Unless we tackle these critical things, the DA (Democratic Alliance) will continue to be relevant."

Jim said there could only be fundamental change to the economy if the state took control of strategic sectors such as minerals. The Marikana massacre, he said, made the case for why there should be mine nationalisation in the country.

“Our stance on nationalisation is justified by what happened at Marikana. If the state had serious ownership of the mine, the situation would not have got to that level and no workers would have been shot. This provides a solid basis as to why there should be state ownership of mineral resources.”

Jim said Numsa was pledging its support for the commission of inquiry as the truth needed to be told about the massacre.

“Who instructed the police to shoot the workers? We want to know why they were carrying automatic rifles with live ammunition. This massacre has set a terrible precedent and could be a dress rehearsal for the working class to be massacred.”

He said Numsa was also demanding to know why police officers involved in the shooting of the mineworkers were still at work. “They should be suspended pending the completion of the investigation as to what happened. I don’t know why they are still going to work like nothing happened.”

Jim, however, would not be drawn on the role of NUM in the Lonmin platinum mine dispute that led to the massacre, although there is no love lost between the leaders of the two affiliates. “NUM is our sister union and we stay away from criticising them in public. There are internal platforms where we could share our views with them.”

He said exploitation of workers by mine bosses was however now plain to see, despite reaping around R160-billion from the platinum sector over five years. “Although mining companies had committed through the Mining Charter to developing proper infrastructure to workers, people are staying in squatter camps. They were supposed to move from hostels to proper communities but instead they are moving backwards, back to squatter camps,” Jim said.

While Numsa was firmly in the pro-nationalisation grouping lobbying for the resolution on “strategic nationalisation” at the ANC’s policy conference in June, Cosatu has not yet taken a firm position on it. The issue is bound to be one of the highly debated issues at the Cosatu congress, with NUM and Numsa likely to assume conflicting positions.

Numsa is deliberately raising the bar for the Cosatu congress as it wants to lead a fightback by the Left for all the disappointments in government over the past five years. But it seems internal divisions are leading Numsa to backtrack on its push for major changes in the ANC leadership. Other unions in the federation will be watching Numsa closely in order to decide their own position on the succession battle.

Cosatu could also end up balking on the matter at its congress, as it might prove difficult for the federation’s leaders to bridge consensus when the issue is so fraught. Mangaung can and will be the only decider. **DM**

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### **Marikana aftermath - Union leaders caught between a Rock and a Hard place**

2012-08-26 ]

**The killed miners were the victims of a black bourgeoisie who have sold out to the interests of white capital, write Martin Jansen and Mziwamadoda Velapi**

The massacre of the Lonmin miners is likely to be another political turning point in the class struggle in South Africa.

Apartheid capitalism and white minority rule rested firmly on the super-exploitation of black mine workers and labour in general.

To preserve the system, any threat by workers was met with bloody brutality and deaths, meted out by mine security, the police and even the state's army.

During the 1987 mine workers' strike, then National Union of Mineworkers (NUM) general secretary Cyril Ramaphosa stated: "I don't know how one shares power with people who have shotguns in their hands, people who have tear gas canisters, and I really don't know how one shares power with people who continue to pay starvation wages."

This was in response to the then Anglo Ashanti chief executive Bobby Godsell's statement about the need for liberal business to share power with black workers.

The 1987 strike involved more than 300 000 miners, 50 000 of whom were dismissed and 10 lost their lives.

Now blood has been spilt once more and this time Cyril Ramaphosa and the former NUM president who led the 1987 strike, James Motlatsi, are mine bosses with shares in Lonmin through the Shanduka Group.

Over the years, under the initial leadership of Ramaphosa, the NUM has developed a very effective leadership cabal that became a conduit for a small powerful group within the new black elite to climb the social and political ladder – from mine workers' leaders and union fat cats to political and capitalist bosses.

The treacherous role of the NUM leadership in the Lonmin strike is therefore not accidental.

Cyril Ramaphosa, Kgalema Motlanthe and Gwede Mantashe all once held the position of NUM general secretary.

They also personify the ANC's shift from a radical petit bourgeois nationalist liberation movement to a bourgeois nationalist ruling party that protects the interests of the black bourgeoisie that is tied up with the economically dominant white monopoly capitalists.

Politically, this new dispensation is held up by the structure and political glue of the tripartite alliance, but this government is emphatically pro-business.

It used taxpayers' money to meddle in labour disputes in favour of the employer by literally smashing the Lonmin workers' strike.

The best special reaction units, including Unit 432 that committed the massacre, was called in.

The massacre of the Lonmin workers should also be seen as part of an increased conservatism and repressive approach by the ruling party over the last decade in relation to the ordinary masses, political opposition and even within its own ranks.

There have been other examples, such as the brutal killing of protester Andries Tatane.

With South Africa's black elite inextricably tied to and intertwined with white monopoly capital and the entire capitalist system that breeds ever-expanding poverty and inequality, in the context of a global economic crisis, repression is their only realistic means of preserving the status quo.

Much of the tension among mine workers has its roots in the discontent of rank-and-file workers with the NUM leadership.

The formation of the Association of Mineworkers and Construction Union and the consequent inter-union rivalry has its roots in the high-handedness of the leadership and the lack of genuine democracy in NUM.

Over many years, NUM has failed to represent the real interests of their members and not fought vigorously to fundamentally improve the conditions of most mine workers.

So it, and gradually several other trade unions in South Africa, have become corporatised with top officials earning the salaries of company directors.

Most of our trade unions are no longer genuine fighting organisations of impoverished workers, but instead serve as a useful buffer for the bosses, managing workers' aspirations and demands, and even policing them.

It is imperative that our unions return to the unwavering universal trade union principles of unity, independence (both organisational and political) and internal democracy.

**» Jansen and Velapi work for Workers' World Media Productions as director/editor and journalist/radio producer respectively**

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**Marikana aftermath – Outrageous claims or outrageous order?**

2012-08-26

Andries Bezuidenhout, Crispin Chinguno and Karl von Holdt

**Andries Bezuidenhout, Crispin Chinguno and Karl von Holdt make sense of the violent mayhem at Marikana**

The massacre at Lonmin's Marikana mine evoked memories of apartheid-era police brutality.

How can this be explained?

Two factors are related to the platinum-area institutional failure:

- » Industrial relations institutions centred on collective bargaining are unable to contain conflict in the context of the social dislocations and gross inequalities of the booming platinum mining region; and
- » Weak local government institutions on the platinum belt are failing in developing orderly communal life.

This creates the context for violent practices to emerge as legitimate and normal ways to establish order.

During the 1922 Rand Revolt by white miners, snipers assassinated "scabs", or strike breakers, from the top of Johannesburg's mine dumps, strikers dug trenches and used municipal ablutions facilities as ammunition dumps.

The army bombarded strikers and towards the end of the strike then prime minister Jan Smuts sent in the air force to quell the revolt.

The answer to avoiding further violence was to institutionalise the conflict. Centralised collective bargaining was allowed for white miners, but black South Africans were excluded from the system.

In 1946, a strike led by the African Mineworkers' Union was violently put down by the state.

Towards the end of the 1970s, conflict between various groups of workers had become so endemic the industry again saw the need for institutionalisation through collective bargaining.

Anglo American created space for union organisation, which saw the National Union of Mineworkers (NUM) emerge in 1982.

Now, collective bargaining in coal and gold mines happens on a regular basis in the Chamber of Mines.

In platinum, however, the NUM negotiates with companies at a decentralised level.

At Impala, strikers forced an increase in remuneration for rock-drill operators to R9 000 a month, while some operators at Lonmin were still paid R4 000 a month.

At Impala Platinum, the strike started with operators demanding a wage adjustment outside the bargaining unit, following a similar award to miners with blasting certificates.

From the onset, they rejected NUM involvement and set up interim committees instead.

They alleged the NUM had been co-opted by management.

Most of the NUM's branch leaders are now drawn from job categories that were previously dominated by white miners.

Despite their strategic role, rock-drill operators feel alienated and disregarded as uneducated, cheap and unskilled.

The NUM uses English and other local languages in meetings, while the rock-drill operators are sceptical of the educated and English speakers.

They use Fanakalo, which they see as a language of unity among workers.

This division between leadership and membership presented unprecedented opportunities to rival unions and the Association of Mining and Construction Union moved in.

Managers and the NUM tried to convince workers to abandon the strike, but the new committee dismissed the NUM's agreements and standing rules, and seemed reluctant to enter into new institutional arrangements.

One of their slogans is: "We don't talk of percentages, but money."

This is sustained by violence.

At Impala they demanded the resignation of two managers and threatened to kill them if challenged.

The skill levels of black workers have broadened and some have moved into the suburbs, while the old hostel-based residential arrangements have fragmented.

There are now 36 informal settlements around Rustenburg, which the police are said to avoid.

The scene of the massacre is next to a sprawling informal settlement.

Frustrated strikers forge "solidarity" through the use of violence directed at strike breakers.

The massive fire power unleashed by the police appears as an attempt to restore a crumbling industrial relations order based on an outrageous level of poverty and inequality.

These events are a sign of things to come, unless we find a new path of development.

**»Bezuidenhout, Chinguno and Von Holdt are Gauteng-based academics involved with the Society, Work and Development Institute**

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**Marikana aftermath – NUM Incorporated**

2012-08-26

Loyiso Sidimba

Did the union giant take it's eye off the ball to become corporate?

The National Union of Mineworkers (NUM) is not afraid to do business with mining companies.

City Press can reveal the NUM's property company, Numprop, is linked through housing projects to at least two mining houses, Xstrata and Harmony Gold.

This is despite the fact that the union explicitly states it does not invest in the sectors in which it organises to prevent conflicts of interest.

The NUM has two companies through which its investments are held: Numprop and the Mineworkers' Investment Company (MIC). Both are owned by the NUM's Mineworkers' Investment Trust (MIT), in which its top officials are trustees.

The trust was established in 1995 "to improve the quality of life for its members and former members, and their dependants through investment opportunities".

Numprop has a business relationship with Xstrata through the Tubatse Estate, a housing development in the Limpopo mining town of Burgersfort.

Numprop is the joint developer of the estate with Commercial South African Properties.

The project is believed to be worth R750 million.

Housing units at the Tubatse Estate will cost between R600?000 and R1.5?million.

Although Xstrata denies any involvement in the development, the MIT's annual report for 2011 states that a tender "was issued by Xstrata in which we (Numprop) were short-listed".

Xstrata's Christopher Tsatsawane said the company did not have any involvement in the - Tubatse Estate.

At its congress in May, the NUM named Xstrata as one of three candidates for the "global worst employer" award.



The NUM has been under fire in the wake of the Marikana massacre for its perceived close relationships with mining houses.

This is seen as one of the reasons behind the growth of the Association of Mineworkers and Construction Union, NUM's competitor on the platinum fields.

NUM general secretary Frans Baleni, who chairs the MIT, said that although the union prevented its entities from doing business in the mining industry, this did not preclude them from investing "upstream or downstream of the industry, where the NUM does not organise".

"To prevent the inclusion of its various commercial entities from any association with mining would in effect bar these entities from undertaking any transactions, given how closely interlinked mining is with all sectors in the South African economy," he told City Press.

On the MIT's links with mine owners, Baleni said the trust cannot dictate the investment mandate of its partners. He reiterated that mining reaches all sectors of the economy.

"If we do not want any association with partners who invest in mining companies, then we would be very limited in terms of who we co-invest with," Baleni reiterated.

He said the reason for Numprops' involvement in housing developments in mining towns was to improve the lives of members.

The MIT had no reason to bar Numprop from doing business in the mining industry as this was its way of facilitating access to housing for mine workers, Baleni said.

Another Numprop partnership "in the pipeline" is with Harmony Gold to convert mine hostels into family units.

Numprop also intends to redevelop mining towns and has teamed up for this with Mzansi - Investment Holdings.

The union says Numprop doesn't make any profit, owing to poor funding.

The NUM revealed at its congress that it was investigating the possibility of the MIC taking over Numprop.

Numprop also wants to turn a Humansdorp, Eastern Cape, farm into a new RDP housing - development.

The company provides the NUM with office accommodation and owns 10 properties valued at R74?million.

The union's head office in downtown Johannesburg is owned by Numprop.

Two weeks ago, Numprop kicked out the correctional services department after it failed to pay about R1 million in rent.

Parole officers had to work in the streets after being evicted.

The MIC wants its investment portfolio to have a net asset value of R3 billion by next year and is targeting healthcare, renewable energy, property, retail and the telecommunications sector for future investments.

The MIC further has business relationships with several firms with mining interests.

Remgro, the MIC's fellow shareholder in FirstRand, owns about 5% of Implala Platinum.

WDB Investment Holdings, the MIC's empowerment partner in FirstRand and Masana Petroleum Solutions, has interests in Kalahari Resources and Anglo Inyosi Coal.

The NUM collected about R209 million from its 310 820 members in 2011.

- City Press

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### **Emerging AMCU mine union favours competitive coexistence**

By: Martin Creamer

Published: 6th June 2012

JOHANNESBURG (miningweekly.com) – The much-vilified emerging labour union, the Association of Mineworkers and Construction Union (AMCU), says it is in favour of peaceful competitive coexistence with the dominant and long-standing National Union of Mineworkers (NUM) and is totally opposed to union monopoly for itself or any other union.

AMCU president Joseph Mathunjwa, who called a media conference in Johannesburg on Wednesday to counter what he called a baseless smear campaign against the union, accuses NUM of monopolistic tendencies and says that AMCU, in contrast, regards competition as being as healthy for labour as it is for business.

Mathunjwa complains that NUM behaves as if it has a “veto to represent the working class”.

“There’s no such thing. We have to coexist,” the 47-year-old preacher’s son from KwaZulu-Natal says (also see attached video interview).

AMCU believes in competition because it highlights any shortfalls that may exist and enables the union to improve.

Accompanied by AMCU national treasurer Jimmy Gama, general secretary Jeffrey Mphahlele and national organiser Dumisani Nkalitshane, Mathunjwa strongly denied allegations of the union engaging in violence and using unlawful tactics to gain access to workplaces.

AMCU, which has 50 000 members compared with NUM's 300 000-plus, receives an estimated R700 000 a month in membership fees.

"We do not believe in violence," Mathunjwa says, adding that the union preaches adherence to the rule of law, the Constitution and the Bill of Rights, embracing in particular the right to freedom of association, as set out in chapter two of the Labour Relations Act, No 66 of 1995.

Platinum major Lonmin CEO Ian Farmer announced recently that his platinum mining company has agreed to confer limited organisational rights on AMCU in order to reflect its membership position within the London- and Johannesburg-listed group.

Mathunjwa tells Mining Weekly Online that AMCU now has office facilities, full-time shop stewards and other rights at Lonmin's Karee mine, where he says that his union has 5 000 members, which makes it the majority union.

"In fact, all other operations of Lonmin are coming to join AMCU and nobody is intimidating or coercing them," he adds.

Karee was the scene of last year's illegal strike that led to 8 000 mineworkers being dismissed and then largely rehired, and it was through the dismissal and rehiring process that the NUM lost membership to AMCU.

At JSE-listed coal-mining company Keaton Energy, both AMCU and NUM participate in the company's bargaining unit.

"In fact, AMCU is our majority union and we've found that it's no different to any other union arrangement," MD Paul Miller tells Mining Weekly Online.

It is also the majority union at an African Rainbow Minerals operation and is conducting recruitment drives at Anglo American Platinum and Gold Fields.

At BHP Billiton Energy Coal's Witbank operation, AMCU has an agreement with the predominantly white United Association of South Africa union, which was struck in order to secure an organisational right.

However, AMCU has not been able to obtain a recognition agreement at the troubled Impala Platinum mine in Rustenburg, where it says it now claims to have 15 000 members.

It is at Impala that NUM has a closed-shop agreement, which AMCU decries as monopolistic.

It has thus referred the matter to the Council for Conciliation, Mediation and Arbitration (CCMA) and is awaiting the set down date.

If it fails to obtain a recognition right at the CCMA, it will request a nonresolution right, which entitles it to embark on a legal, protected strike.

AMCU is currently also fighting Barberton Mines in the Labour Court for an organisational right.

Mathunjwa says that where AMCU has representation, it strives to make a difference in the lives of its members by negotiating better working conditions, including employee benefits, and it believes that it is more effective than NUM.

Where the two unions are in accord is in the call for the banning of the labour brokers, which Mathunjwa says results in mine workers earning less than R4 000 a month, which he bemoans as the average wage of mineworkers.

It is also most aggrieved at being cast as the villain in the many incidents that have surrounded this year's prolonged strike at Impala, which it says has tarnished its name.

AMCU, which has opted for green apparel – “green represents life” – as opposed to NUM's choice of red, says that it is apolitical and noncommunist.

It believes that the government should be allowed to implement its proposed youth wage subsidy and urges Mineral Resources Minister Susan Shabangu to prevent further loss of lives from illegal mining.

A member of the Salvation Army, Mathunjwa is a trumpeter who prides himself on being able to read music “very well”.

He estimates AMCU's running costs at about R500 000 a month and says that his leadership style is to be transparent.

As with NUM, AMCU's membership fee is 1% of a member's pay.

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**Joseph Mathunjwa**

By: Martin Creamer  
3rd August 2012

Joseph Mathunjwa  
AMCU

Full Name: Joseph Mathunjwa

Position: President of the Association of Mineworkers and Construction Union (AMCU)

Main Activity of the Organisation: AMCU is a trade union for the mining industry

Date and Place of Birth: Amatikulu, northern KwaZulu-Natal, May 26, 1965

Education: Matriculation, Ulundi

First Job: Laboratory attendant, Rand Coal, 1986

Size of First Pay Packet: R300 to R400 a month

Value of Revenue under Your Control: Revenue of about R700 000 a month and running costs of about R500 000 a month

Number of People under Your Leadership: 50 000

Leadership Style: Transparent

Personal Best Achievement: Coming up with a union that will encompass all walks of life, irrespective of political affiliations

Person Who Has Had The Biggest Influence on Your Life: My father, David Mathunjwa, who was a Christian preacher

What Has Had The Biggest Influence on Your Career: The plight of the working class

Person You Would Most Like to Meet: Martin Luther King's family

Businessperson Who Has Impressed You Most: Bill Gates, because of his philanthropy in Africa

Philosophy of Life: Treat people as you like to be treated

Biggest Ever Opportunity: Leading people in the union movement

Biggest Ever Disappointment: Seeing people being retrenched without companies making an effort to save jobs. It is so sad. The first retrenchment that we fought through the Labour Court was at BHP Billiton in 2005 and we won the case– that was our starting point

Hope For the Future: To see people sharing in the wealth of the country

Favourite Reading: TD Jakes

Favourite TV Programme: Nature

Favourite Food/Drink: Pap en melk/coffee

Favourite Music: Gospel. I am a member of the Salvation Army and I play the trumpet and read music very well

Favourite Sport: Soccer

Hobbies: Music. In my spare, time I teach youngsters to read music

Car: I don't have a personal car. The car I borrow from the union is a Toyota Fortuner

Pets: None

Miscellaneous Dislikes: None

Married: To Thuli

Children: Three children aged 18, 13 and 4

Clubs: Orlando Pirates locally and Chelsea Football Club overseas

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Mining, the leftie media and Marikana  
David Bullard  
29 August 2012

David Bullard says his sympathies do not lie with strikers when armed to the teeth

When the 21st century clashes with the 15th century

Some years ago I was invited during the quiet post-holiday January period to go down the TauTona gold mine near Carletonville. It was then, at almost 4kms deep, the world's deepest mining operation and probably still is. I'm hesitant to make that claim because somebody out there in cyberspace probably knows of a Chinese mine that's 5kms deep and will chide me for poor research in the comments column below. This is the enormous personal risk we Politicsweb columnists take every week just to keep you amused.

Anyway back to what I still think is a pretty deep mine. It took ages to get to the bottom in a series of lift shafts that travel rather slower than the lifts at Sun City. Everything that is underground at that mine has gone down that one shaft because there is no other way down. At the lowest point of the mine it is rather like a large underground station.

Trains take workers off to the rock face and the place is well lit and spacious. It's only when you wonder what would happen if all the lights went out or if there were some seismic activity that you begin to feel uneasy. The return trip to the surface took over an hour (on a VIP visitors pass) so this is not a great place to be when the earth begins to rumble.

The visit to the mine included a look at the stopes. These were diagonal tunnels barely two foot high into which men crawl and lie on a thick protective blanket while they operate rock drills. The protective blanket is to lessen the discomfort of lying on jagged rocks but it certainly doesn't make the job comfortable. So the rock driller spends most of his 8 hour shift lying on his side in sweltering heat drilling away at the rock face with a very unwieldy tool. It's a wretched way to have to make a living.

Putting a price on a job like that is impossible but R12 500 a month certainly wouldn't do it for me. In fact I can't think of any price that would tempt me to spend a couple of hours going underground every day to drill rock for eight hours before taking another couple of hours to return to the surface at the end of my shift. But that's because I am lucky enough to have choices.

The men at the Marikana platinum mine aren't so fortunate and if they don't go underground to drill rock then they don't have too many other career choices. It's not as if they can hand in their resignation letters and go off and become BMW car salesman. Which is almost certainly why the tension levels have been as high as they have been at the mine over the past few weeks.

The right to strike is recognised in South Africa as it is in most civilised parts of the world. What isn't recognised is the right to turn up at the picket line armed to the teeth with weapons and a clear intent to draw the blood of either fellow (non striking) workers, management or the police.

The leftie media have, rather predictably, placed the blame for the Marikana "massacre" on the police and those wicked capitalists who take such delight in exploiting poor workers. Lefties would be the first to complain if the police didn't respond immediately to their own distress calls but the police become fair game when it's a matter of what is portrayed as the poor, downtrodden worker versus the establishment.

The reality is rather different. For starters, while the job of a rock driller probably ranks as a semi skilled underground job it's not one that is difficult to teach. So in a country like South Africa with high unemployment the supply of potential rock drillers exceeds demand which is why the price for the job is relatively low. Every employer "exploits" workers because the aim of the game in capitalism is to run an operation as cheaply and efficiently as possible and maximise profits. The platinum mining industry is no different and if the cost of digging the stuff out of the ground and refining it exceeds the market price for platinum then it's time to shut up shop.

That means that a rock driller is unlikely to be worth R12 500 (net) in the current market. It's nothing to do with exploitation and everything to do with economic reality. Take the

argument to a less emotional level and ask yourself whether a nicely brought up white girl can expect to keep her job in a cosy bookshop if people no longer buy books? Obviously not.

To coin the phrase "massacre" for what happened at Marikana may help sell newspapers and give talk show hosts something to froth over but it ignores the fact that the police were hideously outnumbered and in great personal danger. To compare it to Sharpeville is a disgrace. If the police had been overrun then the media would have undoubtedly been reporting a large number of police deaths and agonising over that.

The blame for the killings at Marikana quite clearly lies with the unions and the barbarous behaviour of some of the strikers. I have every sympathy with the police and with Lonmin management who have inevitably been portrayed as the bad guys. The problem is complex: how on earth do you negotiate rationally with people who still believe that smearing animal fat over their bodies will protect them from bullets?

<http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page72308?oid=322799&sn=Marketingweb+detail&pid=90389>

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Marikana survivors may be charged with murdering own comrades

Mandy de Waal  
30 August 2012 02:38 (South Africa)

A throng of thousands of angry protestors face off against a battalion of police armed to the hilt at Lonmin's Marikana mine on the North West. The police shoot 112 of them, killing 34 and wounding another 78. Over 250 miners are arrested in the wake, and because of some bizarre technicality could now stand accused of murdering their own. By MANDY DE WAAL.

At the end of Thursday 30 August 2012, South Africa, and the world, should know if the Marikana miners currently detained in the North West will be charged with murder and attempted murder. Not for the deaths preceding the Marikana massacre, but for the death of 34 of their comrades who were shot and killed by police on Thursday 16 August 2012. The miners also look set to face charges of attempted murder for the 78 miners who were injured by police on that same day.

If, dear reader, you are shocked to your core by the knowledge that these miners could be charged, despite the fact that the police pulled the trigger, so are we. But Daily Maverick has been told by the National Prosecuting Authority's North West regional spokesman, Frank Lesenyego, that this is all part of a technicality which could realise a ruling on these charges in the Ga-Rankuwa Magistrate's Court, where preliminary hearings have been underway this past week.



“If you have a situation whereby there are suspects that are armed with guns, and they confronted or they attacked the police, and a shooting takes place and there are fatalities – even when those who died were amongst the suspects – those who were arrested are charged with the murder of those who died, because they knew very well that when they are armed...that a fatality can happen,” Lesenyego tells Daily Maverick.

If you’re nonplussed, rest assured so were we. And that’s why Daily Maverick asked Lesenyego to explain this technicality that could be employed to charge the accused with murder and attempted murder.

“At this stage the charge against the miners is schedule one, which is public violence. There are two other charges, under schedule five and schedule six (of the Criminal Procedures Act), which are attempted murder and murder. The final charge sheet from the state still has to be drawn up, so at this stage we understand that they have only been charged with public violence. The only charge on the charge sheet right now is public violence,” Lesenyego says in response to a request for clarification on the charges.

“It is safe to say that there is a possibility of the accused being charged with murder and attempted murder. Put it that way rather than saying they have been charged with murder and attempted murder. There is still an investigation, and there also has to be a court ruling on that,” says Lesenyego.

But how is it possible that the miners could be charged with the murder and attempted murder of their fellow protestors, Daily Maverick asks. “If people confront members of the police who are armed, knowing very well that a shooting is going to take place, they must also – at the back of their minds – understand that there will be fatalities. They know people will die when they do that. There are technicalities within those legalities, so in a situation like that, when a shooting takes place and the fatalities occur, people who are arrested and are from that group are also charged with murder.”

Lesenyego is cryptic about who amongst the some 270 accused will be charged with murder or attempted murder, but proffers: “You have to ask yourself are we going to charge each one of them with murder, or charge only some of them. You had best wait for tomorrow (Thursday, 30 August 2012) to find that out.”

It all sounds quite befuddled, but then these initial proceedings – which have mostly dealt with bail matters – in the Ga-Rankuwa Magistrate’s Court have arguably been a total travesty. The accused are many and are scattered in a number of police locales because they can’t be contained at one police station.

The accused are brought into the court in dribs and drabs on a matter that could see them face the ultimate charge – one of murder – and then have to shuffle back to the police cells where they are being held, to inform their fellow accused of what is going on.

"How is it a fair trial when your bail application is being heard in court and you are not there?" legal counsel for the defence asked, after lawyers for the miners had lambasted the court arrangements.

The defence also raised concerns about injured miners being detained without getting medical treatment, and said some miners were injured on the day of the massacre while others were injured after allegedly being assaulted by police. There are also accused with chronic illnesses who are not able to access medication.

At the same time that murder and attempted murder charges are being prepared to be brought against the Marikana workers, the Independent Police Investigative Directorate (IPID) is investigating allegations of torture against police at Phokeng Police Station and Mogwase Police station, where the miners are being held.

"We are investigating allegations of assault – assault with intent to cause grievous bodily harm, and common assault," Moses Dlamini, IPID's spokesperson, told Daily Maverick. "It is more than 150 at the last count, but the investigation is still on. We will only know the total number at the end of the investigation."

Marikana is turning into the messiest human rights debacle in South Africa's post-Apartheid history, and despite the mounting global interest, the state's response can only be described as ham-handed. It is a callous and clumsy calamity that continues to expose the state's inadequacy at every turn. DM

<http://dailymaverick.co.za/article/2012-08-30-marikana-survivors-may-be-charged-with-murdering-own-comrades>

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(A very reliable reporter backtracks from conventional wisdom. A chilling read... "The majority of the dead in the 16 August massacre at Marikana appear to have been shot at close range or crushed by police vehicles.")

<http://dailymaverick.co.za/article/2012-08-30-the-murder-fields-of-marikana-the-cold-murder-fields-of-marikana>

Daily Maverick

The murder fields of Marikana. The cold murder fields of Marikana.

Greg Marinovich  
30 August 2012 00:46 (South Africa)

The majority of the dead in the 16 August massacre at Marikana appear to have been shot at close range or crushed by police vehicles. They were not caught in a fusillade of gunfire from police defending themselves, as the official account would have it. GREG MARINOVICH

spent two weeks trying to understand what really happened. What he found was profoundly disturbing.

Of the 34 miners killed at Marikana, no more than a dozen of the dead were captured in news footage shot at the scene. The majority of those who died, according to surviving strikers and researchers, were killed beyond the view of cameras at a nondescript collection of boulders some 300 metres behind Wonderkop.

On one of these rocks, encompassed closely on all sides by solid granite boulders, is the letter 'N', the 14th letter of the alphabet. Here, N represents the 14th body of a striking miner to be found by a police forensics team in this isolated place. These letters are used by forensics to detail where the corpses lay.

There is a thick spread of blood deep into the dry soil, showing that N was shot and killed on the spot. There is no trail of blood leading to where N died – the blood saturates one spot only, indicating no further movement. (It would have been outside of the scope of the human body to crawl here bleeding so profusely.)

Approaching N from all possible angles, observing the local geography, it is clear that to shoot N, the shooter would have to be close. Very close, in fact, almost within touching distance. (After having spent days here at the bloody massacre site, it does not take too much imagination for me to believe that N might have begged for his life on that winter afternoon.)

Photo: At sites like 'N', all four sides are hemmed in by rock. (Greg Marinovich)

And on the deadly Thursday afternoon, N's murderer could only have been a policeman. I say murderer because there is not a single report on an injured policeman from the day. I say murderer because there seems to have been no attempt to uphold our citizens' right to life and fair recourse to justice. It is hard to imagine that N would have resisted being taken into custody when thus cornered. There is no chance of escape out of a ring of police.

Other letters denote equally morbid scenarios. J and H died alongside each other. They, too, had no route of escape and had to have been shot at close range.

Photo: J and H died alongside each other. (Greg Marinovich)

Other letters mark the rocks nearby. A bloody handprint stains a vertical rock surface where someone tried to support themselves standing up; many other rocks are splattered with blood as miners died on the afternoon of 16 August.

Photo: A bloody handprint stains a vertical rock surface. (Greg Marinovich)

None of these events were witnessed by media or captured on camera. They were only reported on as component parts in the sum of the greater tragedy.

One of the striking miners caught up in the mayhem, let's call him "Themba", though his name is known to the Daily Maverick, recalled what he saw once he escaped the killing fields around Wonderkop.

"Most people then called for us to get off the mountain, and as we were coming down, the shooting began. Most people who were shot near the kraal were trying to get into the settlement; the blood we saw is theirs. We ran in the other direction, as it was impossible now to make it through the bullets.

"We ran until we got to the meeting spot and watched the incidents at the koppie. Two helicopters landed; soldiers and police surrounded the area. We never saw anyone coming out of the koppie."

The soldiers he refers to were, in fact, part of the police task team dressed in camouflage uniforms, brought to the scene in a brown military vehicle. Asked about this, Themba said he believed people were hiding at the koppie, and police went in and killed them.

In the days after the shooting, Themba visited friends at the nearby mine hospital. "Most people who are in hospital were shot at the back. The ones I saw in hospital had clear signs of being run over by the Nyalas," he said. "I never got to go to the mortuary, but most people who went there told me that they couldn't recognise the faces of the dead (they were so damaged by either bullets or from being driven over)."

It is becoming clear to this reporter that heavily armed police hunted down and killed the miners in cold blood. A minority were killed in the filmed event where police claim they acted in self-defence. The rest was murder on a massive scale.

Peter Alexander, chair in Social Change and professor of Sociology at the University of Johannesburg, and two researchers interviewed witnesses in the days after the massacre. Researcher Botsong Mmope spoke to a miner, Tsepo, on Monday 20 August. Tsepo (not his real name) witnessed some of the events that occurred off camera.

"Tsepo said many people had been killed at the small koppie and it had never been covered (by the media). He agreed to take us to the small koppie, because that is where many, many people died," Mmope said.

After the shooting began, Tsepo said, he was among many who ran towards the small koppie. As the police chased them, someone among them said, "Let us lie down, comrades, they will not shoot us then."

"At that time, there were bullets coming from a helicopter above them. Tsepo then lay down. A number of fellow strikers also lay down. He says he watched Nyalas driving over the prostrate, living miners," Mmope said. "Other miners ran to the koppie, and that was where they were shot by police and the army\*\* with machine guns." (\*\* Several witnesses and speakers at the miners' gathering referring to the army, or amajoni, actually refer to a

police task team unit in camouflage uniforms and carrying R5 semi-automatic rifles on the day. – GM)

When the firing finally ceased, Tsepo managed to escape across the veld to the north.

Photo: A map drawn by an eyewitness and a researcher shows the spatial context of the events of August 16, and also the sequence of them. Nkanini, Marikana, North West Province, South Africa, 27 August 2012. (Greg Marinovich)

It took several days for police to release the number of those killed. The number 34 surprised most of us. With only about a dozen bodies recorded by the media, where exactly had the remaining miners been killed, and how did they die?

Most journalists and others did not interrogate this properly. The violence of the deaths we could see, again and again, was enough to contend with. The police certainly did not mention what happened outside of the view of the cameras.

The toll of 112 mineworkers (34 dead and 78 wounded) at Marikana is one of those few bitter moments in our bloody history that has been captured by the unblinking eye of the lens. Several lenses, in fact, and from various viewpoints.

This has allowed the actions and reactions of both the strikers and the police to be scrutinised in ways that undocumented tragedies can never be. Therefore, while the motives and rationale of both parties will never be completely clear, their deeds are quite apparent.

Thus developed a dominant narrative within the public discourse. The facts have been fed by the police, various state entities and by the media that the strikers provoked their own deaths by charging and shooting at the forces of law and order. Indeed, the various images and footage can be read to support this claim.

The contrary view is that the striking miners were trying to escape police rubber bullets and tear gas when they ran at the heavily armed police task team (our version of SWAT). The result was the horrific images of a dozen or so men gunned down in a fusillade of automatic fire.

From the outside the jumble of granite at Small Koppie, the weathered remains of a prehistoric hill, it would appear that nothing more brutal than the felling of the straggly indigenous trees for firewood occurred here.

Once within the outer perimeter, narrow passages between the weathered bushveld rocks lead into dead ends. Scattered piles of human faeces and toilet paper mark the area as the communal toilet for those in the miners' shack community without pit toilets.

It is inside here, hidden from casual view, that the rocks bear the yellow letters methodically sprayed on by the forensic team to denote where they found the miners'

bodies. The letter N appears to take the death toll at this site to 14. Some of the other letters are difficult to discern, especially where they were sprayed on the dry grass and sand.

The yellow letters speak as if they are the voices of the dead. The position of the letters, denoting the remains of once sweating, panting, cursing, pleading men, tell a story of policemen hunting men like beasts. They tell of tens of murders at close range, in places hidden from the plain sight.

N, for example, died in a narrow redoubt surrounded on four sides by solid rock. His killer could not have been further than two meters from him – the geography forbids any other possibility.

Why did this happen?

Photo: A satellite view of Wonderkop, the lighter coloured semi-circle to the lower right, and the Small Koppie, which is the more spread out feature to the left. The informal settlement of Nkaneng is to the far right. (Google Earth.)

Let us look back at the events of Monday, 13 August, three days prior to these events.

Themba, a second-generation miner from the Eastern Cape, was present then too. He was part of a group of some 30 strikers who were delegated to cross the veld that separated them from another Lonmin platinum mine, Karee.

It was at Karee mine that other rock drill operators led a wildcat strike to demand better wages. The National Union of Mineworkers did not support them, and management took a tough line. The strike was unsuccessful, with many of the strikers losing their jobs. The Marikana miners figured there were many miners there still angry enough to join them on Wonderkop.

The Marikana strikers never reached their fellow workers; instead, mine security turned them back and told them to return by a route different from the one they had come by.

On this road, they met a contingent of police. Themba said there were some 10 Nyalas and one or two police trucks or vans. The police barred their way and told them to lay down their weapons. The workers refused, saying they needed the pangas to cut wood, as they lived in the bush, and more honestly, that they were needed to defend themselves.

The Friday before, they said, three of their number had been killed by people wearing red NUM T-shirts.

The police line parted and they were allowed to continue, but once they were about 10 metres past, the police opened fire on them.

The miners turned and took on the police.

It was here, he said, that they killed two policemen and injured another. The police killed two miners and injured a third severely, from helicopter gunfire, Themba said. The miners carried the wounded man back to Wonderkop, where he was taken to hospital in a car. His fate is unknown.

Police spokesman Captain Dennis Adriao, when asked about the incident by telephone, said public order policing officers were attacked by miners, who hacked the two policemen to death and critically injured another. He said eight people had been arrested until then for that incident and for the 10 deaths prior to 16 August. "Two are in custody in hospital who were injured in the attack on the police."

The police version of how this event took place is quite different from that of Themba, but what is clear is that the police had already arrested people for the murders committed thus far.

Why, then, the urgency to confront those among the thousands camped on Wonderkop in the days leading up to the massacre on 16 August?

But let us, in this article, not get too distracted by this obvious question, and return to the events of 16 August itself.

The South African Government Information website still carries this statement, dated from the day of the Marikana massacre:

"Following extensive and unsuccessful negotiations by SAPS members to disarm and disperse a heavily armed group of illegal gatherers at a hilltop close to Lonmin Mine, near Rustenburg in the North West Province, the South African Police Service was viciously attacked by the group, using a variety of weapons, including firearms. The Police, in order to protect their own lives and in self-defence, were forced to engage the group with force. This resulted in several individuals being fatally wounded, and others injured."

This police statement clearly states that the police acted in self-defence, despite the fact that not a single policeman suffered any injury on 16 August.

And as we discussed earlier, it is possible to interpret what happened in the filmed events as an over-reaction by the police to a threat. What happened afterwards, 400 metres away at Small Koppie, is quite different. That police armoured vehicles drove over prostrate miners cannot be described as self-defence or as any kind of public order policing.

The geography of those yellow spray painted letters tells a chilling and damning story and lends greater credence to what the strikers have been saying.

One miner, on the morning after the massacre, told Daily Maverick that, "When one of our miners passed a Nyala, there was a homeboy of his from the Eastern Cape inside, and he told him that today was D-day, that they were to come and shoot. He said there was a paper signed allowing them to shoot us."

The language reportedly used by the policeman is strikingly similar to that used by Adriaio early on 16 August, and quoted on MineWeb: "We have tried over a number of days to negotiate with the leaders and with the gathering here at the mine, our objective is to get the people to surrender their weapons and to disperse peacefully."

"Today is D-day in terms of if they don't comply then we will have to act ... we will have to take steps," he said.

A little later he commented: "Today is unfortunately D-day," police spokesman Dennis Adriaio said. "It is an illegal gathering. We've tried to negotiate and we'll try again, but if that fails, we'll obviously have to go to a tactical phase."

Speaking to the possible intention of the police, let us look at how the deployed police were armed. The weapons used by the majority of the more than 400 police on the scene were R5 (a licensed replica of the Israeli Galil SAR) or LM5 assault rifles, designed for infantry and tactical police use. These weapons cannot fire rubber bullets. The police were clearly deployed in a military manner – to take lives, not to deflect possible riotous behaviour.

The death of their comrades three days previously set the stage for the police, who have been increasingly accused of brutality, torture and death in detention, to exact their revenge. What is unclear is how high up the chain of command this desire went.

There has been police obfuscation and selective silence in a democratic society where the police are, theoretically, accountable to the citizenry, as well as to our elected representatives. We live in a country where people are assumed innocent until proven guilty; where summary executions are not within the police's discretion.

Let us be under no illusion. The striking miners are no angels. They can be as violent as anyone else in our society. And in an inflamed setting such as at Marikana, probably more so. They are angry, disempowered, feel cheated and want more than a subsistence wage. Whatever the merits of their argument, and the crimes of some individuals among them, more than 3,000 people gathering at Wanderkop did not merit being vulnerable to summary and entirely arbitrary execution at the hands of a paramilitary police unit.

In light of this, we could look at the events of 16 August as the murder of 34 and the attempted murder of a further 78 who survived despite the police's apparent intention to kill them.

Back at the rocks the locals dubbed Small Koppie, a wild pear flowers among the debris of the carnage and human excrement; a place of horror that has until now remained terra incognita to the public. It could also be the place where the Constitution of South Africa has been dealt a mortal blow. DM



Note: We have put these questions to the police and they state that they are unable to comment on, or give further detail regarding, to what happened at and around Small Koppie 13 August. We are awaiting comment from the IPID.

Read more:

“Marikana: What really happened? We may never know,” in the Daily Maverick Police statement on 16 August events.

Main photo: Nkanini, Marikana, North West Province, South Africa, 27 August 2012. Yellow police paint marks where the bodies of some of the 34 men killed by police were recovered by forensics. Some of the rock crevices these bodies were found in, indicate that they had to have been hunted down and shot at close range. At sites like 'N', the copious amount of blood lost makes it plain that it was not a wounded person who managed to crawl there, but was someone shot and killed in that position, where all four sides are hemmed in by rock. Not a single policeman was reported wounded on August 16th. Photo Greg Marinovich

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(Marikana as lose-win situation?)

*Platinum miners have raised the prospect of negotiating with unions on a collective basis via the Chamber of Mines. "If that helps to resolve the issues we've had, we'll be part of that discussion. It may help in some aspects, but it's not a complete solution for all the problems," Mr Scott said. Elize Strydom, industrial relations adviser to the chamber, said the benefit of collective bargaining was that the unions could not play companies off against each other. If the companies stood together, they could be in a much stronger position than negotiating alone.*

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### **Lonmin in bid to stave off \$700m debt recall**

by Allan Secombe, August 29 2012, 06:07

#### **Marikana miners still not back at work**

LONMIN, the world's third-largest platinum producer, is trying to stave off a recall of a \$700m debt facility from a consortium of foreign banks as its profit-to-debt ratios reach critical levels, says its acting CEO, Simon Scott.

Production at the company's Marikana mine ground to a halt after more than 3,000 workers embarked on an illegal strike, at a cost of 45,000 ounces of platinum. Since the strike began three weeks ago, 44 people have been killed by the strikers and police. Only 8% of the 28,000 workforce reported for duty on Tuesday. All the parties involved in the strike are meeting on Wednesday to thrash out a peace accord.

Lonmin has debt facilities of \$950m, of which an equivalent of \$250m is in rand backed by three major local banks.

The balance of \$700m is a syndicated dollar facility provided by seven international banks, including BNP Paribas, Citigroup Global Markets, HSBC and JPMorgan.

Because of the production stoppage, Lonmin was forced to warn the market that it may breach debt-to-profit covenants due to be assessed next month.

"We are in discussions with all the banks involved in the \$950m facility and we're keeping them all well informed. The possible breach relates to the \$700m syndicated facility," Mr Scott said.

"The sooner these disruptions are resolved and the sooner the workers get back to work, the more constructive those discussions will be," he said on Tuesday.

If the covenants are breached, the banks can call for the debt to be repaid. At the end of March, the company's net debt was \$356m.

"What we are doing is being proactive and highlighting that when these covenants are measured, there may be a breach," Mr Scott said.

"We don't see an overall problem with the level of debt. What we don't want is for our debt to become callable because we've breached the covenants. That's why we're having a discussion with the banks so that those facilities are available through the cycle.

"It's not a liquidity issue, it's just to keep the funding structure in place so it's not interrupted by what's happened in recent weeks," he said.

Lonmin has raised the prospect of issuing shares to raise capital, but Mr Scott said this was only one of a number of options and nothing had been finalised. Deutsche Bank has said Lonmin could raise \$700m.

Platinum miners have raised the prospect of negotiating with unions on a collective basis via the Chamber of Mines. "If that helps to resolve the issues we've had, we'll be part of that discussion. It may help in some aspects, but it's not a complete solution for all the problems," Mr Scott said.

Elize Strydom, industrial relations adviser to the chamber, said the benefit of collective bargaining was that the unions could not play companies off against each other. If the companies stood together, they could be in a much stronger position than negotiating alone.

Asked if the recent fall in Lonmin's share price had made it a takeover target, Mr Scott said: "Nothing has come to my attention regarding that."

South Africa, as the world's major platinum supplier, had to stabilise production, and resolve labour issues and soaring input costs to ensure a steady source to the market.

"As a country, it's really important for us to re-establish ourselves as a reliable source of supply so that we don't see everybody looking for opportunities to increase supply from recycling or ways to substitute away from platinum," Mr Scott said.

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<http://www.thoughtleader.co.za/readerblog/2012/08/28/marikana-time-to-rethink-mining-rights/>

### **Marikana: Time to rethink mining rights?**

By Takura Zhangazha

The tragic and fatal shooting of 34 mineworkers in South Africa has sadly brought back memories of the violence of the apartheid years. And because memories of apartheid are not only limited to South Africa, the killing fields of Marikana must also be viewed as part of the Southern African narrative of repression, violence and the historical de-humanisation of the African. And this, even in the aftermath of the liberation of the continent from colonial and settler minority rule. This point on its own is a controversial but necessary one. The reason why it must be raised is because parts of the Southern African media

debate in the tragic aftermath of these shootings has mistakenly centred around the assumed failures of the leadership of the ANC as well as general derision of South African “exceptionalism” on human-rights observation in the region.

Some debates have gone so far as to argue that had such a tragedy occurred on Zimbabwean soil, there perhaps may have been an immediate invoking of the Responsibility to Protect liberal intervention doctrine that has been used in parts of North and West Africa in 2012. That too is an argument that misses the meaning and full implications of the dreadful shooting of the miners. In other circles, others are arguing (including some South African labour unions) that because the Marikana miners actions are said to have led to the murder of at least two police officers and that the strikers were also armed, the South African police were acting in self-defence. That is an even more controversial argument but one that still skirts the serious meaning of the Marikana shooting tragedy.

In fact, there must now be a distinction made between the tragic event as it occurred and the broader and much more important underlying causes to these most unfortunate of incidences. If not for just this one tragic event but also in order to prevent such from occurring again. I am sure for the nation of South Africa, this may be a task for the commission that has been established by President Jacob Zuma.

For Southern African citizens this tragedy however must be viewed with the utmost seriousness and examination of our collective regional history as it relates to mining operations, the de-humanisation of migrant labour and finally the emergence of new resource extraction oligarchies that are generally acting in collusion with many of our governments in the region to extract/mine without attendant democratic socio-economic accountability. In effect, such an analysis, given the unaccountable state of affairs in mining and resource extraction in most (if not all) of Southern Africa, a “Marikana” can unfortunately occur anywhere else in the region, if it has not silently occurred in worse formats in countries such as Angola and the Democratic Republic of the Congo. This is before we even begin to discuss the processes that are unfolding in Tanzania and Mozambique over gas, coal and potential oil discoveries by international mining companies.

It is therefore of importance that we see the borderline heinous shooting of striking miners in South Africa as a tragic but now necessary wake-up call for all of us to reflect on how issues of mining and mineral wealth discoveries are being handled by our own governments and the regional body SADC. In doing so, we must however, unlike most of our governments, place emphasis on the necessity of prioritising the people’s welfare and above all, tackling with finality, the repressive legacy of colonial mineral and labour extraction in our post-independence societies. This would entail a reflection on how initially most of the workers at big or small mines were mainly migrant as well as *chibaro* (forced labour) recruits from across the entirety of the Southern African region. We must also examine whether it is the same “colonial” frameworks and attitudes that inform the structure, function and profit of our contemporary mines. Questions such as to what extent do most mines or extractive mineral operations retain the structure of the oppressive colonial past and the extent to which our contemporary leaders are acting as “replacements” for colonial governments will be critical for such an appraisal.

Further still, we must begin to examine the entirety of the Marikana tragedy, not only from the purview of the state (inclusive of the South African Police Service) but from its most

human-rights and humanity-related angle. This would be from the point of view of the mine workers, their families and their socio-economic circumstances. This not only for South Africa but for the entirety of the region. In this there should be no exceptionalism. Whether one is discussing the controversial diamond mines in Eastern Zimbabwe or the revived copper mines in Zambia, a key question must resonate, “where in this do we find the people’s socio-economic rights?” Even if the investor appears to make the central or provincial governments in our respective countries happy, we must measure whether there is no deliberate elite cohesion in extractive wealth accumulation for the few at the expense of the poor majority.

As it is, the lessons of Marikana may appear specific to socio-economic and political developments in South Africa. Some may have even chosen to view them in relation to the internal politics of the ANC as well in order to falsely claim that all “African” politics remain the same. The truth of the matter is, Marikana is indicative of a continually emerging and re-emerging Southern African problem in resource extraction, elite collusion against workers and an active lack of democratic frameworks on resource extraction in the region. *Takura Zhangazha is the executive director of the Voluntary Media Council of Zimbabwe. He writes here in his personal capacity (takura-zhangazha.blogspot.com)*

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Marikana strike continues, new tensions evident

- Siphon Hlongwane
- South Africa
- 28 August 2012 01:11 (South Africa)

On Monday, the wildcat strike at Lonmin PLC’s Marikana mine continued as rock drill operators gathered at their usual meeting spot. The old tensions with the police were still high, but there were signs of creeping disagreement as to why the strike is still ongoing. By SIPHO HLONGWANE

On Monday, the rock drill operators on strike in the Wonderkop squatter camp near the Marikana mine of Lonmin PLC met once again. The affair promised to be quite uneventful early on in the morning as the men congregated in small numbers.

The mood in the early morning was relatively relaxed. The men weren’t being made to sit in a large group like usual, and the tight control on the flow of information to outsiders was not evident. The arrival of the Nyala (armoured trucks) changed that. The men reverted to the aggressive stance for which they have become known. A group broke off to sing and march in the direction of the cops, before demanding they remove themselves. Eventually a compromise was struck that saw the three trucks move some distance away, but remain in eyesight.

It wasn’t clear what the police wanted. At first, their approach and the presence of a spotter helicopter above suggested they wanted to prevent another meeting from taking place. The purpose of the encroachment was evidently a reconnaissance mission (apparently a known criminal was hiding in the squatter camp), but it was unwelcome in any case.

Two strike leaders then proposed two different responses: one group immediately organised itself into a tight formation that sang songs about one of their leaders who was killed by the police on 16 August. They marched right to the police, waving them away

while doing so. Another group gathered around the microphone and speakers that were set up to hear another leader speak. He encouraged the men to pray, sing *Nkosi Sikelel' iAfrika* and then sit quietly. He called to the other men to do the same, saying the police were there to distract them from their strike action and should therefore be ignored.

"Those police say that we are violent. Let us not prove them right," the man on the microphone said.

He was ignored for quite a while, as several men from the other group shouted at those standing quietly to join them in antagonising the police. "Have you forgotten that some of us have died because of these police," the men shouted.

Heavily outnumbered by those who wanted a more peaceful demonstration, the marching men eventually agreed to settle down.

It was a rare public display of disunity among the core group of men leading the strike. However, the demand for a R12,500 net wage still stands, as does the call for all prisoners to be released.

Meanwhile, in the Ga-Rankuwa Magistrate's Court north of Pretoria, one batch of the 260 arrested miners appeared before the court. The prosecution called Brigadier Jacobus van Zyl to testify on its behalf. The head of the Potchefstroom detectives testified that the investigation was still ongoing as the addresses of the men were being verified and previous criminal infringements being checked. Four of the men have pending criminal cases, he said.

Van Zyl testified that the cops had tried to get the men to disperse and "leave behind the dangerous weapons they were carrying", but that they had not cooperated.

The State is asking for another seven-day postponement to continue the investigation and, perhaps, lay more charges.

Back at Marikana, miners continued to contradict the police version of events, claiming they were either corralled with barbed wire into an ambush or hunted down by Nyalas and helicopters and murdered. At another rock outcrop near the one the miners were chased from on 16 August, bright yellow markings (possible location of bodies) and blood stains were still visible Monday, some tucked into deep clefts in the rock.

The sheer scale of the violence on that Thursday united the men in outrage, but it seems now that there is disagreement over what to focus on as the days drag on. Those with more traditional roots seemed more eager to continue expressing their anger at the death of one of their leaders (whom they called Mambushi), while those with open Christian leanings wanted to go back to demanding for R12,500 in net wages.

Since the strike started and the rock drill operators rejected union leadership and reverted back to tribal structures, there have been attempts to reconcile all the cultural observances. But this has meant meetings drag on as every group is given a chance to speak. It became a tedious affair Monday, and by midday it was clear the meeting had no agenda and there was nothing left to decide.

As the strike continues, the number of miners present is dwindling and the frustration is increasing. A few Lonmin employees were caught going to work, and their work cards were confiscated. At the meeting, the card numbers were read out for the owners to come and collect—in front of all the striking miners. It was an intimidating move, and unsurprisingly, nobody stepped forward.

It may be that the miners will feel at some point that their numbers are so few that some kind of grand gesture is needed again, or the police will have the confidence to arrest the lot without killing anyone again. For now, it is still a waiting game. **DM**

*Photo: The family members of striking Lonmin platinum miners who were killed by police gather to make funeral arrangements. Most of the miners are still on strike, asking for a wage of R12,500 before deductions. Photo by Greg Marinovich*

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Marikana: Mourning families and their forgotten legal rights

- Mandy de Waal
- South Africa
- 28 August 2012 02:52 (South Africa)

South Africa's week of mourning for those killed at Marikana is over. The state dispatched speedy assistance to help grieving families bury their dead, and by Friday six had already been laid to rest. Cyril Ramaphosa's Shanduka (which has Lonmin interests) was quick to offer R2 million to help. But everyone forgot about apprising families of their legal rights. By MANDY DE WAAL.

A week of mourning, set in motion by President Jacob Zuma, ended on Sunday 26 August, as the inter-ministerial committee on the Marikana tragedy efficiently dispatched its duties. These duties included identifying the deceased, reporting that post mortems had been concluded, issuing death certificates and supporting grieving families with funeral arrangements. By Friday 24 August, six of the 44 people killed at Marikana (34 during the massacre, and another ten prior) had been buried.

The inter-ministerial committee stationed social workers at the mine, mortuary and in Marikana to offer trauma and bereavement counselling, but a spokesperson for the committee told Daily Maverick that counselling families on their rights was outside of the committee's mandate.

When asked whether families had been told about their right to have an independent pathologist present at the post mortem, or to conduct an independent post mortem, spokesperson for the inter-ministerial committee Harold Moloka told Daily Maverick there wasn't much to be said about human rights. "I can't speculate on that. I don't know what ultimately is (sic). All I can say is that those are meant to be part and parcel of the enquiry. You will appreciate that the inter-ministerial committee was not established to do that work (counsel families on their rights), so I can't comment on that. It (the committee) wasn't created to support the judicial enquiry; it was only formed to support families. That's all," says Moloka.

"Go back to the President's statement on Sunday. It doesn't talk about any rights matter. It talks about meeting with all stakeholders. It talks about traditional leadership. It talks about religious leadership, helping the families with regards to burial assistance, providing social assistance and so on. That's all it comes to," Moloka said, and then added: "I don't understand what you are saying with regards to rights – are you saying that government should prevent people from being buried? The issues that you are raising are not issues I can comment on. You must wait for the commission of enquiry so you can pose your questions to them."

The state and Cyril Ramaphosa were quick to assist with burials for miners. Ramaphosa is the chairperson of Shanduka, which said it would donate R2 million to burials. Shanduka has a 50.03% shareholding in Incwala Resources, which in turn holds an 18% interest in Lonmin PLC's operating subsidiaries, Western Platinum Limited and Eastern Platinum Limited.

IPID has opened a murder docket for the 34 deaths, but while the state rushed to assist families with burials, it is again uncertain if miners' families were informed of their rights to have an independent pathologist present at the post mortems, or to have their own independent post mortems.

"Once the state pathologist has conducted his or her investigation, he or she must sign a certificate stating that they have conducted the examination, and is happy that the body is no longer required in terms of the inquest act." The body can then be released to the next of kin. "From there on in the next of kin or an agency acting on their behalf (like an undertaker or attorney) has every right to enquire, request or instruct the further involvement of other pathologists or parties, as long as everything from then on is conducted by the provisions of the legislation of the management of human tissues," says Gert Saayman, professor of forensic pathology at the University of Pretoria's department of forensic medicine.

"When someone dies, obviously non-natural causes or cases where the cause of death is not obvious or apparent, the body is referred to the state mortuary, where the state pathologist will conduct a medico-legal post-mortem examination. In some instances, either the family or some other interested party may appoint an independent pathologist. In other words, someone who is not specifically in the service of the state, or present at the autopsy on behalf of the state. This appointed doctor acts in what is called 'watching brief' capacity," Saayman explains.

An independent pathologist was present at the post mortems on the miners who were killed, but Moloka was not able to confirm how these independent pathologists were selected, or whose interests they represented. Daily Maverick was referred to the department of health, whose spokesperson on Marikana wasn't available for comment. The health department organised the autopsies.

"In most cases, once the autopsy has been conducted, the state pathologist signs a certificate stating that the body is now not required any further for the purposes of an inquest, the body may be released, and the body may be buried. Once the body has been discharged to the agency that acts on the family's behalf (typically an undertaker) the family has jurisdiction over that body. If they feel they would like a second or a third opinion, nothing precludes them from appointing a pathologist from conducting a further autopsy in a private capacity," Saayman says.

However, the obvious problem is that once a state autopsy is done, the body has been compromised. "Obviously if you are a pathologist dealing with a body that has already been dissected, the interpretation of the findings is in many cases difficult or more difficult than the body would have been in its initial state," Saayman adds.

And what if a body has been buried? "From the moment a person dies, there are autolytic and decomposition changes that set in that are progressive. There is decay of the body and that just continues, and the degree to which it sets in is the function of a variety of factors, the surrounding temperature and a whole host of other factors.

“All bodies begin to decompose from the moment that the person dies. That rate of decomposition is obviously a function of a multiplicity of factors which includes how well body was preserved, whether it was properly refrigerated, and a whole host of other factors, not least of which is the factor that a post-mortem examination has already been conducted, which, bluntly put, has disturbed the normal anatomy,” the expert in forensic pathology tells Daily Maverick.

Earlier, Daily Maverick was speaking to Peter Jordi, an Associate Professor in the School of Law at the University of the Witwatersrand, who does legal work for torture victims at the Wits Law Clinic, and is an expert on police brutality. According to Jordi, he knows the person who’s done the autopsies, but is loath to reveal their name, because this should be done by the health department (which is unavailable).

“He (the pathologist appointed by the state) is very experienced. He is someone I used for my own cases against the police. I know that he is also appointed by the state occasionally, so he acts both in claims against the state as well as when the state needs a pathologist who is independent. So he clearly is an independent-minded person. It sounds to me like a proper effort has been made to ensure that the autopsies are not going to be highly questionable,” says Jordi.

But what are the rights of the family – can they expect justice to be done? “Any legal arguments that are going to be made will depend, on their reliability, for the evidence being properly collected right in the beginning. As far as the post-mortems are concerned, I would think that a proper effort has been made, from what I’ve heard, but I don’t know for sure,” says Jordi.

With reports of evidence being disturbed and allegedly destroyed by police at Marikana, the reliability of evidence is beginning to look increasingly shaky. But what happens next will be watched by the world. That, at least, is some small comfort. **DM**  
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Malema’s resurgence could be short-lived

by Aubrey Matshiqi, 27 August 2012, 05:33 | 6 Comments

Business Day

THE sagacious among us advise against wasting a good crisis. Politicians, on the other hand, seem to think that it is wiser to go one step further. If the speeches that were delivered by a former African National Congress (ANC) luminary and some of his former comrades at events organised to mourn the tragedy of Marikana are anything to go by, tragedies must never go to waste either.

At a memorial service held in Johannesburg last Thursday, speakers correctly, but opportunistically, called on the nation not to engage in an orgy of blame. Their bellicose exhortations for peace and sober reflection happened in response to a characteristically fiery speech by former ANC Youth League president Julius Malema at the main memorial service in Marikana.

In his speech, Malema stopped very short of accusing President Jacob Zuma and those around him of mass murder when he charged that it was their cowardice and self-serving



subservience to the interests of the economically powerful that was the cause of the tragedy. This he said in the presence of the ministerial task team that the president had put together to give support to the bereaved families of Marikana.

Is Malema correct?

Did his remarks have anything to do with internal ANC battles and the campaign to unseat the president at the December national conference in Mangaung? Because I believe that we should not apportion blame until the judicial commission of inquiry that was appointed by the president last week has finished its work, I will avoid dealing with the first question and focus on the second, since I am of the firm belief that the storm clouds of Mangaung are hovering above the tragedy of Marikana.

While Malema should be commended for the support he has been giving to the people of Marikana since the killings, we can safely assume that the political enemies of the president are trying to use the tragedy of Marikana as a political weapon to disadvantage him in the leadership battle for Mangaung. This being the case, I wish to alert Malema to one or two things about the possible dangers of his involvement in the campaign against Zuma.

There are times when AmaXhosa warn against spending a lot of money buying pet food for frogs because, once they become fat, they will become a delicacy to be enjoyed, not by the feeder, but by venomous snakes. Clearly, the opponents of Zuma are not blind to the advantages of Malema's campaign against the president. But the difference between Malema and the members of the Anyone But Zuma and other anti-Zuma campaigns is that they, unlike Malema, are still members of the ANC.

If Zuma is defeated in Mangaung, let's say by Deputy President Kgalema Motlanthe, there is no guarantee that the victorious faction will fight for his reinstatement as a member of the ruling party and president of the Youth League. In other words, after fighting the good fight to the benefit of the opponents of the president, the beneficiaries may decide that Malema is too much trouble, and move on with their political lives. Therefore, in the same way that Malema may be exploiting the grief of the people of Marikana to disadvantage the president, others may be looking at him as a useful idiot in the campaign against Zuma. In short, he must be careful not to fatten the frogs for the benefit of snakes.

Having said that, the president, the National Union of Mineworkers (NUM) and the mining industry must ask themselves what Marikana portends for their futures.

The general secretary of the NUM, Frans Baleni, is lucky that the tragedy happened after his re-election at the NUM national congress, while the president must be wondering what would have happened to his chances of re-election had the tragedy occurred much later in the year.

The mining industry must not celebrate what seems to be a loss of confidence in the NUM by some miners, because the weakening of the NUM through an erosion of membership may unleash a destructive wave of populism on the mining industry.

- Matshiqi is a research fellow at the Helen Suzman Foundation.

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South Africa: Nation at a tipping point or democracy in action?

- Ranjeni Munusamy
- South Africa
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- 28 August 2012 00:54 (South Africa)

The Marikana massacre earlier this month evoked many memories of South Africa's violent past and aroused fears that civil unrest and community frustrations with delivery backlogs were about to boil over. Is South Africa heading for a (as yet) leaderless revolution, or is it just an extremely engaged but angry society? So far, the ANC appears to fear more the political scavengers than the mass discontent. By RANJENI MUNUSAMY.

For the past decade, community and service delivery protests have been a constant feature in the day-to-day activity of South Africa. Most of these pass without registering on the national radar, even though they are a recurring indicator of the level of discontent and frustration on the ground.

After the Marikana massacre, there were fears in some quarters that the violent strike and the police reaction to it would mark some kind of tipping point or provoke further unrest in the country. Like the nationwide xenophobic violence in 2008, the violent nature of the strike at the Lonmin platinum mine followed by the killing of 34 mineworkers by the police stunned South Africa and forced society to assess the root causes which provoked such bloodshed.

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Workers to go it alone at Marikana meeting

by Natasha Marrian, 29 August 2012, 07:43 | 0 Comments

LABOUR Minister Mildred Oliphant has scheduled a meeting for Wednesday of all parties to the Marikana conflict to try to resolve the impasse between strikers and Lonmin management.

Workers remain steadfast in their demand for a wage of R12,500 a month, but they agreed to take part in the meeting after talks with Ms Oliphant on Tuesday.

The labour unrest at Lonmin's Marikana operations led to the death of 44 people two weeks ago and the appointment of a judicial commission of inquiry to get to the bottom of the events which led to the violence.

According to worker representative Zolisa Bodlani the workers had opted to represent themselves without the help of union leadership in three rounds of talks with Lonmin's management, which took place in the past week, including one on Tuesday.

"There was a sense that the one union had not adequately represented the needs of the workers," said Mr Bodlani, without mentioning names.

He said after a lengthy discussion between the worker representatives, the minister, representatives from the Commission for Conciliation, Mediation and Arbitration and South African Council of Churches at the mine hospital on Tuesday, workers agreed to take part in Wednesday's talks.

Mr Bodlani said before they agreed to participate, they wanted to know why the National Union of Mineworkers (NUM) and Association of Mineworkers and Construction Union (Amcu) were invited to the talks when they no longer represented the workers.

The rivalry between Amcu and the NUM inflamed the unrest at Lonmin, and both unions blamed each other and the mine management for the violence. However, after meeting with Ms Oliphant on Tuesday, Mr Bodlani said workers were hopeful that a resolution to the problem would be achieved.

The minister and Mr Bodlani were tight-lipped on the talks, saying questions would be answered after Wednesday's meeting.

Ms Oliphant was on Tuesday quizzed why it had taken her so long to visit the mineworkers.

She said despite being physically absent from the area, the department had been at work on the matter and had discussed the prospect of central bargaining for the platinum sector with Mining Minister Susan Shabangu — which could alleviate some of the labour tensions.

Talks resume at 10am at the Rustenburg Civic Centre.

Political analyst Ebrahim Fakir, who has written extensively on the rise and prevalence of social movements in the country, said predictions that the intermittent social unrest would lead to an "Arab Spring" situation were somewhat unfounded. The Arab Spring, the wave of revolutionary protests which swept the Arab world and toppled several governments, began somewhat expectantly in December 2010 and provoked unprecedented civil resistance in what had been, up to then, submissive societies.

"With the Arab Spring, the premise was that they were fighting against illegitimate governments. Here, the legitimacy of government is not in question. Rather, it is the credibility of its operations: what it can effectively do to improve people's lives. It is about its ability to function or not, not the right to exist," Fakir said.

In a paper titled *Institutional Restructuring, State-Civil Society Relationships and Social Movements*, Fakir wrote that the degree to which citizens have the means to access government has not been encouraging. "A finding that approximately only 6% of citizens

have had direct contact with government or party officials, suggests a democracy that is remote from citizens,” he wrote.

“The past few years have seen a resumption of social movement politics and activism which, behind a common rejection of the ANC’s apparent conservative turn in macroeconomic policy, display important differences from mainstream organisations (especially the Congress of South African Trade Unions [Cosatu] and the South African Communist Party). These movements have, to a significant extent, originated at the level of urban localities in response to the government’s restructuring of local government and municipal service provision. Whatever the limitations of the new social movements may be in an organisational, political and strategic sense, they represent different trajectories in our evolving political discourse and political practice and thus warrant some attention,” Fakir said in his paper.

He concluded that social movements are in general fragmented, in the sense that they are in some cases nationally based, or more often, locally based. “They also usually deal with a single issue or with a single dimension of a problem, without attempting to articulate it into an overall alternative political project. They are largely spontaneous social and political ruptures which are temporary in nature, due to the transitory nature of issues that they deal with, impacting on their long-term sustainability as a political project.”

Marikana, however, is a distinctive phenomenon. While the underlying roots might be same—political and social inequality and the lack of social power—the drivers are very different, Fakir said. “Much of the service delivery protests are sporadic uprisings, leaderless, ambiguous and flash in the pan. Marikana was not like that. It had very specific dimensions, such as the inter-union rivalry, they have identifiable leaders, there is a level of organisation and the issues are identifiable and clear.”

While the Marikana massacre might have shaken up society through the extreme nature of the violence, killings and damage to property have become common in civic protests.

Fakir and his colleague at the Electoral Institute for the Sustainability of Democracy in Africa, Maureen Moloi, researched the spate of violent uprisings in the town of Balfour, particularly the township of SiyaThemba, since 2009, which prompted a visit by President Jacob Zuma. Violent eruptions continued even after the president’s visit, showing the level of anger and discontent in the community.

They found that the reasons for the protest were high levels of frustration, mainly with the failure of government at the national, the provincial and local levels to respond to the concerns raised by the residents.

“Community members cite government’s unresponsiveness and the lack of attention of the relevant institutions of state and authorities in government to the service delivery issues they raise as the primary reason for their frustrations—which constitute almost a shopping list,” Fakir and Moloi wrote.

As with Marikana, the authorities called in the police to intervene at Balfour, which aggravated the situation.

“Instead of engaging with the community, the municipality’s response was to send in law enforcement agencies, which in turn served to inflame the volatile situation further. Some residents argue that the violence was deliberately used as a vehicle to draw attention to SiyaThemba, which appeared to be ignored by everyone.”

Alarming, the tendency to use violence as a tool of protest is increasing in frequency. In most cases, protesters say they opt for violence as their voices would not be heard otherwise.

Fakir and Molozi wrote: “The construction of democracy as both a system of government and a culture by and through which citizens associate among themselves and relate to government institutions requires checks between the able agency of citizens to exercise and advance their rights and institutions which must help them to do so. For this, an effective system of participation, checks and balances, oversight and accountability, responsiveness and consultation are required.

“In the case of SiyaThemba almost all of these elements appear to be absent, with citizens appearing to express frustrations through violence because of a government and private sector that is perceived to be unresponsive.”

In the case of Marikana, the mass killings have prompted national government intervention to assist the community, but there is still no clarity how the original rock drill operators’ wage dispute will be resolved. The normal rules of labour dispute resolution have been abandoned in an atmosphere of high emotion and intensified defiance by the strikers. If government intervenes to resolve the dispute, it could set a dangerous precedent in industrial relations. Fakir said the massacre might have other derivatives as well. The state could wake up to the stark levels of discontent in the mining sector and jack up the institutional edifice to be more vigilant and responsive. The massacre could also push the mining sector into negotiating voluntary agreements to reduce the pay disparities between workers and the executive.

But in order to be fully responsive to the lessons of Marikana, the state would have to be alive to all the failings in the system which could have prevented the massacre from happening. For example, Fakir said, South Africa’s intelligence services are clearly not serving the country with information to avoid social confrontation, conflict and political risk. They are concerned rather with servicing private political battles of those in power. One of the shortcomings of the commission of inquiry into the massacre is that it does not probe the failure of the intelligence services to detect what was brewing at Marikana. Of great concern to the political elites now is the swiftness with which expelled ANC Youth League leader Julius Malema exploited the Marikana situation and used the platform to successfully attack Zuma and his government. While the ANC has been generally silent on the matter, Secretary General Gwede Mantashe said yesterday that the party’s special National Executive Committee meeting has asked that the shooting in Marikana not be used for political gain.

“The special NEC appeals to all South Africans that nobody must use the tragedy for political and opportunistic reasons,” Mantashe said in a statement.

As with its economic freedom campaign, the Youth League—former and current—is tapping into the discontent in society against the ANC to mobilise support. Youth League strategists have the added voice of the Friends of the Youth League to push the bounds and articulate what members of the ANC are not allowed to say publicly.

But until the ANC pays more attention and becomes more responsive to what communities all over the country are shouting for, the propensity for snowballing civic unrest will increase. It is not the ANC Youth League in all its dimensions that is a threat to the party, but an angry and frustrated populace that is not being heard. Malema’s ability to lead a revolution is only possible as long as the ANC remains unresponsive.

Violence by and against civil society has no place in a democracy but will continue to be used as a tool of protest when all else fails. Marikana made us look over the dangerous precipice where the wave of violent protests could someday lead our restless nation. **DM**

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### **COSATU shocked at 'shot-in-the-back' allegations**

The Congress of South African Trade Unions is shocked at the report in *The Star* that post-mortem results from the shooting on 16 August, when 34 miners were killed in Marikana, indicate that "most of the people were fleeing from the police when they got killed. A lot of them were shot in the back and the bullets exited through their chests".

While we must await the full report of the Commission of Enquiry to establish the whole truth of what happened on that tragic day, this report, if true, will contradict the SAPS claim that they were defending themselves against attack.

It will confirm the federation's worst fears about the pattern of excessive violence by the police in response to public demonstrations, which we have described as a "skiet en donner" attitude on the part of the commanders of the police.

COSATU reiterates its condemnation of immediately resorting to firing live ammunition and the SAPS's serious lack of training and planning on crowd control tactics.

The federation is also alarmed at reports of ill-treatment of the 260 workers arrested in Marikana. Defence lawyer, Advocate Lesego Mmusi, alleges that some of the mineworkers arrested in connection with the murder of 10 people at Marikana, North West, have not had their TB and HIV and Aids treatment since 16 August.

There are even allegations that some of the accused are being tortured. It is reported the Independent Police Investigative Directorate is investigating allegations that detainees apprehended at Marikana, and held at Phokeng and Mogwase Police stations, were assaulted.

COSATU calls on government, through its minister, to ensure that the human rights of all those arrested are not trampled upon.

COSATU is determined to get the whole truth about what happened at Marikana and will demand the strongest action against anyone found to have acted illegally. Everything possible must be done to ensure that there will never be any more Marikanas.

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### **'Police had the intention to open fire'**

August 26 2012 at 02:11pm

By DIANNE HAWKER

Sunday Independent

The deaths of 34 miners at Marikana was a "well organised, premeditated slaughter", which saw the majority of miners killed while hiding from police.

This is the theory put forward by a team of University of Johannesburg researchers, lead by Sociology Professor Peter Alexander.

Independent Police Investigative Directorate (IPID) spokesman Moses Dlamini said they had found “two scenes where the shootings happened. All of these were cordoned off properly”. Dlamini said it was true that the majority of people were shot at one of the two locations – however, he could not say whether this was at the koppie or the location where the police had placed the fence.

Alexander, whose research has covered the nature of protests, visited the scene of the massacre last week and found two crime scenes – a fact which he believes contradicts the official police line that police opened fire in self-defence. In addition to the 34 dead strikers, 78 others were injured.

Last Thursday national police commissioner General Riah Phiyega defended the police action.

According to Phiyega, after police commenced with the “dispersion action”, “the armed protesters were driven from their stronghold, to a high bushy ground close to the vicinity”.

Alexander says it is likely the miners were killed at what he calls “the killing koppie” while hiding from police.

His team found several yellow police markers on the rocky outcrop. The markers were an indication of where crime scene investigators had removed bodies.

“We had assumed that the killings were much closer to the mountain than that. But it made complete sense to us when we found the place because it’s a place where you think you can hide from the police,” Alexander said.

“I think it was an area of cover. There’s bullets going all around so you want to find a place where you can shelter. So that was the nearest place where there was some shelter in that direction,” he said.

Alexander believes police had the intention of opening fire on workers on that day.

“The police had left a gap in the razor wire. If they were very worried about their safety, they would have closed that gap. They left the gap open, and that made it easier for them to shoot people,” he said.

Alexander also questioned whether the crime scene could have been contaminated by police, as an area of grass was burnt where community members alleged that police had “run over” strikers with Nyalas.

“On a number of occasions they’ve mention about how the Nyalas killed people. As I understand it, that’s on the way between the mountain and the killing koppie. That’s an area where it’s now been scorched, the earth has been burnt down,” he said.

Police spokesman Dennis Adriaio said the police would not comment on the August 16 shooting and referred all questions to the IPID.

Dlamini refuted allegations that the crime scene had been tampered with, even though residents seemed to have collected several hundred cartridges which they handed to President Jacob Zuma when he visited last week.

“The issue with the casings, what needs to be established is where they were found,” he said.

Meanwhile, police weapons which were used on the day have been handed in for ballistic testing, and some had already been tested by Thursday.

The IPID was also still awaiting autopsy results from state pathologists, and had taken several witness statements from the 259 miners who are in custody.

Adriaio said police had arrested eight men in connection with the 10 murders which preceded the August 16 massacre. After appearing in the Rustenburg Magistrate’s Court, six of the men were granted bail. Two others are under police guard in hospital.

Sunday Independent

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### **Marikana massacre just the latest disaster in South Africa’s labour relations**

Araminta Wordsworth | Aug 25, 2012 ]

Under the rule of the African National Congress, a few blacks have grabbed power and riches, joining the ranks of the white randlords. Ironically, they include Cyril Ramaphosa, first general secretary of the National Union of Mineworkers (NUM), now a millionaire businessman and Lonmin director.

The majority of their fellow Africans remain impoverished and living in squalor.

The Lonmin miners are among the worst paid in an industry that has notoriously exploited those who toil at the pit face, both in terms of working conditions and low pay. Meanwhile the price of the metal they extract — platinum — has soared, overtaking that of gold.

Sadly, the tragedy has turned into a fingerpointing exercise among politicians, the police, labour unions and Lonmin, but there are hopes President Jacob Zuma’s call for an inquiry may result in real change. Maybe. As Anita Powell at the Voice of America notes,



After South African police shot and killed dozens of angry, protesting miners last week, two political leaders rushed to the scene.

Predictably, one of them was President Jacob Zuma.

The other was Julius Malema, a disgraced firebrand youth leader who has been expelled from the ruling African National Congress — but whose radical, militant comments about the incident could spell political trouble for the party ... The shooting is exactly the kind of thing Malema has been warning South Africa about for years: an angry, impoverished underclass rising up against its rich masters, with deadly consequences.

Not that Malema is without baggage: critics noted the young leader is comfortably off and recently enjoyed an all-expenses paid trip to London for unknown reasons.

Meanwhile, Zuma is relying on the support of the established NUM to help win the ANC leadership contest later this year, says the Wall Street Journal's Devon Maylie.

Mr. Zuma will head to the conference in December vying for a second term as the party's top leader. Since the party holds a parliamentary majority, that would also allow him to retain the presidency. His rhetoric in recent months has grown increasingly populist as he seeks to garner support from key allies of the ANC, like the unions.

Yet one union, the Association of Mineworkers and Construction Union, or AMCU, has emerged to challenge the establishment National Union of Mineworkers, or NUM—a member of the umbrella union Cosatu, which is associated with the African National Congress. AMCU has campaigned on a platform of representing the lowest-paid workers and not being part of the ANC. Its rivalry with NUM contributed to tensions at Lonmin's mine this month.

At the Johannesburg-based *The Star*, Makhudu Sefara believes Marikana's miners had been pushed beyond endurance.

[W]hen threatened with death, [they] retorted that the indignity of their lives, occasioned by the meagre pay they receive, had killed everything about them. They embarked on an illegal strike knowing there could be consequences. And the consequences are dire. But in life, people do get pushed to breaking point. They take irrational decisions because they are tired of waiting for a better life for all.

Politicians have been making a meal of the tragedy of Marikana, trying to get cheap political points.

And as Micah Reddy notes at the *Mail & Guardian*, Marikana is only the latest example of bad labour relations in South Africa.

Statistically speaking, a Marikana massacre occurs many times every year beneath the surface of South Africa's mining badlands. In 2010, 128 legal mineworkers lost their lives ...roughly three times the number of workers who lost their lives in the recent Marikana tragedy ...

Lonmin, the world's third-largest platinum producer, is able to give its chief executive an annual pay package equivalent to what the average rock-drill operator would take home after 400 years on the job. Yet it is unwilling to make good on its modest promises to mining communities: it is unable to fix the burst pipes that leak raw sewage into the rivers running through these sites, spreading waterborne diseases such as bilharzia; it is incapable of living up to the easily achievable task of providing effective waste removal and maintaining basic infrastructure.

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### **Cosatu warns Malema, Amcu**

Sapa | 26 August, 2012 14:32

Cosatu "will deal" with expelled ANC Youth League president Julius Malema and Amcu president Joseph Mathenjwa, the union federation's president Sdumo Dlamini said on Sunday.

Cosatu was warning Friends of ANCYL and Malema to "stop walking" on the bodies of the dead mineworkers, said Dlamini.

"For the first time Cosatu is issuing a direct warning to Malema to stop using the Lonmin mine tragedy for his personal agenda."

At least 34 striking mineworkers were killed when police opened fire on them during a strike at Lonmin's Marikana mine. Around 78 were injured.

At least 10 people, who included two police officers and two security guards, were killed in preceding week.

Dlamini was speaking at a YCLSA public lecture held in Katlehong, Ekurhuleni.

Also present at the event were ANC secretary general Gwede Mantashe, YCLSA secretary general Buti Manamela and SACP deputy chairman Thulas Nxesi.

Dlamini said Cosatu was under attack from Malema, Amcu president Mathunjwa and former Satawu president Ephraim Mphahlele.

Mphahlele resigned from Satawu two weeks ago to join a splinter union.

There was an orchestrated plan to weaken Cosatu, said Dlamini.

"To be able to weaken the ANC, they see it fit to weaken Cosatu. Theirs is a political agenda that seeks to replace the ANC leadership."

He said with 2.2 million members, Cosatu was a "formidable" power from which everyone wanted a stake.

Mathunjwa was expelled from NUM due to ill-discipline years back when Mantashe was the union's secretary general.

"Amcu will be defeated... NUM will remain a strong union for the workers."

He said Mathunjwa and Malema were on a crusade for revenge because they were expelled from NUM and the ANC respectively.

Malema had never worked a day in his life, said Dlamini.

"He has never received a payslip... he will never understand what workers go through."

The Lonmin mine incident was the last straw for Cosatu as far as Malema was concerned, he said.

On Thursday, MPs walked out of the memorial service held for the victims while Malema spoke, attacking government.

Dlamini said Malema was no longer a member of the ANC.

"Malema has been expelled. He maybe making noises which people want to hear... but he is no longer within the movement."

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### **Cosatu won't blame government for Marikana: Vavi**

Sapa | 26 August, 2012 13:36

Cosatu general secretary Zwelinzima Vavi on Sunday said his movement would not blame the government for the Marikana shooting without knowing the full facts that led to the death of 34 miners.

"We have refused to apportion blame at this moment, to seek to score cheap political points and refused to drive sentiment against the government or anyone without knowing the full facts."

Without naming Julius Malema, Vavi appeared to distance Cosatu from the expelled ANC Youth League president's calls for President Jacob Zuma to resign over the August 16 bloodbath at Lonmin's platinum mine in North West.

"We call on all those who have rushed to Marikana, to desist from their opportunism and to wait for the results of the commission of inquiry appointed by the president," he told delegates at Cosatu's Western Cape provincial congress.

The commission, headed by retired judge Ian Farlam, is expected to deliver its report in five months.

Vavi however launched an emotional critique of working conditions in the country's mines, recalling his own background as a miner sacked after going on strike, and said workers must continue to fight for higher wages.

"An injury to one is an injury to all... Our call to our workers is that they should be united in battle against the mining barons who continue to exploit our labour and our country's mineral wealth."

He said the violence in the platinum belt had claimed lives since February and accused break-away unions and mining companies of trying to break the dominance of the National Union of Mineworkers.

"We have no doubt that there is an orchestrated political attack from the employers, from right-wing organisations ... as well as from wedge-drivers."

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### **Marikana is the latest chapter in a long saga**

24 Aug 2012 07:50 - Micah Reddy

Statistically speaking, a Marikana massacre occurs many times every year beneath the surface of South Africa's mining badlands.

Jacob Moilwa (not his real name) is no stranger to the kind of bloodshed that took place at Marikana, something all too common on the platinum fields of South Africa.

As a young man in the 1980s, he took up employment at Impala Platinum in what was then the Bophuthatswana bantustan. Fed up with appalling conditions and pitiful pay, workers at the mine embarked on wildcat strikes. The ensuing violence cost scores of lives and, as at Marikana, was fuelled by union rivalry.

A then-militant National Union of Mineworkers (NUM), banned under Boputhatswanan labour law, took advantage of workers' growing disillusionment with local sweetheart union Bonume and rapidly built a strong base at Impala. With a handful of others, Moilwa was instrumental in setting up a branch of the NUM. For his efforts, he was imprisoned and tortured by Boputhatswanan police. After months of bitter struggle, the Impala workers ousted the discredited Bonume and won recognition for the NUM. They forced the company to concede a number of major demands, including a decision to "democratise" the prisonlike hostels.

Now, two decades later, Moilwa and his comrades must be reeling from the grim historical rerun playing out at Marikana, just a short distance from Impala, where violence erupted again earlier this year. Just as in the early 1990s, union rivalry has fuelled the fires of

discontent at Marikana, with the NUM and the Association of Mineworkers and Constructution Union vying for influence.

But, although it feeds into an already volatile situation, union rivalry itself is neither the primary cause of the ongoing violence at Lonmin's mines now, nor, of course, can it explain the unrest at Impala then. Despite the successes of workers fighting for better conditions and pay in confronting one of the most brutal labour regimes in modern history, much remains unchanged. Beyond the cited wage figures, there are the squalid living conditions and endemic violence of the mine world and workers' daily lives.

Statistically speaking, a Marikana massacre occurs many times every year beneath the surface of South Africa's mining badlands. In 2010, 128 legal mineworkers lost their lives. This is a marked improvement on the figure of 309 for 1999, but it is still roughly three times the number of workers who lost their lives in the recent Marikana tragedy.

Permanently incapacitated

That is to say nothing of the hundreds of others who are maimed or permanently incapacitated, or who suffer slow, agonising deaths from silicosis and other industrial diseases.

It is to say nothing of their families languishing in rural poverty in the depleted hinterlands of Southern Africa, families whose breadwinners become economic burdens when they are laid off and dumped in their homes to await early death.

To take a step back and put the statistics and stories into historical perspective is to witness a permanent tragedy, one that has unfolded silently over the more than a century of industrial mining in South Africa. It is the country's never-ending underground war with the forces of nature that, like any war, leaves widows in its wake. But rarely do the daily struggles of its victims make headlines. If they did so half as often as fluctuations in the price of precious metals, perhaps real change in the industry would not seem so desperately fanciful.

In the wake of the killings, two community activists showed me around the townships and squatter camps that lie in the shadows of Lonmin's platinum mining operations. Replace the bleak brick-and-mortar buildings of purpose-built 19th-century European mining towns with a cramped mix of sooty corrugated-iron shacks and cracked reconstruction and development programme shoeboxes and you have a scene from an Émile Zola novel set in 21st-century South Africa.

Lonmin, the world's third-largest platinum producer, is able to give its chief executive an annual pay package equivalent to what the average rock-drill operator would take home after 400 years on the job. Yet it is unwilling to make good on its modest promises to mining communities: it is unable to fix the burst pipes that leak raw sewage into the rivers running through these sites, spreading waterborne diseases such as bilharzia; it is incapable of living up to the easily achievable task of providing effective waste removal and maintaining basic infrastructure.

The local soccer field lies in disrepair, overrun with weeds as children play in the potholed, dust-blown streets. Whitewashed company statements probably will not have much to say about its failed corporate social responsibility initiative: a hydroponic project that has fallen to ruin. They will not tell you how far the Dickensian wage paid to the least-skilled workers will stretch to provide for a family of four.

#### Dehumanising conditions

For years before the Marikana massacre, the Bench Marks Foundation, a mining watchdog non-governmental organisation, had been drawing attention to the dehumanising conditions of communities in the platinum-mining heartland. It warned that the mines were waiting to explode. But it cut a Cassandra-like figure. Its words of caution and appeals for change went unheeded. All too often, the media discourse is dominated by one-dimensional economic arguments abstract from any sense of social and political reality.

The mining executives and their skills, polemicists and apologists constantly bemoan what they see as excessive labour regulation and union influence and the supposed high costs of South African labour, despite the fact that wages and salaries as a proportion of national wealth have fallen, relative to profit, in recent decades. In the past 15 years, the richest 20% were the only people to experience growth in real wages, whereas the lowest decile endured the greatest decrease, further entrenching inequality in the most unequal country in the world.

Lonmin's actions before, during and after the massacre betray a callous disregard for the lives of its workers. In keeping with tradition, the company has handled the recent unrest with wearisome predictability: query and criticism have elicited only stonewalling. And then Lonmin broke its silence with a threat to striking workers, still mourning the loss of their gunned-down peers, to return to work or face dismissal. Although it later backtracked on this heartless act, it carried through a similar threat last year. The mass dismissal was a tool dear to apartheid-era employers and none more so than Impala, which made widespread use of it in the early 1990s when it sacked a record number of workers.

Amid all this, President Jacob Zuma could no longer maintain his usual hands-off approach, although he might just as well have. In his limp attempt to defuse the situation, we were told that this is a time for mourning, not pointing fingers. How convenient.

Meanwhile, our top cop, Riah Phiyega, unquestioningly absolved the police from any wrongdoing. She said, while the barrels were still hot and the blood still wet, they "shouldn't be sorry".

In the aftermath of the bloodiest confrontation since the end of apartheid, the heads of officials and bosses should be rolling. In an accountable democracy that is exactly what would be happening. Instead we scapegoat the victims, blaming the poorest and most disenfranchised for their own needless deaths. Sadly, it took a populist such as Julius Malema to say what Zuma is too compromised to say, to articulate the workers' anger, call for social justice and point fingers at those who are to blame.

### Life on the mines

No articles or opinion pieces, no commissions of inquiry or mournful politicians' speeches could hope to capture the obnoxious, violent and degrading nature of life on the mines as lucidly and honestly as Zola did in *Germinal*. That was nearly 130 years ago, around the time gold mining started on the Rand. The similarities with the lives of workers then and now and the overlaps between events at Impala in the 1980s and events at Marikana today underscore the dire lack of meaningful transformation in the mining industry.

It would be madness to think that the tension will simply blow over with a commission of inquiry. The platinum mines may well get back to business as usual, but business as usual has always entailed deplorable levels of violence and misery.

If we are to avoid another Marikana, then this must surely be a turning point in the industry. Perhaps recent events make the best case thus far for rigorous debate on the future of the mining industry, even nationalisation. With this in mind, there is a pressing need to undo the historical amnesia that allowed these deaths to happen. All of this was foreshadowed and, in hindsight, should have been glaringly obvious.

Micah Reddy is a freelance researcher and master's student at Oxford University, who has been researching labour relations on platinum mines

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### **The Marikana massacre: South Africa's unfinished revolution**

by Glen Ford

The massacre of 34 miners at Marikana lays bare the central contradiction of the South African "arrangement." Back in 1994, "the 'revolution' was put on indefinite hold, so that a new Black capitalist class could be created, largely from the ranks of well-connected members of the ruling party and even union leaders." The regime now represses Black workers on behalf of capital.

Voltaire Network | 23 August 2012

When thousands of miners went on strike at South Africa's largest platinum mine, in Marikana, they were confronting not only the London-based owners, but the South African state, which since 1994 has been dominated by the African National Congress (ANC); COSATU, the Congress of South African Trade Unions; and the South African Communist Party. This week, the full weight of the state was brought down on the Black miners, 34 of whom were massacred by police gunfire. Many of the survivors face charges of murder in the earlier deaths of two policemen and eight other miners.

The National Union of Mineworkers, whose representation the strikers rejected, and the Communist Party head in the region claim the strikers are at fault, that they have committed the sin of choosing an alternative union to argue their case for higher wages

and, therefore, deserve severe punishment. They are “anarchists,” say these two allies of the South African state, and guilty of fomenting “dual unionism” – which is now, apparently, a capital crime. With a straight face, the Communist Party had the gall to call on all South African workers to “remain united in the fight against exploitation under capitalism.”

That is precisely what the Marikana miners were doing – the struggle they gave their lives for. However, since the peaceful transition to state power to the ANC and its very junior partners, the COSATU unions and the Communist Party, in 1994, the South African state has had different priorities. The “revolution” was put on indefinite hold, so that a new Black capitalist class could be created, largely from the ranks of well-connected members of the ruling party and even union leaders. It is only logical that, if the priority of the state is to nurture Black capitalists, then it must maintain and defend capitalism. This is the central contradiction of the South African arrangement, and the massacre at Marikana is its inevitable result.

The 1994 agreement between Nelson Mandela’s ANC and the white South African regime was a pact with the devil, which could only be tolerated by the masses of the country’s poor because it was seen as averting a bloodbath, and because it was assumed to be temporary. But, 18 years later, the arrangement has calcified into a bizarre protectorate for foreign white capital and the small class of Blacks that have attached themselves to the global rich. Apologists for the African National Congress regime will prattle on about the “complexity” of the issue, but the central truth is that South Africa did not complete its revolution.

The fundamental contradictions of the rule of the many by the few, remain in place – only now, another layer of repression has been added: a Black aristocracy that has soaked itself in the blood of the miners of Marikana.

South Africa remains the continent’s best hope for a fundamental break with colonialism in its new forms. But, as in all anti-colonial struggles, the biggest casualties will occur in the clash between those who truly desire liberation, and those who are intent on an accommodation with the old master.

Glen Ford

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### **Marikana tragedy hijacked - Mantashe**

2012-08-26 17:39

Johannesburg - The Lonmin mine tragedy has been hijacked by "counter-revolutionaries" who wish to undermine the tripartite alliance, ANC secretary general Gwede Mantashe said on Sunday.

"Marikana was taken over and hijacked... and out of it came counter-revolutionaries to undermine our movement."

The question was how the tripartite alliance was going to deal with that, he asked.



Mantashe was speaking at a Young Communist League of SA public lecture held in Katlehong, Ekurhuleni.

Also present were Cosatu president Sdumo Dlamini and SACP deputy chair Thulas Nxesi.

Mantashe said he was general secretary of the National Union of Mineworkers (NUM) in 1998 when the union expelled Joseph Mathunjwa because of ill-discipline.

Mathunjwa is now president of the NUM splinter union, Amcu.

"I have been cautious about the Marikana tragedy, but this is the danger I saw come out of that sad incident."

He asked what the in-fighting within the alliance was about.

"Is it about the movement itself, is it a fight over resources or handing over the country to foreign agencies?"

Mantashe said there were some who thought they were "rightful heirs" to the ANC succession.

"The tripartite alliance is going to be around for many years to come."

- SAPA

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### **The robber barons of the Platinum Belt**

August 26 2012 at 10:42am

by Karima Brown

Sunday Independent

The ugly face of South African capitalism stands exposed in the wake of the Marikana killings that left more than 40 people dead.

It is impossible to understand the tragedy without understanding the underlying factors which gave rise to the desperation of workers and the brutality of the police response to the violent and turbulent strike for better wages and living conditions of those who are excluded from the bounty of South Africa's rich mineral wealth.

The relentless push to maximise profit at all costs in the mining sector stands at the heart of the crisis.

It would be remiss to ignore the weaknesses of the Left and how these weaknesses have given rise to a political vacuum which populist figures are keen to exploit in the mining sector. The National Union of Mineworkers (NUM), which remains the largest and most legitimate labour formation in mining, has much to account for.

Accusations that it has become a sweetheart union cannot be brushed aside. The NUM has to account for why it has been unable to organise and consolidate its base among the most marginalised workers in the mining sector, and why a significant part of that workforce has followed newer and more volatile formations.

But the Association for Mineworkers and Construction Union (Amcu), its opposing union at Marikana, has shown a tendency to make false promises to desperate miners and a propensity for violence towards other workers that is dangerous for labour relations stability and inimical to long-term worker solidarity.

While the shortcomings of the NUM are purely political, the actions of Amcu are criminal. Its leaders' role in fomenting the violence must be investigated, particularly considering the systematic way in which Amcu has used violence as a tactic to gain entry into the workplace at other mines, such as Impala Platinum.

But the real roots of the labour relations crisis and mayhem at Marikana lie elsewhere. While the media have rightly made much of the failure of leadership across the unions, police and politicians, few media institutions have dared to shine a light on the callous and uncaring treatment of workers by mining houses.

The history and legacy of the brutal exploitation of black labour by mining conglomerates are hardly undocumented and it does not take the most diligent journalism to connect the dots between that history and the massacre at Marikana.

Editorial outrage was reserved only for the police, unions and those in public office.

There was no opprobrium for the mining fat cats who see nothing wrong with paying starvation wages to those who dig up their super profits.

How can Lonmin, one of the richest mining companies on the planet, think it acceptable that a man who risks life and limb to descend hundreds of metres into the belly of the earth for their platinum, gets a net pay of R5 000 a month?

How is it that not a single newspaper or other media outlet has thought it proper to call them out on it?

This skewed sense of accountability is underscored by the scant coverage of the findings of the Benchmark Foundation's report, "Communities in the Platinum Minefields", which describes how all major platinum mining companies have made billions out of the world's

richest platinum deposit in the Bojanala district of North West while leaving a trail of misery, poverty, illness, death and pollution in surrounding communities.

The report says Lonmin's operations at Marikana "include high levels of fatalities" and the "residential conditions under which Lonmin employees live are appalling".

It attributes the high level of fatalities at Lonmin and other platinum company mines in the district to the extensive use of subcontracted labour (nearly one third of the workforce in the case of Lonmin's Marikana operations).

"Subcontracted labour is usually poorly paid, poorly trained and educated, and poorly accommodated," the report notes, adding: "Therefore sub-contracted workers compromise the health and safety of other workers."

The report says the practice of subcontracting by the mining houses dates back to the post-1994 period as a cost-cutting measure and an attempt to "break the power of NUM" and undercut collective bargaining rights, achieved by formations such as Cosatu after decades of labour struggles.

The report notes that expanded use of subcontracted labourers from other localities has created community tensions between "insiders" and "outsiders".

It comes as no surprise that last year there were violent protests from the local community and in particular by unemployed Marikana youth, angry that jobs on the mines were being provided to "outsiders".

This use of subcontract labour amounts to an inbuilt division that pits the poor against each other as everyone scrambles to eke a living in destitute communities who live metres above the richest deposits of minerals and precious metals on earth.

This deliberate divide and rule practice has been so successful for the mining bosses that the mouthpieces of big capital, such as the opposition DA, openly say that the trade union movement that has championed the plight of the working class is the main impediment to job creation.

This perverse and cruel logic, which seeks to blame a poorly paid worker for the misery of someone who has no job, is alarmingly gaining traction not only among opposition politicians but in the media, who absolve capital of all responsibility for growing inequality.

One hopes the commission of inquiry will go beyond the platitudes and mealy-mouthed excuses for SA's robber barons and be broad enough in scope to look into how conditions at mines in the Platinum Belt fuelled the crisis at Marikana.

n Brown is the anchor of Political Exchange on CNBCAfrica, a programme which unpacks Africa's political economy.

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## **Lonmin seeks sustainable peace at Marikana**

### **Lonmin, Moneyweb, 25 August 2012 Management is focused on reaching a peace accord.**

The week of national mourning and the moving memorial events at Marikana on Thursday, have been vital in bringing calm, and a time for reflection and remembrance.

It has also created the space for unity. All stakeholders agreed in ceremonies this week that it is time to move forward and begin the gradual journey back to normality.

Lonmin's management is committed to this process and its absolute focus in the coming days will be to reach a peace accord, under the auspices of the Department of Labour, which allows for a peaceful return to work and an environment in which the concerns of all stakeholders can be addressed.

Simon Scott, Acting CEO, said: "We welcome the Department of Labour's efforts in facilitating the peace accord and we congratulate the Department and all participants in this regard. It is clear that everyone involved wants to move forward. We are dealing with tragic and challenging issues, and will be for a long time to come, but for the sake of the Company, its many thousands of employees and the industry which supports them we need to find a sustainable peace accord which allows people to return to a working business. That we are committed to doing in the coming days."

The company has always said, and maintains, that it will discuss the strikers' demands in the normal way, through their unions within the agreements which the company and all unions involved have signed up to, but that requires the unprotected action to end. It has never refused to consider their demands.

The week of mourning which began on Monday, announced by the President of the Republic of South Africa, and the memorial events of yesterday (Thursday) have been an opportunity for calm, reflection and remembrance. Lonmin agrees with union leaders who spoke at yesterday's memorial events that next week marks an opportunity to begin the journey back to normality which is vital for the Company's 28,000 employees, and for the country, and is grateful for their call for the Company to be supported, for the sake of their members. Clearly, achieving normality will be a long journey given the terrible events of the last two weeks, but without a return to work that journey cannot start.

Lonmin, alongside the Unions, will continue to communicate to its wider workforce over the weekend, asking employees to report for work as normal on Monday.

The Company has also been asked to provide clarity on wages after a number of conflicting reports.

In order to ensure that Lonmin wages are market related, the Company undertook research to assess the wage level in the industry. Based on these findings, Lonmin took a decision to implement a drilling allowance of R750 per month for the RDOs, a practice which occurs in the mining industry. This brings the RDO guaranteed wage to just shy of R10,000 per month and is in line with other industry participants. In addition, the RDOs can earn performance bonuses. The average bonus earned is R1,500, but some are in the order of R6,000.

In the five years from 2007 to 2011, the RDOs were granted a cumulative pay rise of 62%. This compares with a cumulative 45% for level D managers and 34% for level E managers over the same period. A complete salary breakdown is shown in Table 1.

**Table 1: Complete RDO salary breakdown**

	<b>Basic</b>	<b>Pension (14.83%)</b>	<b>Medical</b>	<b>Housing</b>	<b>Holiday Leave Allowance</b>	<b>RDO Allowance</b>	<b>TOTAL</b>
RDO	R 5,405.00	R 801.56	R 556.00	R 1,850.00	R 450.42	R750.00	R 9,812.98

The Company also wishes to reiterate its long-standing and total commitment to achieving the targets set for it within South Africa's updated Mining Charter.

The Mining Charter is a huge undertaking, and the sector still has a long way to go, but we have said repeatedly that our performance in this area is part of our licence to operate, not only legally but also morally. As a company, Lonmin is proud of its achievements to date:

- Housing

We estimate that approximately 50% of people living in a fifteen kilometre radius of our operations are housed in informal dwellings with little or no access to basic services, and suspect that this will include a significant number of our employees who choose not to spend their housing allowance on accommodation provided by the Company but to live elsewhere.

The Lonmin human settlement strategy consists of three elements: hostel conversion, the existing Marikana Housing and the long term housing programme. To date, Lonmin has invested R250 million on upgrading mining accommodation and converting old-style hostels into new-style single and family units, including the present FY2012.

We are committed to converting and upgrading our four hostels to achieve the occupancy rate of one person per room as well as converting and upgrading some into family units and we plan to have converted our hostel space into a cumulative total of 2,790 units (824 family and 1,966 single) by 2014.

In 2011 we met our target, converting 26 hostel blocks into 542 bachelor and 104 family units and saw 179 employees become owners of homes which were sold through the Marikana Housing Development Company.

We have completed 1,728 properties to date. The provision of mass affordable housing however will remain a major challenge, but one we are committed to meeting.

- Black Economic Empowerment

The Charter also provides targets for both Black Economic Empowerment (BEE) and for Historically Disadvantaged South Africans (HDSAs).

Shanduka, our BEE partner, has an 18% equity interest in Western Platinum Ltd and Eastern Platinum Ltd. We are committed to achieving 26% ownership by the Charter's requirement of 2015.

- Human Resource Development

In 2011 we spent \$29m on human resources development programmes, including adult basic education training and equipping young people living in the areas around our mines with the skills to work for us. The Lonmin Artisan College is a key part of this.

Our recruitment policy gives preference to HDSA candidates and amongst permanent employees 46.5% of management is categorised as HDSA, including white women.

- Water supply

Lonmin has provided water reticulation in Oustad, which has enabled yard connections for 407 households.

As we move towards calm and stability, Lonmin expresses its appreciation for the support and encouragement that we have received following the tragic events which occurred at Marikana.

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### **It was like poking a hornet's nest**

Those in power say, don't point fingers. But we need exactly that if we're to learn from this

Sunday Times

by Ronnie Kasrils

Those in power say, don't point fingers. But we need exactly that if we're to learn from this, writes Ronnie Kasrils

Our country reels with horror and shock at last week's Marikana shootings. There is disbelief around the world that this has happened in a democratic South Africa.

An order was given to deploy almost 500 police armed with automatic weapons, reinforced by armoured vehicles, horsemen and helicopters; they advanced on a desolate hill where 3000 striking miners were encamped. That denoted an order from on high with a determination to carry out a dangerous and dubious operation to clear an isolated, stony outcrop of desperate strikers armed with the sticks and spears often referred to as "cultural" weapons in our country.

These people were hardly occupying some strategic point, some vital highway, a key city square. They were not holding hostages. They were not even occupying mining property.

Why risk such a manoeuvre other than to drive the strikers back to work at all costs on behalf of the bosses who were anxious to resume profit-making operations?

If by occupying that hill the strikers constituted a threat to other workers, officials or rival unionists, then a feasible solution could only be through reasonable, patient negotiations and remedies, no matter the timeline — not a deployment of state force that could only end in the dreadful manner witnessed: 34 strikers dead, up to 80 wounded, their families devastated.

It may well have been instinctive fear that caused the police to open fire as a group of miners apparently desperately charged them, or even possibly tried to get out of the encampment, but why put the law enforcers there in the first place?

The police manoeuvre was akin to poking a hornet's nest. What mind-set was behind the police intention?

Who set the agenda? What was the government's hand in this? This cannot be kept secret, or can it?

First it was our new national police commissioner who told the nation: "This is not the time to point fingers."

Our president reiterated the call, word for word, soon thereafter. He naturally announced that an independent judicial inquiry would be appointed. The Minister of Performance Monitoring and Evaluation, Collins Chabane, presiding over an interministerial committee, repeated the refrain "we must not point fingers". It seems the national police commissioner had set the politicians' agenda. We dare ask: is this not a recipe for avoiding accountability and just plain stalling until the hue and cry dies down?

We have heard much about the illegality of the strike and the panga-wielding strikers who, it is alleged, brought the disaster on themselves, a clear-cut case of blaming the victims,

victims who are among the most exploited of our workforce and who labour under the most dangerous and dreadful conditions — truly the wretched of the earth.

The president hints that there is much that lies behind this incident. Who knows what is implied? Sounds like the stuff of plots and conspiracy.

Of course, much lies behind the catastrophe, which the judicial inquiry should examine — chiefly the exploitative mine owners and the horrendous conditions under which our country allows mineworkers to toil and their communities to fester. Add to the mix trade-union rivalry, demagoguery and intimidation, and previous killings.

Then there is the role of mine management, disputes about pay and conditions, victimisation and dismissals. Whatever manner of cause and effect may be discerned, there is no escaping where the finger needs to point in the first instance.

And that is right at the trigger fingers responsible for mowing people down as at a duck shoot.

Let us not do what the forces of apartheid automatically did in the past and hide the truth about state violence. Let us not create a fog of war around this massacre and declare that fingers must not be pointed, because in effect what that implies is that we shall not point to where responsibility lies.

We shall not point to those who fired the weapons; to those who gave the orders; to those who have encouraged the police to maintain a bellicose culture of “shoot to kill”; to those who failed to train them in acceptable methods of crowd control; to those who decided that the time for reckoning with striking mineworkers had arrived. To adopt such a course will mean that leadership will be exonerated and accountability will become yet another victim.

If we do not point fingers at the right targets, the politicians — who bear executive authority for those who may have given some kind of green light, or by dereliction of responsibility left the police to their own devices — will go unscathed.

We are asked to put our faith in a judicial commission and let the dust settle. Nice, sober talk. But in a democracy that has sworn to make such massacres a thing of the past we need to cry out in the name of humanity and justice and demand full transparency and accountability.

Indisputably the mine owners and managers are guilty for their greed and arrogance. But then we are all guilty for allowing this extreme exploitation of our working people to persist into the 19th year of freedom.

If by default we fail to hold our police system and government accountable for the systemic brutality we run massive risks, detrimental to our very security and democratic freedoms. A judicial inquiry must run its course speedily and, hopefully, provide the truths we desperately need.



A national crisis like this requires frank talk by all concerned South Africans. We need to mobilise and demonstrate solidarity with the victims. Our history reverberates with the words: Do not blame the victims!

For we have seen it all before, from Sharpeville to Bisho and last year's police killing of Andries Tatane. If we fail to point to the cause of the gunfire, the fingers will be pointed at the victims as they lie dead in the fields or the streets. And the shootings will continue.

Marikana is undoubtedly a turning point in our history. If we fail to act decisively, we do so at our peril and we leave the space to the demagogues. If, as a young democracy we are to emerge stronger and better we need the truth and we need to spare nobody's position or reputation. Above all we need a new deal for our mineworkers and we need a system based on economic justice for the poor of our land. We need a political leadership not distracted by holding on to their positions at all costs, but one focused night and day on urgently solving our people's problems and serving their needs.

Ronnie Kasrils is an author, activist and former ANC government minister

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### **ALEX BRUMMER: Lonmin opens a social divide**

**PUBLISHED:** 21:20 GMT, 24 August 2012 | **UPDATED:** 15:21 GMT, 25 August 2012

The Lonmin platinum mining shootings cast a big shadow over the whole natural resources sector.

London basks in the fact that so many of the world's biggest mining groups, including Glencore/ Xstrata, BHP, Rio Tinto, Anglo- American, Vedanta and Antofagasta have chosen to be quoted on the London Stock Exchange.

Rarely a day passes when the mining stocks are not a major factor in moving the FTSE100. But investors generally are far more concerned with commodity prices and prospects for Chinese demand than the conditions under which the minerals are produced.

### **Marikana in South Africa: Miners live in appalling conditions**

There is an incredible fuss if one of our high street retailers is found to be producing frocks in sweat shop conditions or using under age labour. But questions of social responsibility are rarely asked of the miners.

Yet these companies are some of the most profitable in the world with tens of billions of dollars of revenues and profits. By these standards Lonmin is a bit player although it still managed to make £192m last year. Its biggest investor, by a long chalk, is Xstrata with a 24.5pc stake and one of the richest mining houses in the world.

### **More...**

- Anglo American sells chunk of prized Chile asset to end row with rival

The Prudential – that manages pensions and insurance for so many Britons – has a chunky 7.6pc stake. Investors cannot fail to have been shocked by the deaths at the Marikana mine in South Africa where some 44 people lost their lives. Much of the focus of the reporting

and the discussion has been on the dispute between the company and a dissident union over wages. No doubt there is room for a pay hike.

But what is really shocking about Marikana, as anyone who tuned into the BBC's Newsnight programme will have seen on Thursday night, is the appalling conditions in which mine workers live. Thousands of drillers inhabit shacks without running water and sanitation. Some 19 years after apartheid was lifted conditions look not to have improved. This would be totally unacceptable for people working in extraction industries in the Western democracies from Australia, where much of the world's iron ore comes from, to the strip mines of the Western United States.

Even if wages remain low Lonmin and the big mining giants owe it to the workers to provide safe, hygienic and environmentally safe living. Lonmin may need a £1bn rights issue injection.

But how much of that will be earmarked for better housing and conditions?

It is unconscionable that some of the richest corporations in the world and the most highly valued by investors pay so little attention to those at the workface. How nice it would be if the Lonmin incident produced a corporate responsibility backlash from investors. But there has been precious little sign of that as yet.

Read more: <http://www.thisismoney.co.uk/money/markets/article-2193279/ALEX-BRUMMER-Lonmin-opens-social-divide.html#ixzz24cgELgrc>

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DEMOCRATIC LEFT FRONT (DLF)

[www.democraticleft.za.net](http://www.democraticleft.za.net)

23 August 2012

DLF Statement on the Marikana Massacre

Justice Now For The Marikana Workers and Communities!

On the 16th August 2012, post apartheid democracy lurched into a horror. It was estimated 34 mineworkers at the Lonmin Mine in the North West province were brutally gunned down by police and in total over 70 workers have been injured. The death toll at this stage is still not completely verified, with the community still reporting loved ones missing and not accounted for in official body counts.

The Democratic Left Front (DLF) has been providing solidarity to the Marikana workers and community over the past few days and has actively supported a public meeting with the Marikana workers held at the University of Johannesburg last night. We have not produced an earlier statement because we wanted to be clear on the mineworkers' own account of what happened.

From eye witness accounts and academic assessments, provided at the public meeting, all the evidence of police action points to pre-mediated and orchestrated state violence. A day after the Provincial Police Commissioner stated that they will end the strike, workers were herded towards a barbed wire exit with tear gas and rubber bullets then gunned down as they tried to make their way through a narrow opening. Moreover, other workers were randomly shot in other parts, in and around 'Horror Mountain', and some were run down with police Caspirs. The DLF believes the state at its highest levels has a case to answer for the cold-blooded murder of the Lonmin workers.

We condemn the management of Lonmin for their refusal to negotiate with the striking mineworkers and believe that they also have a case to answer for their complicity in the massacre. We note that BEE figures such as Cyril Ramaphosa also have a financial stake in Lonmin.

The Marikana massacre was a barbaric act of planned state violence. It is also unfortunate that South Africa's media is not reporting in an all rounded manner about the massacre and what happened. The call by the City Press for the National Intelligence Agency to investigate the strike action is an attempt by the media to securitise legitimate and constitutionally guaranteed strike action. We reject this kind of partisan reporting.

However, the Marikana massacre merely illustrates an invisible and localised trend of ANC-police orchestrated violence against communities giving voice to their legitimate concerns about corruption, lack of service delivery and wanting democratisation of ward communities. Marikana is the most visible expression of a low intensity war by the ANC state against the working class. South Africa in the lives of the poor has become a nightmare of state authoritarianism. The brutal shooting of Andries Tatane amongst others underlines this.

Despite the ANC government's call for a week of mourning, the Marikana massacre has garnered national and global sympathy for the mine workers. The ghastly and painful visual images of the massacre mobilised public opinion in support of the victims of this tragedy. We welcome all statements and acts of solidarity such as those by the Labour Party of Pakistan and workers in Oakland, California. We encourage progressives in the world to actively demonstrate their solidarity as they have done outside South African embassies in Spain, New Zealand and Ireland thus far.

The DLF fully supports the concerns raised by the Marikana workers and community about the potential partiality of the state announced commission of enquiry. Together with the workers and community we believe this would be a scapegoating exercise, without full transparency, and will protect the political forces in the state responsible for this heinous deed.

Together with the Marikana workers and community we have agreed on the following to support the ongoing strike action and struggle for justice:

- August 29th to be a national and international day of solidarity with the Marikana workers;
- To give solidarity to workers in the platinum industry willing to advance solidarity strike action and a general strike;
- To call for an independent peoples commission of enquiry to provide a basis for testimony and witness to be documented. A people's truth has to prevail about what happened rather than an official state version;
- Continue discussions with the Marikana workers and community on how to deepen solidarity;

The DLF supports the mineworkers' demand for a basic wage increase from R4000 to R12,500 for the dangerous work that they do underground, and calls on the profit-rich platinum industry to extend this to all underground mineworkers.

We also call on the unemployed not to undermine the strike of the workers by working as scab labour and to stand in solidarity with workers.

Moreover, the DLF fully supports the charges of murder laid by the Marikana workers against the South African Police Services.

We also demand the immediate release of all mineworkers being held in police custody and for all charges to be dropped. This is punitive in the light of the state's announcement of a so called Commission of Enquiry.

The DLF believes the Marikana massacre is a defining moment for our democracy and underlines the importance of reclaiming our democracy from below. Like the 1946 mine workers strike, Marikana opens a new period of struggle for a post-national liberation and post-neoliberal South Africa. Like the Marikana workers we believe a post-apartheid labour market and another South Africa is possible; an Eco-Socialist South Africa.

Justice Now for the Marikana Workers and Communities!

Solidarity with the Striking Mine Workers!

Long live the memory of the Marikana Martyrs!

Speak Out Now! Defend Democracy from below!

Forward to an Eco-socialist South Africa!

Contact:

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The fall and fall of Lonmin

24 Aug 2012 09:25 - Lisa Steyn

A rights issue makes sense and could be good news for investors, an analyst claims

A bright star in the platinum firmament just four years ago when global miner and shareholder Xstrata valued it at \$10-billion and offered to buy out other shareholders, Lonmin has seen its market value fall to \$2-billion. In rand terms, it fell from almost R80-billion in 2007 to R27-billion last year and R16.2-billion this week.

The world's third-largest platinum miner faces uncertain times. Lonmin is losing money and faces the prospect of going cap in hand to shareholders to raise cash to keep it going. It is unclear whether its key shareholders, which include Xstrata, Cyril Ramaphosa's Shanduka and the Industrial Development Corporation (IDC), will exercise their rights in any capital raising exercise.

Xstrata, Lonmin's biggest shareholder with a 25% stake, is itself the subject of a takeover bid by commodities trading behemoth Glencore. But Glencore's Ivan Glasenberg this week threatened to walk away from the Xstrata deal if its shareholders, who have been holding out for a better offer, do not accept the deal on the table.

Shanduka and the IDC hold their share through the black economic empowerment (BEE) company Incwala Resources, which holds 18%. Shanduka has 50% in Incwala and the IDC and Lonmin have 23.6% each.

Lonmin has debt facilities totalling about \$945-million. "That massive loan is one thing which is exposing them tremendously," said Gideon du Plessis, general secretary of trade union Solidarity.

All Lonmin's mining operations are in the Bushveld complex, and Marikana, where 34 miners were killed by police on August 16, contributes 92% of its annual production. Production there has been disrupted by an illegal strike for the past two weeks.

Covenant compliance

On Wednesday, Lonmin warned that, because of recent events, agreements with its financial lenders were likely to have been breached when its covenant compliance was tested on September 30. "Consequently, constructive discussions are now taking place with

Lonmin's banking group to address this potential situation. Alongside these discussions, the company is reviewing all the options available to strengthen its financial structure, including possible access to the equity capital markets."

The platinum industry is struggling against low commodity prices and rising input costs. But Lonmin, which produces about 15% of the world's platinum each year, received a double whammy when, already dogged by financial losses and massive debt repayments, the illegal strike turned into tragedy as the striking workers were killed.

With operations disrupted since August 10, it is speculated that Lonmin is considering a \$1-billion rights issue – half of its \$2-billion market capitalisation – to raise capital. The London Sunday Times reported the rights issue could start as early as next month and said Xstrata would follow its rights.

Xstrata's bid four years ago was rejected and described by analysts as opportunistic given the prevailing recession.

Peter Major, an analyst at Cadiz Corporate Solutions, said: "Lonmin isn't broken financially. But, if you look at its cash flow this year and how the debt is building up, it's getting there, so talk of a rights issue is not just hot air."

The company has total liabilities of about \$2-billion, of which only 25% is long-term debt, and total current assets of about \$700-million.

#### Debt funding

Major said that, because of the recent dramatic loss of life, banks would be even more hesitant to offer debt funding, "so a \$1-billion or so rights issue does look likely".

To ensure a successful rights issue, he said, shares would have to be sold at an attractive price to ensure that investors took them up. But banks or some appropriate financial institution would have to underwrite the rights issue and they would demand a large margin of safety – a discount to a fair price – to lower their risk in case they were stuck with unwanted shares.

"Shareholders like Xstrata obviously get first preference. But if they don't want to take up the shares, then anyone else can take up the new shares on offer," Major said.

Xstrata's media relations officer, Alison Flynn, said the company would not comment on the matter.

Glencore, the world's largest commodity trader, made a \$30-billion bid for Xstrata, but this week insisted it would not bow to demands for an improved offer from key Xstrata shareholder Qatar Holdings, the London Financial Times reported.

Would Incwala be able to follow its rights?

"The government would undoubtedly be sure that the money is loaned to them," Major said. "Incwala definitely doesn't have that kind of cash on their balance sheet or even available to them."

Good investments

Incwala and Shanduka did not respond to questions.

But a rights issue could be good news for investors. "Generally, as long as everyone follows their rights, no one has to lose," Major said. "In many cases, investors who lost a lot of their money on their initial investment can make a large part back after the rights issue ... Rights issues at discounts are usually good investments."

Platinum prices at about \$1480 an ounce were not bad, Major said, "nothing like the 1990s when platinum averaged less than \$400 per ounce. But there are a lot of bad, in-efficient practices built up around and in the platinum industry."

Lonmin's 2011 annual report shows unit costs increased by 11.2% from the previous year, and Anglo Platinum's 2011 annual report showed cash unit costs were up by 16%.

Lonmin employs 28000 workers, about one-third of whom are at work. The National Union of Mineworkers has said that a minority of 2 000 workers who are on the illegal strike are threatening the livelihood of other workers. "They are holding to ransom the future of all the workers at Lonmin," said spokesperson Lesiba Seshoka.

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Miners earn a R7000 'pittance'

24 Aug 2012 09:51 - Lisa Steyn

The figures show that striking platinum workers earn far more than they have told journalists.

Our Coverage

The fall and fall of Lonmin

Politicians fail miners

Marikana commission under pressure to act quickly

More Coverage

Marikana: Disastrous crowd control led to mayhem

Striking workers at Lonmin's Marikana mine claim they earn a pittance, but the numbers show that platinum rock drill operators take home between R6 700 and R7 400 each month.

Striking rock drill operators at the Marikana mine, where 34 people were shot dead last Thursday, have repeatedly told reporters they earn R4 000. But trade union Solidarity, in a statement released on Tuesday, said the wage was R10 500.

Lesiba Seshoka, spokesperson for the National Union of Mineworkers, agreed: "I don't think what has been reported is accurate. Even a beginner rock drill operator earns R4800 excluding benefits."

Wage negotiations on platinum mines are not legislated and, with no centralised bargaining council in place, company-specific agreements settle on different rates and benefits.

But to retain staff, major platinum miners had to match wages and benefits, said Johan Theron, head of personnel at Impala Platinum.

An industry source provided the *Mail & Guardian* with the wages earned by rock drill operators at Lonmin and Anglo Platinum, Theron volunteered the information for Implats employees.

#### **Deductions**

At Lonmin, the basic salary for a rock drill operator is R5 890 a month, the holiday allowance R490, housing allowance R1 950 and an added rock drill operator allowance R750. After 18% tax the worker gets R7 450. Lonmin then pays an additional R873 into a provident fund and R556 for medical aid. There are minor deductions such as union fees and for the unemployment insurance fund.

At Anglo Platinum the figures are similar with a basic of R6 061, a housing allowance of R1 737, holiday allowance of R505 and an added rock drill operator allowance of R750. Before tax the salary is R9 053 and after tax it is R7 420.

More than R900 is also contributed to a provident fund and R700 to medical aid.

A rock drill operator at Impala Platinum earns a basic wage of R6540 with an added holiday allowance of R545 and a standard living-out allowance of R1 850 each month. The employee pays 18% (R1 608) in tax as well as a 7% (R625) contribution to their retirement fund, resulting in a net wage of about R6 700. Impala also contributes R1 050 to a provident fund for each worker, who also receive free medical aid and subsidised medical aid for their family.

There are incentive programmes at all three mines that allow rock drill operators to earn extra by reaching productivity targets.



At Impala, a rock drill operator can earn up to R6 000 a month through such a programme.

At Lonmin, individual bonuses recently averaged R1 057 each month and an average of R1862 in incentive bonuses for teams.

### **Indebtedness**

Theron said personal indebtedness on the mines was a big problem and common deductions to wages included garnishing orders as well as debt owed to shops on the mines.

Striking rock drill operators at Lonmin, and now at some Anglo Platinum mines, are demanding R12500 in wages.

The National Union of Mine-workers and platinum producers such as Impala have long been lobbying for a central bargaining system. It was only last week, following 44 deaths at Marikana, that Mineral Resources Minister Susan Shabangu set up a task team to look into forming such a council.

This proposal will undoubtedly stir up some objections - most likely from smaller platinum companies, which think it is unfair that industry standards, tailor-made for multinational miners, should be forced on them.

"It presents challenges for companies that are not operating at the same level [as the country's largest platinum producers]," said Seshoka.

A central bargaining council may not necessarily yield higher wages. According to bargaining indicators from the Labour Research Service, minimum wage levels tend to be higher in bilateral agreements than in centralised bargaining agreements.

Data on minimum wages by sub-sector showed the minimum wage in platinum was one of the highest at just above R4 100 in 2010. Gold, for example, was R3 500.

### **Bilateral negotiations**

"Although centralised bargaining agreements cover a far greater number of workers than any one bilateral agreement, this does mean that bilateral negotiations necessarily yield better results than centralised bargaining," the labour research service said.

"The history of industrial relations and struggle at a company and the profitability of the industry involved are important factors."

Peter Major, an analyst at Cadiz Corporate Solutions, noted that for the past decade there had been cost increases of more than 18% each year in the platinum industry, but no corresponding productivity increase.

Implats's 2011 annual report showed labour costs had increased 10% year on year, yet productivity had slowed.

At Lonmin, employee costs and salaries increased from \$590-million in 2010 to \$700-million in 2011.

Amplats last year reported a 9% wage increase, well above the annual inflation rate.

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Inquiry may paper over Marikana shooting

24 Aug 2012 14:46 - Faranaaz Parker

Observers fear the presidential inquiry into the tragedy at Marikana will not reveal the whole truth or prove who was responsible for the massacre.

On Thursday, President Jacob Zuma's disclosed the members of the commission and the terms of reference under which they would conduct their investigation.

Retired judge Ian Farlam, a former Supreme Court of Appeal judge, will head the commission. Farlam has been described as an experienced judge who would likely get buy-in from those investigated by the commission as he is not aligned to any political factions. He will be supported by Bantubonke Tokota, who has served as a labour court judge, and a high court judge, Pinga Hemraj.

It's unclear what kind of resources the commissioners will have in terms of support and investigative staff. Its relationship and access to the criminal investigation being conducted by the Independent Police Investigative Directorate is also unclear.

Presidential spokesperson Mac Maharaj told the Mail & Guardian that these details would be worked out between the commissioners and the department of justice.

Maharaj said that the commission of inquiry would be gazette within the next few days and that the commission's four-month deadline would then immediately begin.

Meanwhile, IPID spokesperson Moses Dlamini said that the directorate's investigation into possible criminal offences on the part of police during the incident is ongoing and would run concurrent to the commission's work.

Political management

Constitutional law expert Pierre de Vos said the terms of reference were impressive, describing them as "broad but not quite specific". This, together with the understanding that the terms of reference could be amended, would allow the commission to investigate issues that may not yet be apparent.

"It gives the commissioners more clout because if they get information about things that are important, then they can request that the president broaden the terms of reference," he said, adding that this would give the commission more leeway in their investigation.

De Vos said the commissioners would have to be "bold and fearless" in their investigation.

However, De Vos added that it would be important to follow not just the progress of the commission but the actions taken once its recommendations are made.

"Commissions of inquiry are often about political management of a very politically damaging situation. The big problem often is that there's no political will to follow up and implement recommendations," he said.

"Given our prosecuting service and the politicisation of the police service ... the chance of a recommendation [for investigation and prosecution] being executed properly is slim."

'Trend of violence'

NUM secretary general Frans Baleni said the terms of reference were acceptable but that the union hoped they would be broadened in order to take into account a "trend of violence" that had emerged over time.

"What we know is that at Impala we ended up with violence, there's a party associated with those incidents. [At Marikana] there were a number of violent incidents, there's a party associated with those incidents," he said.

Although he would not name the party, this was a clear reference to rival union Amcu.

A coalition of Marikana community members, striking miners and civil society movements announced this week that there would be an "independent, people's commission of inquiry" into the massacre that claimed the lives of 34 miners last week.

Vishwas Satgar, of the Democratic Left Front, said that at a meeting held at the University of Johannesburg on Wednesday there "had been deep scepticism about the government's proposed inquiry".

Former ANC Youth League spokesperson Floyd Shivambu, meanwhile, said that the renegade youth league leaders "do not completely trust the entire process".

Shivambu, together with expelled youth league leader Julius Malema and former secretary general Sindiso Magaqa, attended a memorial service for the slain miners in Marikana on Thursday.

The religious service – which was meant to be apolitical – quickly degenerated into a free-for-all. Armed workers stormed the venue, Malema proclaiming that the "democratically elected government has turned on its people" and ministers in attendance fled.

"We think there must still be a police case that is opened and a criminal procedure in a court of law where the people who have killed must be prosecuted," he said.

Shivambu said that government should have used commission as an opportunity to deal with the conditions of mineworkers, and to engage with the social and economic contexts in which they live and work.

He said what was needed was a new minimum wage for mine workers, and for mines to provide workers with decent shelter.

"If we're going to just focus on the incident itself it's not going to help the situation," he said. "When this ends, mineworkers will still be in the same situation."

No 'vacuum' at Marikana

Piers Pigou, project director of the International Crisis Group of Southern Africa, agreed that the contextual understanding of the social and economic condition in which the miners are living needs to be further developed.

"This doesn't happen in a vacuum," he said.

While generally pleased with the terms of reference, Pigou objected to the conspicuous absence of efforts to engage with the community around the mine.

The communities around Lonmin's Marikana mine live in abject poverty, with poor infrastructure and little in the way of social services.

"The perspectives of the community need to be taken into account. The judges need to hear what those perspectives are, however off the wall they may be, if they are to make recommendations regarding the specifics of this case or more generally to prevent any repetition [of this incident]," he said.

He also said that the commission should investigate what type of engagement there is between the community and all levels of government, and how this relates to the mine's social responsibility efforts.

'Everyone should have input'

A number of community members have said they mistrust the commission. Lazarus Diale, who lives in Segwaelane about five kilometres from Wonderkop, said he suspected that Lonmin, NUM, and the government would probably "manipulate everything so that the outcome could favour them.

"Maybe if the commission can come to talk to each and every structure that operates around the where the incident took place ... everyone should have input."

Abbey Mafate is a member of the Bapo Ba Mogale Youth movement. Wonderkop lies on the land of the Bapo Ba Mogale community. He also raised concerns that the government could prevent a truthful outcome. "If Mr Zuma is involved, I don't think they're going to make it. If they want the truth, they must involve police, not politicians. They must involve people like professors, not unions and NUM."

#### Police investigation

Police Minister Nathi Mthethwa on Friday said he had asked the IPID to investigate claims of police brutality at Lonmin.

"[The] allegations of police brutality ... have just been brought to the attention of the minister of police," his spokesperson Zweli Mnisi said.

"He immediately tasked the head of the IPID directorate, Francois Beukman, to investigate these allegations and give him a report urgently."

Mnisi said the allegations of brutality against mineworkers who were arrested were brought to Mthethwa's attention at an inter-ministerial meeting in Rustenburg in the North West.

"The minister would then make pronouncements based on these findings."

Last week Thursday, 260 miners were arrested during protests at Lonmin's platinum mine in Marikana, North West. They face charges of public violence.

Police shot and killed 34 people while trying to disperse protesters at the mine, while over 78 people were wounded. Ten people, including two police officers and two security guards, were killed in the week preceding the clash.

The mineworkers appeared in the Ga-Rankuwa Magistrate's Court on Monday, where the case was postponed to next week. – additional reporting by Sapa

The commission of inquiry called to establish what happened at Marikana has been welcomed but civil society has warned that the terms of reference, while admirable, are not exhaustive.

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On Saturday afternoon, August 25, over one hundred people, including many representatives of labour, socialist, Latin American and Black community organizations, gathered in north Toronto outside the office of the South African Consulate to protest the police killing of more than forty mine workers at the Marikina Platinum Mine earlier that week. The following is the text of the statement presented to the gathering by Socialist Action.

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On behalf of Socialist Action / Ligue pour l'Action socialiste, I join in condemnation of the massacre of striking mineworkers and stand with you in solidarity with South African workers' movement. The August 16 police offensive against thousands of striking workers from the Marikina Platinum Mine is an outrage in the eyes of the worldwide labour movement. The shooting and killing of more than 43 workers, and the wounding and arrest of hundreds more is an act of barbarity in the eyes of humanity.

The mine is owned by U.K.-based Lonmin Corporation, the world's third biggest platinum producer. It accounts for 12% of the world's output of platinum. The working conditions of the mineworkers and the standard of living in their communities are horrid, which is why they went on strike.

There are several things we need to keep in mind in this situation. First of all, do not forget that the Canadian business class, particularly giant mining bosses like Barrick Gold and Goldcorp are among the worst offenders when it comes to despoiling the environment, exploiting mine workers and suppressing unions.

The Harper government is complicit with obscene Canadian mining practices in Latin America, Asia and Latin America. Harper is the advance man of the nature exploiters and union busters in this dirty business.

The massacre of the Marikina miners also helps to place in context the crimes of Lonmin Corporation. Where the profits are highest, life is cheap on the balance sheet of the owners. This reinforces our demand that the mines and mills globally should be nationalized and operated under workers' control, if they should be operated at all.

But what about the government of South Africa? This is an African National Congress government, which campaigned against Apartheid. Together with the ANC in the Tripartite Alliance is the South African Communist Party. And yet, nearly 20 years after the 1993 transition that let the former white racist rulers off scot-free, the majority of South Africans suffer economic apartheid.

The ANC pledged to implement its Freedom Charter. The Freedom Charter promised to nationalize the natural resources of the country. But what is the reality? The workers own nothing, and the mine bosses own the police! The state is the servant of the super-rich. Its goons in uniform shoot and kill strikers. ANC politicians issue apologies to the families of the stricken – after ensuring that the interests of the owners are secure.

Many of us have been partisans of the anti-apartheid struggle for decades. Marching for human rights, demanding divestment, sanctions, and the boycott of S.African wines and other products. Here is another bitter lesson for the ages. This is what happens when a revolution stops half-way to victory. This is what happens when workers are betrayed by parties that purport to represent them. The fruits of their labour are hoarded in private vaults, and their best fighters are massacred by the cops of economic apartheid.

So, we need to re-double our efforts for solidarity with the South African workers' movement. We need to re-double our efforts to win justice for mine workers in South Africa, Asia and Latin America. We need to support the nationalization measures taken recently in Venezuela and Bolivia. We should understand that economic apartheid will end only through socialist revolution.

Victory to the mine workers of South Africa. Solidarity forever. Workers to power!

Barry Weisleder, federal secretary, SA/LAS Canadian state

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Surviving mineworkers blame rabbit killing for shooting: report

Sapa | 25 August, 2012 10:19

South African Police Service members fire on Lonmin Platinum Mine workers. File photo. Image by: KEVIN SUTHERLAND

Mineworkers at Lonmin's Marikana mine believe the killing of a rabbit was the reason why the shooting happened, according to a report on Saturday.

Malema, others taking advantage of Lonmin: Cosatu Malema, others taking advantage of Lonmin: Cosatu

[Click here to find out more!](#)

The surviving mineworkers claimed that the medicine man who was alleged to have told them his muti would make them invincible had warned them not to kill the rabbit, the Saturday Star reported.

"The traditional healer warned all of us several times on the day not to kill the rabbit but some among us decided to chase it around the hill and killed it," mineworker Khabo Khabo told the newspaper.

"I still honestly believe that if it wasn't for the healer far more lives would have been lost on the day. If we had let the rabbit free all of the dead would still be alive," Khabo said.

A worker at the memorial service, held at the mine earlier this week, agreed.

Last Thursday, a total of 34 people were killed in a shooting near the mine when police tried to disperse striking miners. More than 70 people were injured.

The medicine man had reportedly promised the workers that police guns would malfunction when they faced them if they followed his instructions and took his muti.

Police video footage taken from a helicopter before the shooting showed the medicine man performing rituals as workers stripped naked before him in long queues.

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<http://jkelvynrichards.blogspot.no/2012/08/globalisation-cheats-and-apartheid-in.html>

**Saturday, 25 August 2012**

GLOBALISATION:

### **Cheats and apartheid in Lonmin, South Africa**

Colonial Capitalism is alive and well, hiding under the name 'globalisation'.

Lonmin [Lonrho], Glencore, Xstrata, [Glenstrata], operate mining companies in South Africa, Tanzania, Zambia, and other outposts of colonial empires, and have their luxurious headquarters in the City of London. The companies are shareholders of each other. In 2008, Glenstrata made a take over bid for Lonmin.

Lonmin, as Lonrho, forty years ago, under Sir Angus Ogilvy, became a major player in the UK media, with links to members of Parliament, as well as members of the Royal Family. Today, as Lonmin, it is a mining company, with platinum mines in South Africa.

Recent events in South Africa raises the issue of what has changed since the days of apartheid. Under the Boers it was common for white officers to assault black workers. It was common for white bosses to exploit black workers. It was common for black workers to do the most dangerous jobs for the least wages.

In August 2012, under the ANC, we had to witness black officers shooting and killing up to 44 black workers, and injuring about 100 others, on the grounds of a Lonmin mine. There had been no preliminary warning shots of rubber bullets, only tear gas. After the shootings the President Zuma demanded an enquiry, rather than arresting the police officers responsible for the killings.

In August 2012, it becomes clear that Lonmin makes significant profits from the 2 platinum mines it operates in South Africa., while paying the miners less than a living wage! The dispute is about wages and conditions of work, and the workers have refused to be intimidated by Lonmin.

In 2012, revenues of Lonmin were \$1.99billion, and profits \$156 million.

In Zambia, the GlenStrata mines at Mufulira pay workers minimum wages, create serious pollution including sulphur poisoning, and acid rain. A recent story by John Sweeney of the



BBC reported that in the DR Congo, at the Luilu refinery, Glenstrata continues to mine and refine copper by using sulphuric acid, and pouring the residues directly back into the local river.....while declaring that it is busy looking after the environment, and improving the living conditions of the workers!

It is time for the actions of these 'colonial capitalists' to be monitored, supervised, and regulated by government agents, and for them to be required to pay taxes on their massive profits.

It is time that the indigenous owners of the land, and the workers of the mines, benefit from their assets and skills. It is time that the white bosses stopped exploiting black workers.

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**Rainmaker: Xstrata chief on a winner with £325m loss  
For most chief executives, a \$514m (£325m) write-down, shareholder pay revolt and the potential failure of a £44bn merger might look like a disaster.**

Xstrata chief Mick Davis is somehow parlaying unfortunate events into a win-win situation.

By Helia Ebrahimi

10:00PM BST 25 Aug 2012

Comment

But Xstrata chief Mick Davis is somehow parlaying these unfortunate events into a win-win situation. His reinvention as Qatar's favourite CEO finds "Mick the Miner" back in the mix, with an even wealthier sugar daddy.

For Qatar, the Davis love-in is part-brinkmanship, part-necessity – it needs to persuade Glencore it will back an independent Xstrata, indefinitely. Its demands that Glencore pay up 3.25 shares rather than 2.8 before the September 7 vote have, so far, been met with stony silence.

But it is only a matter of weeks since Davis's position looked precarious.

Traditionally, Davis had been seen as indispensable to Xstrata – hence the £30m no-strings retention package. But **UK shareholders balked at the lavish pay packages** – £173m retention payments for Xstrata's top team – and investors were not too happy that Davis was cheerleading for Glencore and a deal that seemed to be on the cheap.

This month's tragic events at platinum miner Lonmin – of which Xstrata owns 25pc – is a timely reminder that not all of Davis's choices have been good ones. Xstrata's stake, the legacy of an aborted £5bn takeover attempt in 2008, has already been slashed by \$514m in recent results. This leaves 49.8m shares valued at \$1.022bn – more than double the current market price.

#### **Related Articles**

- Qataris seek 25pc of Xstrata if Glencore deal collapses  
25 Aug 2012
- Xstrata criticised over executive pay-outs  
25 Aug 2012
- Glencore stays still as Xstrata deadline nears

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- Glencore's Ivan Glasenberg ready to walk away

21 Aug 2012

Most people expect a further write-down, as well as a discounted rights issue from Lonmin, which Xstrata will have to pay up for.

Davis has watched his investment in Lonmin come unstuck as costs have soared, production slumped, and violence become rife. But if he hadn't pushed for the top-of-the-market takeover, Xstrata might not face the current cash-call quandary.

But Qatar's stake – now 12pc and rising rapidly – is a game-changer for Davis. The sovereign wealth fund does not need to report quarterly earnings, and with billions of liquefied-gas dollars behind it, its investment needn't show a dividend any time soon.

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TAKING STOCK: Even if the resources boom is over, don't ditch all the miners

By Alex Hawkes

PUBLISHED: 20:50 GMT, 25 August 2012

While Glencore boss Ivan Glasenberg fretted over whether to raise his offer for Xstrata last week, an Australian government minister was causing perhaps a bigger stir in the mining world.

After BHP Billiton put two major investment projects on the backburner, federal resources minister Martin Ferguson warned that 'the resources boom is over'.

If true, that would be big news for Australia, whose economy has bucked the global downturn. But it would also be big news for British investors, given the dominance of mining groups in the FTSE 100 index. With the Chinese economy slowing from its breakneck growth, is it time to ditch mining stocks and look for value elsewhere?

A computerised display of the FTSE 100 index

Jonathan Jackson, a partner at stockbroker Killik & Co, said: 'I thought the tone in the near term from BHP Billiton was a bit more positive.' The BHP pullback was to do with its wagers on specific commodities, rather than a broad-based fear about world growth, he argued.

'Billiton are still very positive on the long term,' he said. 'Urbanisation and industrialisation will drive the market. I think the feeling is that, with some commodities, supply needs to be more in tune with demand.'

BHP is more positive about copper than it is about iron ore, where it thinks there is plenty of supply to meet demand.

More...

Latest news from the markets

At least one of the project delays did expose a wider slowdown. BHP's South Australian Olympic Dam project was pulled because of weakening commodity prices as well as surging costs, related in part to the strength of the Australian dollar.

However, the difficulties faced by BHP are nothing by comparison with those hitting Lonmin.

After South African police shot dead 34 striking miners at the company's Marikana platinum mine earlier this month, Lonmin admitted on Tuesday that it was likely to breach the terms of its bank loans, and held out the possibility that it might tap shareholders for emergency cash.

Lonmin's problems are specific to the company, Jackson said, suggesting that investors should not read too much into it as a guide to the sector.

Those looking for value, he argued, would be well-advised to look at BHP Billiton, which he likes because it operates across so many different commodities.

Jackson is positive on oil and copper prices too, and says stockpickers will also want to look closely at Xstrata and Glencore.

With two weeks to go until shareholders vote on the proposed merger, Xstrata is trading at 927¾p – £1 a share less than Glencore is offering.

That suggests the market does not believe the deal will happen, but also would land an adventurous investor a quick turn if it did.

Read more: <http://www.thisismoney.co.uk/money/markets/article-2193542/TAKING-STOCK-Even-resources-boom-dont-ditch-miners.html#ixzz24cj6DM4M>

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(The corporate manipulations that are going on must be quite intense. One report today endorsed by one of the leading researchers of Marikana/Lonmin - David van Wyk, on fb below - suggests the main shareholder in Lonmin, Xstrata, may be on the verge of buying the rest of the dying company; while another predicts the demise of the vast merger of Xstrata and Glencore, which would have made up the world's largest mining house. Back in Feb, Lonmin was a dog with fleas; now, just a dead dog - yet at rock-bottom prices maybe one worth purchasing by Xstrata to take advantage of the fast-rising platinum price, once the workers are disciplined. Meantime, can we ask bigger questions, e.g. should Lonmin's corporate charter be revoked? Should the firm's plant and equipment at Marikana - 92% of its platinum output - be nationalised, with Lonmin's vast liabilities for eco-social-political damage urgently being assessed and charged, prior to any shareholder compensation? Or instead, is capital reasserting power now, by compelling mineworkers back into the mines

today? Should its pocket-police torturers and sweetheart trade union continue business as usual? Though dry, this material below is vomit-inducing when you go beyond the #s.)

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## **Reuters**

**24 August 2012 18:06**

### **Glencore-Xstrata deal on brink of collapse**

#### **As deadline passes.**

LONDON (Reuters) - Glencore's proposed \$30 billion takeover of Xstrata came a step closer to collapse on Friday, as the commodities trader looked set to let slide an informal deadline for it to raise its offer and yield to rival shareholder Qatar.

While Friday is not the final death knell for one of the largest ever proposed deals in the sector, analysts, investors and sources involved in the talks said the fact Glencore and Qatar continued to stare each other down - with only two weeks to go before shareholders vote - had put the deal on the brink.

"It wouldn't be illogical to say this is 10 percent happening, 90 percent not happening," one source involved in the negotiations said.

"If you were laying bets, you'd have to say this isn't going anywhere. It is not clear what the Qatari game is."

Glencore listed last year, in large part to complete ambitious deals like a merger with Xstrata, in which it already owns 34 percent. The world's largest diversified commodities trader made its move in February, offering 2.8 new shares for every Xstrata share held. The long-awaited bid was thrown into question in June, however, when Qatar Holding, Xstrata's second-largest shareholder as a result of regular buying in the market since February, said it was demanding 3.25.

The unexpected twist means two sides have engaged in what advisers on all sides have likened to a "game of chicken", with Glencore warning, most forcefully and most recently on Tuesday, that it would stick to its offer.

Qatar, for its part, has made no public comment, but has continued to buy Xstrata shares and sources familiar with the matter say the sovereign wealth fund is showing no sign of yielding yet. It now owns over 12 percent.

"They have both painted themselves into a corner, haven't they? Both sides want this to happen in a way, but neither of them can fold or concede," one of Xstrata's 40 largest institutional shareholders said.

"The only thing that possibly could happen is they move the share ratio to 3, so less than the Qataris want, but still a concession. But they have both been so strident in their views, that the situation looks so tricky."

#### **DEAL OR NO DEAL?**

Friday's deadline relates to UK takeover rules, which under normal circumstances would require changes to a bid to come at least two weeks before shareholders are called to vote. In this case, September 7 is the date for both Glencore and Xstrata.

Changes could happen after Friday's deadline, though they could require calendar changes and regulatory approval. Pressed earlier this week on whether a failure to act by Friday meant it would not act at all to change the bid, Glencore sidestepped the question.

Sources on all sides of the deal have cautioned that a lack of clarity over the outcome could persist until the last moment - potentially the vote on Sept 7 - not least because of an apparent lack of active talks between Glencore and Qatar.

"There's not much to say in a meeting," the source involved in the negotiations said.

Both Glencore and Xstrata argue they will simply return to life as standalone companies if the deal collapses, with Xstrata concentrating on chasing elusive copper growth in a sector desperate for new deposits. Qatar says its focus is on the long term.

But at least for management at Xstrata - left with two major shareholders and a potentially falling share price if the deal collapses - some minority investors say pressure increases.

"Xstrata shareholders must be happy to retain the longer term growth upside which the standalone entity will offer," a second top-40 shareholder said.

"But they will have to... press for wholesale changes to the executive and non executive team, who have in no way represented non-Glencore shareholders."

The other losers in the event of collapse are likely to be the dozens of bankers and nine banks involved in a deal that should have brought in some \$130 million in advisory fees in a lean year for dealmaking. Lawyers, accountants and other advisers were set to share a further \$70 million.

Instead, the deal looks set to join the list of failed mining mega-mergers - for now at least.

"We are used to this," shrugged one veteran adviser. "This is just a bigger version of what we have seen before."

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<http://www.facebook.com/groups/275097599265710/permalink/275240342584769/>

David Van Wyk

Xstrata is about to take over Lonmin. Lonmin share prices collapsed so it is a bargain on the corpses of more than 40 people at Marikana. Glencore the world's biggest commodity trader is about to take over Xstrata. Glencore sees great potential for profit from world hunger as Mandi Smallhorne Kraft commented

"This is the same Glencore: Chris Mahoney, the trader's director of agricultural products, who owns about £500m of Glencore shares, said the devastating US drought had created an opportunity for the company to make much more money.

"In terms of the outlook for the balance of the year, the environment is a good one. High prices, lots of volatility, a lot of dislocation, tightness, a lot of arbitrage opportunities [the purchase and sale of an asset in order to profit from price differences in different markets]," he said on a conference call .

Mahoney said Glencore, which reported pre-tax profits of \$2.2bn (£1.4bn), would be able to exploit the drought to its advantage, especially after its takeover of Canadian grain trader Viterra. "I think we will both be able to provide the world with solutions, getting stuff to where it's needed quickly and timely, and that should be good for Glencore."

The blistering heat in the US has destroyed 45% of the corn and 35% of the soya bean crop, pushing the price of the commodities to record highs. Overall global food prices rose by 6% in July..."

Of course the neo-liberal economists will say that this favourable turn of the market is attributable to the invisible hand. A massacre reversed the weeks long downward trend, established favourable conditions for corporate take over, while deus ex machina provides a drought that will drive food prices through the ceiling, and the owners of capital smile all the way to the bank. Don't point fingers, don't play the blame game, no one is to blame... let's mourn the dead and torture the survivors and perhaps shoot the messenger as well!

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**BUT BACK IN FEBRUARY:**

**Xstrata-Glencore 'Highly Likely' to Sell Lonmin, Liberum Says**

**By Carli Lourens on February 05, 2012**

**Feb. 3 (Bloomberg) -- A combined Glencore International Plc and Xstrata Plc would probably sell their stake in Lonmin Plc, the third-largest platinum producer, helping spur deals in the platinum and ferrochrome industry, Liberum Capital Ltd. said.**

**"Platinum has no strategic interest for Glencore as marketing opportunities don't really exist therefore a disposal is highly likely," Ash Lazenby and Dominic O'Kane, analysts at Liberum Capital, wrote in a research note to clients.**

**Glencore, the world's largest publicly traded commodities supplier, is in discussions to buy the shares in Xstrata that it doesn't already own. Xstrata holds 24.6 percent of Lonmin, with a market value of about 540 million pounds (\$855 million), according to data compiled by Bloomberg.**

**A disposal could be the catalyst for a "pooling of mutual platinum group metal interest," bringing together assets from Xstrata-Glencore, Eurasian Natural Resources Corp., Northam Platinum Ltd. and Aquarius Platinum Plc, the analysts wrote. ENRC owns 13.5 percent of Northam.**

**Aquarius is the fourth-largest producer and Anglo American Platinum Ltd. and Impala Platinum Holdings Ltd. the largest.**

**The producers all tap the Bushveld geological complex in the north of South Africa, which has more than three-quarters of the world's reserves of the metal.**

**Glencore sees limited value in precious metals and may seek to sell Xstrata's Lonmin stake, UBS AG said in a separate note.**

**--Editors: Tony Barrett, Amanda Jordan**

**To contact the reporter on this story: Carli Lourens in Johannesburg at  
clourens@bloomberg.ne**

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**More than half of Lonmin workers back at some shafts**  
2012-08-25

**Watch – Govt is a pig that eats its children, says Malema**  
2012-08-25 13:48

Expelled ANC Youth League president Julius Malema this week described the government as a pig that eats its own children after 34 Lonmin miners were shot dead by the police during a strike in Marikana near Rustenburg.

WATCH

More than half of the workers at some of Lonmin's Marikana mine shafts reported for work today, the company said, as it seeks to resume full operations in the wake of protests in which 44 people were killed.

"Eastern shafts are working this weekend and we have 57% attendance across these shafts. The rest of the mine is closed as this is their off-weekend," Lonmin, which accounts for about 12% of global platinum output, said in a statement.

About 23% of its 28 000-strong workforce turned up for shifts yesterday, which fell short of the 80% that Solidarity, a union of highly skilled workers, says is required to extract ore from the ground.

Lonmin froze mining operations earlier this month after an illegal strike escalated into violence and paralysed operations at the world's third-biggest platinum producer, driving the price of the white metal around 10% higher.

- Reuters

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**Police 'assaulting' Lonmin miners**  
2012-08-25  
[www.citypress.co.za](http://www.citypress.co.za)

Staff reporters

Scores of arrested Lonmin miners are allegedly being assaulted by police in North West police cells.

City Press can reveal that more than 100 cases of assault with the intent to do grievous bodily harm have been opened against the police in the last 48 hours.

The Independent Police Investigative Directorate (Ipid) is investigating the matter and provided a preliminary report to Police Minister Nathi Mthethwa late last night.

Mthethwa's spokesperson Zweli Mnisi confirmed to Sapa that the minister had received the report.

"The preliminary report provided to the minister confirms that on August 22 it came to the attention of the Ipid that detainees linked to the Marikana incident were assaulted by (SA Police Service) SAPS members at Phokeng police station and Mogwase police station," Mnisi said in a statement.

Ipid spokesperson Moses Dlamini confirmed the investigation, saying they had sent investigators to three police stations, where they opened 130 assault and assault with intent to commit grievous bodily harm against police officers.

34 striking Lonmin miners were shot dead by the police last Thursday. 78 were wounded and almost 260 miners were arrested and are being kept in custody in police cells around Rustenburg.

"The Ipid's investigators registered a case of assault with intent to do grievous bodily harm at the Mogwase Police Station. Investigators obtained statements from 50 victims in this regard," said Mnisi.

Two similar cases were opened at the Phokeng and Jericho police stations by mineworkers detained there, Sapa reported.

Mnisi said arrangements were being made for some of the miners to be relocated and to receive medical attention.

"Any police officer who conducts him or herself in a manner that is not in line with constitutional principles should face the full might of the law and I encourage Ipid to investigate these allegations, without fear or favour," Mthethwa said in the statement.

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### **Lonmin Release 8-24-12**

The week of national mourning and the moving memorial events at Marikana on Thursday, have been vital in bringing calm, and a time for reflection and remembrance.

It has also created the space for unity. All stakeholders agreed in ceremonies this week that it is time to move forward and begin the gradual journey back to normality.

Lonmin's management is committed to this process and its absolute focus in the coming days will be to reach a peace accord, under the auspices of the Department of Labour,



which allows for a peaceful return to work and an environment in which the concerns of all stakeholders can be addressed.

Simon Scott, Acting CEO, said: “We welcome the Department of Labour’s efforts in facilitating the peace accord and we congratulate the Department and all participants in this regard. It is clear that everyone involved wants to move forward. We are dealing with tragic and challenging issues, and will be for a long time to come, but for the sake of the Company, its many thousands of employees and the industry which supports them we need to find a sustainable peace accord which allows people to return to a working business. That we are committed to doing in the coming days.”

The Company has always said, and maintains, that it will discuss the strikers’ demands in the normal way, through their unions within the agreements which the Company and all unions involved have signed up to, but that requires the unprotected action to end. It has never refused to consider their demands.

The week of mourning which began on Monday, announced by the President of the Republic of South Africa, and the memorial events of yesterday (Thursday) have been an opportunity for calm, reflection and remembrance. Lonmin agrees with union leaders who spoke at yesterday’s memorial events that next week marks an opportunity to begin the journey back to normality which is vital for the Company’s 28,000 employees, and for the country, and is grateful for their call for the Company to be supported, for the sake of their members. Clearly, achieving normality will be a long journey given the terrible events of the last two weeks, but without a return to work that journey cannot start.

Lonmin, alongside the Unions, will continue to communicate to its wider workforce over the weekend, asking employees to report for work as normal on Monday.

The Company has also been asked to provide clarity on wages after a number of conflicting reports. n

\*In order to ensure that Lonmin wages are market related, the Company undertook research to assess the wage level in the industry. Based on these findings, Lonmin took a decision to implement a drilling allowance of R750 per month for the RDOs, a practice which occurs in the mining industry. This brings the RDO guaranteed wage to just shy of R10,000 per month and is in line with other industry participants. In addition, the RDOs can earn performance bonuses. The average bonus earned is R1,500, but some are in the order of R6,000. \*

In the five years from 2007 to 2011, the RDOs were granted a cumulative pay rise of 62%. This compares with a cumulative 45% for level D managers and 34% for level E managers over the same period. A complete salary breakdown is shown in Table 1.

Table 1: Complete RDO salary breakdown Basic

Pension

(14.83%)

Medical

Housing

Holiday Leave Allowance

RDO Allowance

TOTAL

\*RDO R 5,405.00 R 801.56 R 556.00 R 1,850.00 R 450.42 R 750.00 R 9,812.98 \*

•\*Black Economic Empowerment \*

The Charter also provides targets for both Black Economic Empowerment (BEE) and for Historically Disadvantaged South Africans (HDSAs).

Shanduka, our BEE partner, has an 18% equity interest in Western Platinum Ltd and Eastern Platinum Ltd. We are committed to achieving 26% ownership by the Charter's requirement of 2015.

•\*Human Resource Development \*

In 2011 we spent \$29 million on human resources development programmes, including adult basic education training and equipping young people living in the areas around our mines with the skills to work for us. The Lonmin Artisan College is a key part of this.

Our recruitment policy gives preference to HDSA candidates and amongst permanent employees 46.5% of management is categorised as HDSA, including white women.

•\*Water supply \*

Lonmin has provided water reticulation in Oustad, which has enabled yard connections for 407 households.

As we move towards calm and stability, Lonmin expresses its appreciation for the support and encouragement that we have received following the tragic events which occurred at Marikana.

- ENDS -

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Sunday Times

IT WAS LIKE POKING A HORNET'S NEST

Those in power say, don't point fingers. But we need exactly that if we're to learn from this, writes Ronnie Kasrils

Our country reels with horror and shock at last week's Marikana shootings. There is disbelief around the world that this has happened in a democratic South Africa.

An order was given to deploy almost 500 police armed with automatic weapons, reinforced by armoured vehicles, horsemen and helicopters; they advanced on a desolate hill where 3000 striking miners were encamped. That denoted an order from on high with a determination to carry out a dangerous and dubious operation to clear an isolated, stony outcrop of desperate strikers armed with the sticks and spears often referred to as "cultural" weapons in our country.

These people were hardly occupying some strategic point, some vital highway, a key city square. They were not holding hostages. They were not even occupying mining property.

Why risk such a manoeuvre other than to drive the strikers back to work at all costs on behalf of the bosses who were anxious to resume profit-making operations?

If by occupying that hill the strikers constituted a threat to other workers, officials or rival unionists, then a feasible solution could only be through reasonable, patient negotiations and remedies, no matter the timeline — not a deployment of state force that could only end

in the dreadful manner witnessed: 34 strikers dead, up to 80 wounded, their families devastated.

It may well have been instinctive fear that caused the police to open fire as a group of miners apparently desperately charged them, or even possibly tried to get out of the encampment, but why put the law enforcers there in the first place?

The police manoeuvre was akin to poking a hornet's nest. What mind-set was behind the police intention?

Who set the agenda? What was the government's hand in this? This cannot be kept secret, or can it?

First it was our new national police commissioner who told the nation: "This is not the time to point fingers."

Our president reiterated the call, word for word, soon thereafter. He naturally announced that an independent judicial inquiry would be appointed. The Minister of Performance Monitoring and Evaluation, Collins Chabane, presiding over an interministerial committee, repeated the refrain "we must not point fingers". It seems the national police commissioner had set the politicians' agenda. We dare ask: is this not a recipe for avoiding accountability and just plain stalling until the hue and cry dies down?

We have heard much about the illegality of the strike and the panga-wielding strikers who, it is alleged, brought the disaster on themselves, a clear-cut case of blaming the victims, victims who are among the most exploited of our workforce and who labour under the most dangerous and dreadful conditions — truly the wretched of the earth.

The president hints that there is much that lies behind this incident. Who knows what is implied? Sounds like the stuff of plots and conspiracy.

Of course, much lies behind the catastrophe, which the judicial inquiry should examine — chiefly the exploitative mine owners and the horrendous conditions under which our country allows mineworkers to toil and their communities to fester. Add to the mix trade-union rivalry, demagoguery and intimidation, and previous killings.

Then there is the role of mine management, disputes about pay and conditions, victimisation and dismissals. Whatever manner of cause and effect may be discerned, there is no escaping where the finger needs to point in the first instance.

And that is right at the trigger fingers responsible for mowing people down as at a duck shoot.

Let us not do what the forces of apartheid automatically did in the past and hide the truth about state violence. Let us not create a fog of war around this massacre and declare that

fingers must not be pointed, because in effect what that implies is that we shall not point to where responsibility lies.

We shall not point to those who fired the weapons; to those who gave the orders; to those who have encouraged the police to maintain a bellicose culture of “shoot to kill”; to those who failed to train them in acceptable methods of crowd control; to those who decided that the time for reckoning with striking mineworkers had arrived. To adopt such a course will mean that leadership will be exonerated and accountability will become yet another victim.

If we do not point fingers at the right targets, the politicians — who bear executive authority for those who may have given some kind of green light, or by dereliction of responsibility left the police to their own devices — will go unscathed.

We are asked to put our faith in a judicial commission and let the dust settle. Nice, sober talk. But in a democracy that has sworn to make such massacres a thing of the past we need to cry out in the name of humanity and justice and demand full transparency and accountability.

Indisputably the mine owners and managers are guilty for their greed and arrogance. But then we are all guilty for allowing this extreme exploitation of our working people to persist into the 19th year of freedom.

If by default we fail to hold our police system and government accountable for the systemic brutality we run massive risks, detrimental to our very security and democratic freedoms. A judicial inquiry must run its course speedily and, hopefully, provide the truths we desperately need.

A national crisis like this requires frank talk by all concerned South Africans. We need to mobilise and demonstrate solidarity with the victims. Our history reverberates with the words: Do not blame the victims!

For we have seen it all before, from Sharpeville to Bisho and last year’s police killing of Andries Tatane. If we fail to point to the cause of the gunfire, the fingers will be pointed at the victims as they lie dead in the fields or the streets. And the shootings will continue.

Marikana is undoubtedly a turning point in our history. If we fail to act decisively, we do so at our peril and we leave the space to the demagogues. If, as a young democracy we are to emerge stronger and better we need the truth and we need to spare nobody’s position or reputation. Above all we need a new deal for our mineworkers and we need a system based on economic justice for the poor of our land. We need a political leadership not distracted by holding on to their positions at all costs, but one focused night and day on urgently solving our people’s problems and serving their needs.

Ronnie Kasrils is an author, activist and former ANC government minister

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ALEX BRUMMER: Lonmin opens a social divide

PUBLISHED: 21:20 GMT, 24 August 2012

The Lonmin platinum mining shootings cast a big shadow over the whole natural resources sector.

London basks in the fact that so many of the world's biggest mining groups, including Glencore/ Xstrata, BHP, Rio Tinto, Anglo- American, Vedanta and Antofagasta have chosen to be quoted on the London Stock Exchange.

Rarely a day passes when the mining stocks are not a major factor in moving the FTSE100.

But investors generally are far more concerned with commodity prices and prospects for Chinese demand than the conditions under which the minerals are produced.

Marikana in South Africa: Miners live in appalling conditions

Marikana in South Africa: Miners live in appalling conditions

There is an incredible fuss if one of our high street retailers is found to be producing frocks in sweat shop conditions or using under age labour. But questions of social responsibility are rarely asked of the miners.

Yet these companies are some of the most profitable in the world with tens of billions of dollars of revenues and profits. By these standards Lonmin is a bit player although it still managed to make £192m last year. Its biggest investor, by a long chalk, is Xstrata with a 24.5pc stake and one of the richest mining houses in the world.

The Prudential – that manages pensions and insurance for so many Britons – has a chunky 7.6pc stake. Investors cannot fail to have been shocked by the deaths at the Marikana mine in South Africa where some 44 people lost their lives. Much of the focus of the reporting and the discussion has been on the dispute between the company and a dissident union over wages. No doubt there is room for a pay hike.

But what is really shocking about Marikana, as anyone who tuned into the BBC's Newsnight programme will have seen on Thursday night, is the appalling conditions in which mine workers live. Thousands of drillers inhabit shacks without running water and sanitation.

Some 19 years after apartheid was lifted conditions look not to have improved. This would be totally unacceptable for people working in extraction industries in the Western democracies from Australia, where much of the world's iron ore comes from, to the strip mines of the Western United States.

Even if wages remain low Lonmin and the big mining giants owe it to the workers to provide safe, hygienic and environmentally safe living. Lonmin may need a £1bn rights issue injection.

But how much of that will be earmarked for better housing and conditions?

It is unconscionable that some of the richest corporations in the world and the most highly valued by investors pay so little attention to those at the workplace. How nice it would be if the Lonmin incident produced a corporate responsibility backlash from investors. But there has been precious little sign of that as yet.

Read more: <http://www.thisismoney.co.uk/money/markets/article-2193279/ALEX-BRUMMER-Lonmin-opens-social-divide.html#ixzz24cgELgrc>

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Marikana: The matter of embedded journalism

- Mandy de Waal
- 24 August 2012 09:05 (South Africa)

As police fired on miners rushing towards them at Lonmin's Marikana mine, local media captured the bloody battle from a vantage point that saw them in the safe embrace of our country's boys and girls in blue. What does this perspective mean about news, truth and events that could shape our very history? MANDY DE WAAL spoke to Rhodes University Journalism Professor Jane Duncan about media coverage of the Marikana massacre.

"I shall proceed to describe, to the best of my power, what occurred under my own eyes, and to state the facts which I have heard from men whose veracity is unimpeachable, reserving to myself the exercise of the right of private judgment in making public and in suppressing the details of what occurred on this memorable day."

The year is 1854 and William Howard Russell is writing for The Times of London about some 600 British soldiers who, through a tragedy of failed communication by their own military commanders, rushed headlong into a deadly assault of Russian artillery fire during the Crimean War.

"If the exhibition of the most brilliant valour, of the excess of courage, and of a daring which would have reflected lustre on the best days of chivalry can afford full consolation for the disaster of today, we can have no reason to regret the melancholy loss which we sustained in a contest with a savage and barbarian enemy," Russell wrote in a piece called The Charge of the Light Brigade in what was one of the first instances of embedded journalism in history.

“Never did the painter’s eye rest on a more beautiful scene than I beheld from the ridge,” Russell continued, writing about the action at Balaklava in Crimea, site of the suicidal charge of the Light Brigade. Russell was positioned at a safe vantage point from which he could survey the action, as later became common for war reporters who’d sit with generals on hilltops to get a privileged view of war, one from the perspective of a military commander.

On 16 August, striking miners were gathered in their thousands on a hill at Lonmin mine at Marikana. Razor wire was laid by heavily armed police. Tensions ran high. Behind the police, in the safety of their arc, local media were covering what would become the bloodiest faceoff between law enforcement and protestors since the death of Apartheid.

“What is emerging in the public domain is a hierarchy of views about what actually happened on that day. The one version of events—which seems to be the version borne out by the television and most journalist accounts, particularly the Sunday papers—effectively points to the striking workers having precipitated the fatal shooting by effectively firing on the police first,” said Jane Duncan, Highway Africa Chair of Media and Information Society at Rhodes University’s School of Journalism and Media Studies.

Duncan said she has become increasingly concerned about local media coverage and journalists’ performance on the Marikana massacre. “Given the new information that is coming into the public debate, it is starting to look like a number of media have fallen into the trap of embedded journalism.”

There’s no question that the media should have been in a position of safety at Marikana’s conflict zone. “But what this meant is that the bulk of the journalists were standing behind the police line,” she said. “The problem with having done so, particularly in relation to the camera footage, is that one ends up inevitably seeing the conflict almost through the eyes of the police.”

Duncan said what is emerging in South Africa’s post-Marikana public discourse is a contestation for the hierarchy of perspectives about what really happened on Lonmin’s mine on that fateful Thursday.

“What is coming out from the alternative account (see Marikana: What really happened, we may never know) is that it may not have been the case that that a group of workers actually charged on the police. What may well have happened is that police shot on striking workers from behind (and out of sight of the media) which forced the workers to run towards the police,” said Duncan.

If this is ever proven accurate, what it suggests is that Lonmin’s striking miners were not attacking police but were effectively fleeing from them. “If there were workers who were armed in that circumstance it is hardly surprising that they would have drawn a fire arm and fired on the police. I am not saying that to condone the behaviour, but it would be a logical consequence if the workers were attacked by the police from behind,” she added.



Duncan uses the term “embedded journalism” deliberately when it comes to describing how the media worked with the police to cover the Marikana event. “In relation to earlier coverage of the invasion of Iraq, there was a tendency for journalists to travel with the Allied forces to report from the vantage point of ‘safety’. That inevitably translated into a form of reporting where news was seen through the eyes of the Allied forces, and it took an Al-Jazeera to break that pattern of reporting. I think that is what has happened with local media coverage of Marikana.”

This is not the only challenge to local media coverage of the events that unfolded at Lonmin’s mine in the North West. “What exacerbates this is the media hasn’t really taken the trouble to sufficiently give voice to the miners themselves. I think that could be attributed to in part to the class bias of the media, which tends to gravitate to sources that are more easily legitimised.”

The usual suspects, the dominant sources that journalists use, according to Duncan, are the official voices of the police, government or unions. These “legitimised” sources tend to be recognised by media as providing credible and reliable information. “Whether these sources are credible or reliable is another point of view,” Duncan said.

In the crush of a daily deadline, media organisations use these same sources over and over again. “Frequency of use almost lends air of credibility to these sources that they may not automatically deserve. It is effectively a form of pack journalism. If many journalists rely on the same sources continually for information, then others automatically think they are credible. That flows from the deadline driven nature of journalism where if you need to get a story out quickly, you are going to go to the sources of information that have already been authenticated in media terms. This means that journalists don’t easily take risks by going to sources of information where they have to spend more time and effort on authenticating the credibility of these sources of information.”

What this means in terms of Marikana and the South African media is that the voice of striking workers seems to have disappeared from the media. “If one does just a cursory overview of the reports that have come out since last Thursday,” Duncan said, “the dominant sources are the police, government, Amcu (Association of Mineworkers and Construction Union) and NUM (the National Union of Mineworkers). Unless the stories have been, for instance, about the family’s responses to the massacre, there have been very few attempts to approach workers to ask them what they saw.”

Duncan maintains that research work by Peter Alexander, a University of Johannesburg professor, at Marikana has exposed an alternative account of what happened at the mine. This is also borne out by Daily Maverick’s report of workers’ addresses during an inter-ministerial meeting in the aftermath of the massacre.

Duncan said Alexander’s work has put journalists “to shame”. By gathering accounts of the event that challenge mainstream reporting, Alexander has expanded on the “inevitable” narrative created by journalists safely behind police lines that police were acting in self defence. Alexander’s research pointed to what he has called a “premeditated police plan”

that resulted in strikers fleeing law enforcement officers and being drawn like lambs to the slaughter.

“I don’t think the media is deliberately trying to suppress alternative accounts,” Duncan said. “But it is a logical consequence of having stood behind the police line and having viewed the event effectively through ‘police eyes.’”

Duncan said early media response to Alexander’s research and account of events at Marikana has been defensive. “What he is saying needs to be put to the test and subjected to a rigorous assessment. It certainly shouldn’t be dismissed out of hand just because journalists didn’t witness what happened.”

What also needs to be heard, and what Duncan said the media has largely been deaf to, is the miners’ frustration and sense of betrayal by the media. “The miners are feeling that their version of events has not been sufficiently canvassed, and because of that they are starting to accuse media organisations of being complicit in the attempts to cover up the full extent of the police violence,” she said.

This could have long-term implications for newsgathering. “If workers in conflict with the police and with managers come to develop this perception that journalists are running an agenda for the status quo, it is going to be very difficult for those journalists to get the information they need in order to paint a balanced picture. It may also end up escalating hostility towards journalists, which could be dangerous for journalists in violent situations,” Duncan concluded.

“Half a league, half a league, half a league onward...” Just as Russell was capturing a battle that would become a metaphor for the death of blind chivalry in the face of modern warfare (so exactly captured in Alfred Tennyson’s poem), the media is witnessing a schism in South Africa. Marikana isn’t a mere event. It is a moment in history, with all the gravitas that’s implied in that statement.

Russell’s writing of warfare challenged and changed the public discourse, forcing the state to re-evaluate its exploitation of the pawns of war—the troops. As South African media write about this defining moment, perhaps it might be useful to appreciate that we’re not just writing a story, we’re recording history and influencing the course of events. DM

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<http://www.dw.de/dw/article/0,,16192512,00.html>

Lonmin under pressure after miners' deaths

Platinum giant Lonmin says it is seeking a swift deal to end a labor dispute that killed 44 people at its South African Marikana mine. Work at the mine remains suspended as most workers stay away.

DW: Professor Bond, how has platinum production in South Africa been affected by the unrest

Patrick Bond: Well, in the first week about 15,000 ounces did not get extracted and one can assume that this week it is probably the same figure. The question is whether there will be a return to work on Monday and whether the illegal wildcat strike ends because of the extraordinary pressure that the company Lonmin is placing on the workers, threatening to fire them. But the counter pressure is very interesting, because now the balance of forces is quite fluid after Thursday's events where the youth league leader Julius Malema, who was expelled from the ANC, upstaged the other politicians in supporting the workers. The workers are still holding out for a wage of roughly 400 hundred euros (\$500) a month. This is the battle over wages, but it is also a battle over politics and whether the other platinum miners will also face such strikes. It depends on how strong the Lonmin strikers remain.

Is this just a short-term phenomenon?

Well it has been building for quite a long time. Over a year ago, the same mine was subject to a strike and two of the other large mining outfits, Implats and Anglo, have also suffered major unrest, and in the case of Implats, a long strike. The fact that South Africa has about 88 percent of the world platinum reserves, producing about three quarters of the reserves with most of that going to the European diesel engine market, is of some importance. The reason is that, because of the European economic crisis, demand is low, but the supply is quite fragile as it comes from one belt near Johannesburg, stretching up towards Zimbabwe. That means these disruptions do affect the price quite dramatically. So everything is in flux, including a local political economy where people are beginning to ask not just why did the police massacre so many of the workers, apparently on behalf of Lonmin, but does this tell us something about the broader dependencies of the South African economy on a fragile and quite brutal industry?

President Zuma has just set up a commission to investigate the clashes. What effect could its findings have on the world platinum industry?

There are two critical questions for the commission of inquiry. Firstly, what is the orientation of the three judges chosen? They are not well-known judges and if they are judges that basically accept the party line from the police that they did the right thing by killing the workers, then the commission will be discredited. The second big question is the relative scope of the commission's questions – they can obviously ask about the conditions of the mine, they can ask about the community, the environmental and the trade union disputes. But there is also the broader question concerning how Lonmin operates as a company. Is it still, as British Prime Minister Edward Heath called it in 1973 "the unacceptable face of capitalism?" But what the commission isn't really doing is asking these bigger questions that society now has to face. And that is that because we have about the highest protest rate in world, that is protest per person. China is quite high. But South Africa has been at the top for the last seven to eight years, and also because we have the world's worst inequality and because these are so evident in place like Rustenburg, where this is all happening, they may be a much bigger set of questions that a genuine commission

of inquiry should investigate. Because this one isn't trusted, because it comes from government, a whole society inquiry should be set up to ask those bigger questions.

Professor Patrick Bond is a political economist at the University of Kwazulu-Natal, South Africa.

Interviewer: Asumpta Lattus.

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Malema's moment of power

24 Aug 2012 02:05 - Faranaaz Parker, Nickolaus Bauer

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Julius Malema has emerged victorious from the political free-for-all at the Lonmin memorial service, with government ministers being forced to flee.

Expelled ANC Youth League leader Julius Malema emerged the victor from events at Lonmin mine this week as the memorial service held to remember 34 slain miners on Thursday transformed into a political rally slamming the government's role in the incident.

Originally billed as a religious service organised in tandem with the government, the memorial, which was held in a large marquee near the place where the Marikana massacre took place, degenerated into a free-for-all with government ministers being forced to flee.

Matters came to a head when an unidentified man took to the stage shortly after Archbishop Thabo Makgoba pleaded with politicians not to use the event to score political points. The man called for the resignation of President Jacob Zuma, who was not present, and the reinstatement of Malema in the ruling party.

The microphone was eventually snatched from his hands as he began to call for Human Settlements Minister Tokyo Sexwale to replace Zuma.

Order was restored but events heated up again during Malema's closing address to mourners.

Rapturous applause

"The democratically elected government has turned on its people," the youth leader said to rapturous applause. "This marquee we are gathered under – the friends of the youth league paid for this. The government did nothing for you; we are helping you. Government ministers are just here to pose for pictures."

A stage the government had seemingly set up adjacent to the scene of the bloody shooting was left unused.

Malema used his address to reiterate his call for South African mines to be nationalised.

"We are here with you. You must soldier on – never listen to cowards. We musn't stop until the whites agree to give us some of the money in these mines," he said.

Shortly afterwards, workers from the mine stormed to the front of the stage armed with knobkerries and sjamboks. This led to the government ministers' hasty exit.

Those attending the memorial included Police Minister Nathi Mthethwa, State Security Minister Siyabonga Cwele, Defence Minister Nosiviwe Mapisa-Nqakula and North West Premier Thandi Modise.

No police were present at the ceremony – workers had barred them from attending.

#### Inquiry

As the politicians left the crowd could be heard singing: "Phansi amagwala. Phansi (down with the cowards)."

Malema, his former spokesperson Floyd Shivambu, suspended league secretary general Sindiso Magaqa, several youth league national executive committee members and United Democratic Movement leader Bantu Holomisa remained behind in the marquee. The group continued to address the crowd as several hundred workers returned to the hill where the shooting took place.

Meanwhile, Zuma has announced that Judge Ian Farlam will chair the judicial commission of inquiry into the Marikana tragedy.

Farlam is a retired judge of the Supreme Court of Appeal and also served as a judge in the Orange Free State and the Cape provincial divisions.

The commission will investigate Lonmin's conduct, in particular whether it did its best to resolve any labour disputes. The commission will also probe the conduct of the police, the National Union of Mineworkers and the Association of Mineworkers and Construction Union.

The commission will have the power to enter and search premises, secure the attendance of witnesses and compel people and organisations to produce documents for scrutiny.

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Apartheid cop: How we would have handled Marikana

24 Aug 2012 08:17 - Faeza Ballim, Phillip De Wet

In apartheid SA, a situation like that in Marikana would have gone down very differently, according to an unreconstructed commander of the riot squad.

### Special Focus

Lonmin: Platinum mines in chaos

He declined to be named for fear of jeopardising his pension.

"If you had a big group like that with weapons, you don't go and mess with them," he said. "You look at where they are, then you say to the leaders: 'This is where the line is. If you go over that line, we shoot you.'"

In such a scenario, he said, "you may have to pop one or two" with snipers if anyone disregarded shots fired into the ground at their feet, but, he claimed, there would be zero risk to the police and fewer protesters put in danger.

Analysts who monitor violent clashes said during South Africa's transition period the public order police would have been on top of such a situation, focusing on intelligence from inside the group, constantly negotiating without imposing conditions or deadlines and intervening only if another group or the public were in danger. In that case – with intelligence on intention and numbers – such intervention would have been by non-lethal means, they said, and might have included using church or traditional leaders, even wives, to talk protesters down.

But at Marikana, with a few hundred ill-equipped police facing a large crowd, 34 protesters were mowed down and even though national police commissioner Riah Phiyega has implied those deaths were unavoidable, few agree.

### Deferring responsibility

"From a policing perspective and speaking to people in public order policing, that should never have happened," said Monique Marks, a University of KwaZulu-Natal professor and sociology expert who for years has warned that swift and major changes are needed in the way the police handle crowds. "When you see all the high-level operational commanders deferring responsibility from one to the other, that means something has gone –terribly wrong."

Experts point out a number of things that probably went wrong, but in the absence of detailed information, which the police are not providing, they can only speculate.

An important aspect is the deaths of two police members on August 13, three days before the mass shooting on August 16 and the reaction, or lack thereof, from the police.

With an average of about 100 police deaths a year, said Institute of Security Studies senior researcher Johan Burger, "every day is a question of survival. You cannot blame them for being on edge."

South African Police Union president Mpho Kwinika said police members felt threatened and often did not consider themselves adequately backed when they used deadly force or maimed members of the public, even when fully justified in doing so. Too often, members in such a situation are left to fend for themselves in the courts without the legal backing of their employer.

There are also structural problems in the way public order policing is being handled and the blame for that can be laid squarely at the door of politicians. Among the problems experts identify are:

- Poor command and control structures in the field when dealing with hundreds of police operatives from different units;
  - Poorly trained police members, who panic in the face of an attack, or a perceived attack;
  - A shortage of protective gear such as shields and body armour, which means deadly force must be used sooner rather than later;
  - A lack of backup with crowd control weapons such as water cannons or long-distance teargas dispensers;
  - An overly complicated tactical approach, which requires a level of co-ordination that is hard to achieve outside a tactics classroom;
  - Police badly outnumbered by the crowd they intend to control; and
  - A lack of intelligence and crowd infiltration.
- Warnings about such shortcomings in crowd control have been made loudly and often in the decade since public order policing was deprioritised. With the militarisation of the police came the rise of units trained and equipped to battle large, well-armed gangs – units that are now regularly used in crowd situations.
- But Marikana also held some unique challenges outside the control of police commanders or the politicians who decide on their budgets. These include:
    - Strikers gathered in the open, away from the built structures that would normally make it easier to contain them;
    - The use of muti and rituals, which made some strikers consider themselves invincible, and police, more used to dealing with urban strikers, unsure of how to deal with the crowd; and

- Confusion about union representation, which made negotiations with the group difficult and the results unpredictable.

Even so, there is some hope that the political firestorm unleashed by Marikana will result in greater attention being given to police crowd control to prevent a recurrence.

"This is definitely going to raise a whole lot of questioning in government circles and there will be some serious thinking about how we organise public order policing from here," said Marks. "Even if it's a little bit late."

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Vavi says Cosatu will not be weakened

2012-08-24 14:07

Cosatu bleeds

'The writing is on the wall, you're going to be murdered'

The rise and rise of Amcu

Amcu, mining management in peace talks

Marikana commission to probe Lonmin's response to threat of violence

Sabelo Ndlangisa

Cosatu boss Zwelinzima Vavi says the attacks on the federation in the wake of the Marikana tragedy will not weaken it.

Vavi, who was addressing the media along with other federation leaders, said there was a plot to weaken Cosatu because of the political power it wielded through its 2.2 million-strong membership.

Cosatu president S'dumo Dlamini named expelled ANC Youth League leader Julius Malema, African People's Convention leader Themba Godi, United Democratic Movement leader Bantu Holomisa and the DA as being among those who wanted to reduce Cosatu's power.

Vavi said part of the "onslaught" was the rise of splinter unions such the National Transport and Allied Workers Union and Association of Mineworkers and Construction Union, which broke away from the SA Transport and Allied Workers' Union and the National Union of Mineworkers.



“Suddenly politicians who, on a daily basis, condemn workers for being too militant and for acting against the interests of the unemployed, are suddenly expressing sorrow and disgust and have even have the guts to blame ‘defocus’ among unions for this state of affairs.

“Their latest recruit is former ANC Youth league leader Julius Malema, a wealthy essentially right-wing leader, who demagogically exploits any perceived weakness to encourage workers to leave their union, their only means of defence.

“What all these opportunist right-wing politicians have in common is to blame Cosatu for the workers’ problems and try to divide and weaken the workers’ movement,” he said.

He said the federation’s conference, which is expected to be held in Johannesburg next month, would discuss ways the unions could give better services to their members and thwart the rival “bogus unions and their political and financial backers”.

He lamented the conditions under which mineworkers toiled, saying they were paid R5 600 per month even though they faced death every day.

In contrast, he said Lonmin chief financial officer Alan Ferguson was earning R854 581 a month.

Vavi said Cosatu had raised the issue of police brutality – what he termed their “skiet en donder” attitude – for many years.

“We have on countless occasions protested against the immediate resort to firing live ammunition which reveals a serious lack of training and planning on crowd control tactics.

We have also protested the use of rubber bullets on unarmed protesters.

“Police must be trained to negotiate before using force to control crowds. We want to see no guns, including those firing rubber bullets. We want to see riot shields, water cannons and tear gas, not R5 automatic rifles, to control crowds,” he said.

However, he also slammed the use of weapons by strikers, saying demonstrations should be peaceful.

- City Press

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(First, just a quick matter of extreme trivia. Is rambly RW Johnson of low politico-moral fibre? He says not and is cross with me for reminding, but many might disagree: <http://dailymaverick.co.za/article/2010-07-22-rw-johnson-shames-himself-disgraces-london-review-of-books> ... and of course we've been down this tit-for-tat road before - <http://www.bdlive.co.za/articles/2010/09/03/johnson-is-wrong> ... <http://www.accessmylibrary.com/article-1G1-238968997/debts-illegitimate.html> - so he

may choose to continue his petty vendetta, which is fine, he does write very well indeed, even when regularly getting things ass-backwards. Meantime, much better material to ponder, below, including the somewhat delimiting Zuma commission of enquiry mandate.)

<http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page72308?oid=321510&sn=Marketingweb+detail&pid=90389>

The questions about Marikana that aren't being asked

RW Johnson

23 August 2012

RW Johnson says a deep confusion rests at the heart of the official lamentations

Perhaps the biggest questions about Marikana have not only not been answered: they have not even been asked. A deep confusion sits at the heart of most of the official lamentation over these events. This was true from the first when Zuma announced "this is not a time for finger-pointing", the real meaning of which was "there will never be a good time for finger-pointing since, after all, the police are the organ of the ANC-state and therefore, if you disapprove of the shootings, you would have to point your finger in my direction".

Thereafter the key was the avoidance of the word "massacre": instead it was the "Marikana tragedy", making it sound like, say, a bad accident between two black taxis which leaves scores dead - all very sad but no one clearly responsible.

On the other hand, the government and its publicity organs were quick to label the Marikana dead as "victims" and even to argue (as some madman on Counterpunch did) that they were somehow dead as a result of poverty and inequality. (This rather reminded one of the young journalist on *The Daily Worker* who is told that every story must have a class angle, leading one cynical older journalist to toss onto his desk the greyhound racing results with the cheerful injunction "OK, let's see you class angle that one, comrade".)

Partly and unfortunately, this is because the government believes that Africans have a sort of innate right to victimhood under any set of circumstances, so it's an easy slot to drop the dead into. But, you understand, this time they are victims without anyone being responsible for making them victims. One has heard of the concept of the "victimless crime" but this was a new idea: a crime which certainly had victims but was nonetheless villain-free.

The oddity is that we've all seen the film of the police shooting the strikers down, so there is really no doubt about responsibility. But since the ANC-state is emphatically not blaming the police for anything, that can only mean that the police were doing just what they had been told to do. But that is not a line of thought anyone is encouraged to follow.

There was a great deal more evasive verbiage of this kind but, as George Orwell pointed out long ago, all such manipulations of language have their underlying political purpose and when someone won't write or speak straight with you it is invariably because he isn't being politically straight with you. In that sense, trying to tell it like it is is not just a matter of good writing, it is a matter of moral and political honesty.<sup>1</sup>

The current dishonesty of the government is not just a matter of words but of procedure. It is going through the whole process of national mourning - flags at half-mast, memorial ceremonies etc - and insisting that it - the agency which, effectively, gave the order to shoot, will lead all these ceremonies. The apartheid government was, in that sense, a great deal more honest: when it shot people it attempted squarely to justify it and took full responsibility.

In addition, of course, it has expedited a high-level team to Marikana to take complete charge of the victims' families, give them money for burials, transport etc. This is, quite transparently, the old ANC tactic of swamping people with control-squads who tell them what to think, who they can and can't speak to, and of course make it clear that the destitute who are strong enough to disobey these injunctions will lose all support. From top to bottom the entire operation is completely dishonest.

The questions which are not being asked were hinted at best by Zapiro with his news announcer saying "Please could everyone set back their clocks by thirty years." All of us old enough to remember Sharpeville felt a very distinct weight in the pit of our stomachs at the news of Marikana exactly because it felt like, not 30 years ago but 52 years ago. And the entire political point of all the evasive verbiage and camouflage procedures we are now being subjected to is precisely to stop us making that comparison, to insist that no such comparison exists. This is a very strong clue to the fact that of course it does exist.

In a sense Zwelinzima Vavi let the cat out of the bag a few months ago when he warned the government that if it continued to do nothing about service delivery protests and youth unemployment it could face a repetition of the 1976 Soweto rising. That really took things out of the museum and dusted them off. The 600 children who died in that rising have always been commemorated as heroes and martyrs who rose against an evil system but if one could imagine them rising against an ANC government, what would that make them then? Reactionary juveniles full of false consciousness?

And if they could be typified thus then surely that has implications for the children of '76, for once one concedes that such a rising might be quite "wrong", how can one still be so sure that the '76 generation were quite right? In other words, one quickly finds oneself questioning the entire "established" historiography of the anti-apartheid struggle.

And yet Vavi is already right. One can often see black youths in township protests doing many of the same things that the children of '76 did, marching, stoning vehicles, setting tyres alight, fighting the police and so on. One can currently even see the ANC Youth League trying to use all the most violent methods of the old struggle in order to attack the freely elected and multi-racial government of Cape Town and the Western Cape. The old ANC

tried to make the country ungovernable because the government had not been elected on universal suffrage and was therefore illegitimate. Now the Youth League is trying to make the Cape ungovernable exactly because they are so annoyed that the DA was overwhelmingly elected by universal suffrage.

Thus it seems safer to forget about all the mythical historiography of the struggle, and the justifications for and against and just to accept, more neutrally and sociologically, that there are certain forms of social protest which one may find in townships and informal settlements and that these forms of action will occur whenever the pot is boiled to a certain temperature irrespective of which government is in power.

That is to say, those forms of struggle have been wrongly attributed with a historical specificity - that they were purely the product of anti-apartheid struggle. Actually they might have occurred even if apartheid had never existed. Whenever a sense of grievance is sufficiently strongly felt - and these days "service delivery" grievances usually mask mere intra-ANC faction fighting - this is simply the form of action which comes most easily to township/squatter camp dwellers because it is direct, violent, makes a point and requires minimal organization, particularly given the large number of bored, idle youths hanging around who are always keen for a bit of excitement.

The Marikana events are somewhat similar. The men squatting on Wonderkop hill were mainly tribesmen from Lesotho and Pondoland. There was a clear resemblance with events during the Pondo revolt of 1960-62, long celebrated in ANC myth. The Pondo peasants rejected Bantu Authorities, Bantu Education and the rural rehabilitation schemes to which they were subject and they gathered everywhere on hilltops or ridges to hold angry meetings very similar to the one held on Wonderkop. Indeed, the resistance movement was known as "Intaba" or "the Mountain" and the Mountain Committee, which represented the movement, had its HQ on Ndlovu Hill. I remember talking to some of those Pondo leaders and there was no doubt that talking about "the Hill, the Hill" and "we are the Mountain" made them feel strong.

In 1960 things boiled up on June 6 when supporters of the Mountain held a large meeting on the top of Ngquza Hill, which sits between Bizana and Lusikisiki (very close to where I am writing this). The apartheid forces were exactly like the police at Marikana. They could and should have just let the peasants alone - no harm was going to come to anything if others just stayed clear and they were bound to get fed up with sitting on a hilltop after a while. But the apartheid forces sent in two planes and a helicopter to bomb the crowd with tear gas and smoke bombs: they had to be dispersed - exactly the same imperative the police had at Marikana.

Then the police surrounded the hill and began firing, killing 11. Another 19 were jailed. At the inquest the magistrate found that the police use of sten-guns had been "unjustified, excessive, even reckless" and pointed out that several of the dead had been shot through the back of the head. Naturally, the government appointed a completely rigged Commission of Inquiry full of Bantu Administration officials which dismissed the peasants' case out of hand.

I actually remember those Pondo leaders because they trekked up to Durban to see my great friend and comrade, Rowley Arenstein, the Communist lawyer. Even deep down in Pondoland Rowley was famous as a lawyer who quite normally took black political cases for free, so a whole great deputation of these Pondo tribesmen descended on Rowley's house at 79A Essenwood Road, Durban. I remember that they pretty much ate Jackie Arenstein, Rowley's wife, out of house and home and they also had an enormous appetite for hot baths so there was a permanent queue outside the Arenstein bathroom. Both Rowley and Jackie, who were extraordinarily brave, laboured under multiple bans - so having Pondo chiefs to stay meant holding illegal meetings - and were in general greatly oppressed by the system, so the household seldom had any money to start with. Despite that their generosity was amazing. Jackie once turned to me and said, "These chaps are the salt of earth. Tremendous fighters. Unfortunately, come the revolution, they'll probably be the first ones we have to shoot." In the end the apartheid regime simply house-arrested Rowley to prevent him going down again to Bizana to defend any more rebel cases there, this after he had successfully got several men acquitted.

I should add that Jackie later lost all faith in Marxism and the class struggle, let alone shooting people. But her words drift back me down the years, a reminder of how ruthless the descendants of Robespierre can be. Of course, we have seen Communist regimes shoot down workers before - at Kronstadt, in East Germany in 1953, in China and elsewhere. But I didn't really expect to see an ANC-SACP regime mowing down Pondo workers like this, some of them possibly the grandsons or even great-grandsons of those who rebelled in 1960-62. Yet that was, I now realise, ridiculous for the forms of mass protest remain what they were and they will test any Establishment, the 1960s Verwoerd regime or today's ANC-SACP regime. And while you can't really hold either Zuma or Verwoerd personally responsible, the fact is that it happened on their watch and it did so, in both cases, because the regime had already made such action entirely thinkable.

The other comparison is, of course, with Sharpeville. As Philip Frankel's *An Ordinary Atrocity: Sharpeville and its Massacre* (Yale UP, 2001) makes entirely clear, there were numerous similarities with Marikana. Young, nervous, outnumbered policemen, bearing weaponry wholly inappropriate for crowd or riot control, are told that whatever happens, they must hold the line, must not back down. The Marikana police had been told that, come hell or high water, they were going to end the Wonderkop protest that day. They were going to be "dispersed" and the police had brought enough weaponry to disperse a crowd of charging elephants. The apartheid regime was alarmed at the PAC's pass-burning mass action and wanted to draw a line in the sand. The ANC-SACP regime was deeply alarmed at the threat to the NUM and were similarly determined to draw a line in the sand.

The vast black crowd which pressed up against the wire around the Sharpeville police station were at least as frightening as the men squatting on Wonderkop at Marikana. As with all such crowds, those at the back couldn't see what was happening up front and just kept pushing, so the crowd edged ineluctably forwards, threatening to tear down the wire. And there is, of course, no doubt at all that had they broken through, they would have

overwhelmed the police whose fate would have been no prettier than the Marikana police had they succumbed to the Pondo charge.

At Marikana the Pondos and Basothos had been repeatedly warned that the police were coming to kill them regardless, so some of them naturally decided to make their charge rather than wait to be shot like sitting ducks. In both cases, the policemen opened fire although no order to fire had been given. In both cases many hundreds of rounds were fired in a few nervous seconds but even then, in both cases, there had been time for some of their attackers to run so not a few were shot in the back.

The real point is that no one quite knows what to do with African mass protest. Much of it reaches way back into tribal and pre-industrial culture; not just the resort to muti and sangomas but even toyi-toying, a peculiar form of war-dance. These sorts of protest can be tremendously destructive but they are never really capable of moving into a more general rising, so they can always be put down - as they were at Sharpeville, Ngquza Hill or Marikana. In 1960 students launched Sharpeville protests on every English-speaking campus. Today the campuses are weirdly silent.

The real significance of Sharpeville in South African history was that as the massacre sank in the conclusion was drawn - by African nationalists, liberals and Communists alike - that peaceful protest was getting nowhere and that only armed struggle would work. (This was in fact quite wrong. Armed struggle was a complete failure and disaster and set back the path of reform by years, even decades.)

The real question now is whether the Malema generation will conclude that they too must have an M-Plan, must move towards violence against the regime. After all, if the regime will not allow peaceful and open competition between rival unions, then what is the alternative? It goes without saying that armed struggle now would be an even greater disaster and failure than MK, ARM and Okhela were in the past, but that may not prevent history repeating itself. The government has, after all, given the lead in the path towards violence and impunity - and in South Africa such leads have frequently been followed.

Perhaps I may be allowed a personal endnote. I was one of the young who turned to Marxism in the wake of Sharpeville. In those days there was a great deal of more or less illegal political activity down on Grey Street in Durban, particularly at Lakhani Chambers where there was a sort of rudimentary meeting hall. Rowley was desperately keen that the young Turks of the ANC who flocked to the Left in the wake of Sharpeville should receive instruction in Marxism. But it was completely impossible for him to fulfill this task with the Special Branch watching his every move. So instead he impressed several young Marxist students into the task: Mike Kirkwood, Barry Higgs and myself.

Even we were constantly dodging the police. We gave lectures in vulgar Marxism to packed classes of Zulu men, many of them much older than ourselves. They were intent. One of our pupils was Jacob Zuma. He and I happily recalled those days when we met - he referred to Rowley as "our leader" - but I fear now that I may have much to answer for.

RW Johnson

Note: [1] I am sometimes criticised for almost overdoing this injunction, of being "too blunt", of saying difficult things out aloud and not respecting any sacred cows that happen to be in the room, but I have never felt that it could be wrong to be "too honest". So I was considerably amused to be sent an invitation to a debate convened by Patrick Bond, professor of agit-prop at Willie Makgoba U. In his inimitably neutral style Mr Bond summoned his co-debaters with the words "then you get men of low politico-moral fibre like the liberal ideologue Bill Johnson". My sin of "manipulation" had been precisely that I had told it like it was - indeed, later in the same e-mail Bond conceded that I was probably right in what I'd written. This reminded me of how I had once asked a friend why my writing made people of a certain ideological hue so angry. What was it I'd said that was so wrong? He laughed: "Ohno, they're very pleased if you get something wrong. What really makes them mad is when you're right."

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NUM takes aim at Malema at JHB memorial service for Marikana victims

It was meant to be a memorial service, a ceremony held in honour of the victims of the police shootings in Marikana last week. But the Gauteng Provincial Government's attempt at affording the victims some honour in death quickly denigrated into a political fight against the likes of Julius Malema. By KHADIJA PATEL.

As part of the national week of mourning for the victims of violence in Marikana, the Gauteng Provincial Government hosted a memorial service at the Johannesburg City Hall on Thursday. Vastly different to the the crowd at the University of Johannesburg on Wednesday night, the City Hall crowd was made up largely of civil servants and members of Cosatu-affiliated unions. And despite programme director MEC Lebogang Maile acknowledging family members of the bereaved in the audience, there was no indication if indeed any family members of the victims had travelled to Johannesburg for the memorial.

Most prominent, in fact, were members of the National Union of Mineworkers (NUM), the union that has earned the wrath of miners at the Lonmin shaft in Marikana. Seemingly unperturbed by criticism and widespread allegations that it had sabotaged wage negotiations for the rival Association of Mineworkers and Construction Union (Amcu) with Lonmin, NUM members arrived at the city hall upbeat.

The showing, designed to offer proof that the union deplored the violence in Marikana last week, had a political purpose as well. Not content with showing it felt badly about the mindless violence, NUM used the service to launch a fight back against its detractors. Just as reports from the memorial service in Marikana described ANC Youth League renegade

Julius Malema launching an attack on anything even remotely resembling government, so too, at the City Hall, NUM took the opportunity to push back.

While in Marikana, Malema took it to the government. At the Johannesburg City Hall, NUM decried the leverage political figures like Malema won in Marikana in the last week. In a thinly disguised attack on Malema, NUM President Senzeni Zokwana said, "Those banned from the ANC should not use the miners as a political platform!"

Ultimately, Zokwana attributed the entire incident at Marikana to succession politics within the ANC. He likened the rise of anti-Zuma sentiment following Marikana to vultures circling overhead, ready to pounce in readiness for Mangaung. "Just look at where the vultures are now circling to understand real reason behind the shooting.

"The question most people are asking is if this could be about wages. If yes, why arms, why sangomas," Zokwana said.

According to Zokwana, the condition of the bodies of those killed at Marikana points to a greater conspiracy. "Bodies were mutilated, body parts missing," he said, "This points to something greater than a wage dispute.

"Was it really about a strike?" Zokwana asked, "Or is it an opportunity for those who have an agenda in Mangaung?"

He firmly lambasted what he said was parliament's failure to adequately acknowledge the sacrifices of the country's mine workers, of which the Marikana incident was just the latest example. "Mineworkers have been exploited enough," he said as he implored that the deaths in Marikana not be used as a tool to sow division within the ANC.

Thandi Shimange, a representative from the Police and Prisons Civil Rights Union (Popcru), also warned against piggy backing on the Marikana incident to further political ambitions. "Let us not use the Marikana incident as political point scoring," she said, adding, "Let us wait for the results of the judicial inquiry."

And though Shimange stressed that the police had also sustained fatalities in violence at the Lonmin mine last week, she offered the police union's condolences to the victims' families. "To the bereaved families, we are saying we share this pain with you," she said.

Cosatu Secretary General Zwelinzima Vavi was present and visibly prepared to speak, though he was not offered time on the podium. A statement released later by Cosatu Spokesman Patrick Craven steered clear of the sticky politics, bemoaning instead the excessive use of force by the police. "One question which we have to confront immediately however, is what Cosatu has raised for many years now the brutality and 'skiet en donner' attitude on the part of the commanders of the police.



“While the Commission of Enquiry must determine precisely what happened—and we cannot attach blame until we have the full picture—there can be no doubt that the police response was excessive,” his statement said.

Gauteng Premier Nomvula Paula Mokonyane was more conciliatory towards the police. “The Marikana police shootings happened after a week of violence by striking workers that resulted in the death of security guards and police officers,” she said.

For Mokonyane, however, a comment on the prevailing politics was too titillating to ignore. She, too, attacked Malema for offering help to the victims’ families as a way to advance his own political ambitions. “Many hovered around Lonmin with briefs that had nothing to do with helping families,” she said, going on to call such people “messiahs for miners”.

“To those opportunists, remember, in a corner of South Africa, there are widows, orphans and women in pain,” she said.

“This hour of mourning is not the time for finger pointing and name calling,” she said, even though she herself had lent deep political undertones to what was supposed to be a memorial service.

In the end, in Johannesburg as in Marikana, attempts at a memorial service for the victims of last week’s violence denigrated into a political boxing match. The miners are hardly dead a week and already their names are tainted with the dirty politics of the ANC succession battle. DM

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Did Zuma Collude With the Mining Bosses?

The Marikana Massacre: a Premeditated Killing?

by BENJAMIN FOGEL

“Two hundred thousand subterranean heroes who, by day and by night, for a mere pittance lay down their lives to the familiar `fall of rock` and who, at deep levels, ranging from 1,000 to 3,000 feet in the bowels of the earth, sacrifice their lungs to the rock dust which develops miners` phthisis and pneumonia.”

- Sol Plaatjie, first Secretary of the African National Congress, describing the lives of black miners in 1914

Grahamstown, South Africa.

Last week’s massacre of 34 striking workers in Marikana, marks perhaps the lowest point in post-Apartheid South African history. Poor, black working class miners were shot down like animals, killed for profit. South Africa remains possibly the most unequal society in the

world,- the black majority still faces a life of poverty and toil, if they are lucky enough to even find work; while the still largely white elite, enjoy a life more familiar to the suburbs of Atlanta or Los Angeles, than a country in which over the half the country's citizens live below the poverty line, without access to basic services. As a wave of community protests which has arisen the townships of the country over the last few years intensifies-South Africa has been dubbed the protest capital of the world. In the last three years, there has been an average of 2.9 "gatherings" per day resulting in a 12,654 "gathering" incidents during 2010

The violence needed to sustain the profit-margin in the South African mining industry has a long and sordid history — it was one of the principle reasons for the implementation of Apartheid, principally the mines of the Witwatersrand's need for cheap migrant black labor, from the rural Eastern Cape and Kwazulu Natal, the miners of Marikana principally came from the former Bantustan of Transkei, one of the underdeveloped and impoverished areas in the country. Violence was consistently used by both the Apartheid and colonial state against attempts to organize mineworkers, events such as the 1946 miners strike- which saw 70000 workers go on strike and murder of 12 miners, are an all-too common feature in South African history. Apartheid was built upon a two-tiered labor market in which white labor and white unions were actively nurtured by an interventionist state, while black laborers were disposed of their citizenship- in the form of the Bantustan system; Then their freedom of movement in the form of the pass laws and their ability to organize in the form of the banning of trade unions. Violence was used in many other key moments of SA labor history including the 1973 Durban Strike and countless battles between labor and the state which occurred in the 1980s which saw the formation of both the trade union federation COSATU (Congress of South African Trade Unions) and NUM (the National Union of Mineworkers).

The fact that a multinational corporation was at the center of the massacre shouldn't surprise us either. Anglo-American, the largest corporation in South Africa, was one of the principle funders of the slaughter in the Democratic Republic of Congo. But the capability also extends to President Jacob Zuma and his cronies in NUM, figures such as the chairperson are directly implicated in the murder of the 34 workers. Both in the deployment of police at the mine and NUM's attempt to break up the strike..

The strike has continued into this week even after Lonmin issued an ultimatum to the workers, demanding that they return to their jobs or face being fired. At least 3000 strikers refused to comply and the ultimatum was later rescinded . Furthermore as of today, workers in the nearby Anglo American Platinum's (Amplats) Thembelani mine and the Royal Bafokeng's BRPM mine issued similar wage demands to management and downed their tools, giving management until Friday to respond. Lonmin's management failed to properly respond to the one essential demand of the striking workers, which was to meet with them. The following account clearly shows that the negotiating team-was not comprised of Lonmin management and was prevented from intervening by the police. as this report clearly shows.

"However later they agreed to a meeting provided the workers committed to three conditions: surrender their weapons, elect a small representative group to engage with management and disperse from the mountain ... On leaving the briefing area to report back to the miners, the SACC team was told they could not go back to the camp as the place was now a security risk area under the police. Bishop Seoka said they saw two helicopters taking off and assumed that they were going to the mountain where the workers were camping. 'As they left the area a call came through from the man we spoke to telling us that the police were killing them and we could hear the gun shots and screams of people', says the Bishop. 'The man covered with green blanket lying dead was the last person we spoke to who represented the mine workers.'"

Clearly, it was the police's intent to break up the strike, it's unclear how much political pressure they were under, but rather than letting the negotiating team do its work over 500 police surrounded the striking workers with armored cars and carrying assault rifles. A report from University of Johannesburg academic Peter Alexander suggests that the killing was possibly premeditated, as the police erected razor wire fences around the area in which the miners were located. Later tear gas and water cannons were used to disperse the crowd, forcing them to flee towards the police lines which greeted them with live ammunition.

A City Press editorial asked 5 basic questions:

- \* Why did police use live ammunition after an order was issued last year forbidding the use of even rubber bullets during public protests?
- \* Why did Lonmin bosses refuse to negotiate with representatives of the Associated Mining and Construction Union (Amcu) after initially agreeing to?
- \* Why didn't the country's intelligence services pick up on the brewing tension at the mine and take the appropriate action?
- \* Who supplied the newly made traditional weapons carried by thousands of angry miners?
- \* Do platinum mines discriminate in favor of certain categories of workers when it comes to wage negotiations?

So far none of the country's political and civil society leaders have offered anything besides shameful banalities about a future inquiry and mild to enthusiastic support for the police and NUM. The silence of liberal NGOs and civil society organizations has been remarkable. The absence of real leadership on the issue, or strong showings of solidarity for the ongoing strike is a profound statement of the extent of the failure of post-Apartheid South African civil society, which has been largely monopolized by NGOS

Perhaps the most strident apologist for the massacre has been the South African Communist Party (SACP), a party comprised by its support for the neoliberal policies of the ANC and its own Stalinist history. Take this appalling bit from Domnic Tweedie of the Communist University: "This was no massacre, this was a battle. The police used their weapons in exactly the way they were supposed to. That's what they have them for. The people they shot didn't look like workers to me. We should be happy. The police were admirable". Not even the bosses of Lonmin and the most reactionary strata of the South African press are so bloodthirsty. This type of disgraceful rhetoric has sadly become all too-common among the once-admirable SACP.

The only exception to this rule was ex-ANC youth league president Julius Malema, who was expelled from the ANC earlier this year primarily because of his opposition to Jacob Zuma. Malema, a figure who is best described as Hugo Chavez meets Kanye West, accused Zuma of having "presided over the murder of our people " and called for the nationalization of 'the British owned' mines to a crowd of thousands of cheering workers. He further accused Lonmin of having " a high political connection [... which] is why our people were killed. They were killed to protect the shares of Cyril Ramaphosa," Cyril Ramaphosa being an ex-communist, the ex-chairperson of NUM, and the current owner of the McDonald's franchise in South African, as well as a Lonmin board member

The mainstream press has found others to blame, however. The newspaper Business Day ran a shameful editorial which referred to Lonmin's workers as being "[...driven by antiquated beliefs in witchcraft and sorcery, [... and believing] in the powers of 'sangomas' (witchdoctors) to make them invincible. Try reasoning with that." Hence the perceived suicidal charge of police lines armed with R4 assault rifle , the suggested narrative of police defending themselves from primitive black miners clinging to superstitions which resulted in their deaths. The miners were not stupid enough, except in the racist imagination of white South Africans and the apologists of the massacre, to charge at policemen armed only with clubs. These sorts of images revert to classic colonial stereotypes.

The blame is placed on hubris brought on by black magic, rather than the fact workers are being paid less than \$500 a month. And obviously it couldn't have been the tear gas and stun grenades used on the striking miners that made them run towards the police clutching spears, pangas and knobkerries. Some reports have even accused the police of firing from helicopters and later driving over the still-living bodies of those shot.

On the other-hand the same Business Day editorial praised NUMThe NUM is the thoughtful, considered heart of the union movement here, one of the two rival unions involved in the dispute there. Cyril Ramaphosa and Kgalema Motlanthe, for instance, come out of it. As a union it is a "powerful voice of reason in an often loud and rash movement." A more damning indictment of the true loyalties of NUM's leadership is harder to find, than such praise in the country's leading pro-business (and anti-union) daily.

I accuse Zuma and NUM of colluding with the bosses at the Lambin mine as part of Zuma's re-election campaign. The blood spilled on the dirt of Marikana is on the hands NUM and Zuma, not just Lonmin and the police. Zuma's favored union and principle support base

within COSATU is NUM and they could not afford to look weak in the build-up to Zuma's re-election bid at the ANC's Manugang conference in November, in which he faces a strong challenge from deputy president Kgalema Motlanthe, who draws support from several of COSATU's strongest union, most notably the National Union of Metalworkers of South Africa (NUMSA) and their radical socialist leader Irwin Jim.

If they were to have been shown up by a bunch of upstart, wildcat striking workers at one of the largest platinum mines in the world, in a country where platinum has replaced gold as the principle source of profit for extractive capital, it would have constituted a serious obstacle to Zuma's re-election campaign. Furthermore the South African mining industry is in its last days, as gold reserves- historically the foundation of the South African economy- and platinum prices continue to drop. This is the real reason for the intensification of extractive mining practices, without workers being compensated for the added risk with any rise in wages

This precarious situation involving the primary industry in South Africa, has led to NUM working with the mining capital in order to protect the jobs of their members and attempting to insure that these companies secure the requisite profits needed to keep the mines open, leading them to view any threats to their position with these companies as a threat to their very existence. Zuma on the other-hand can't afford to face any more job losses, in the build up to his re-election campaign, unemployment in the country is unofficially at over 40% and youth unemployment is over 60%.

Forget the media propaganda about the union battle between NUM and AMCU. The majority of the strikers were not AMCU members, they were non-unionized workers or NUM members. AMCU was trying to recruit workers who were already involved in the strike rather than organizing it. The background to this, something that none of South Africa's reflexively anti-union media explicated in their initial coverage, was a strike that occurred in February-March of this year at the Implants mine located close by. During this, wildcat strikers affiliated to AMCU, were subjected to similar violence as NUM attempted to protect their position as the dominant union in the mining sector and the favored union of the mining industry. The difference is the the wildcat strikers won over a 100% increase in wages from the bosses. The average return after deductions 4000 rand a month or 500 USD for some of the most degrading, dangerous and depressing work imaginable. This in a country with one of the highest costs of living for the poor striking workers at Implants managed to get the bosses to give them a 5500 rand (660 USD) increase. This opened up space for the AMCU to appeal to the miners of Lonmin.

The real underlying scandal of the strike was well put by Chris Rodrigues from Rolling Stone:

But what still embitters them is their understanding that they would have to be reincarnated many times over to earn what the CEO of Lonmin did in one single year. Comparing their salary of R48 000 per annum with Ian Farmer's (2011) earnings of R20, 358, 620 amounts to an, approximately, 424 years discrepancy. Taking a recent estimate of average male life expectancy in South Africa (49.81) and deducting just 18 childhood years

from that would mean even if they worked every day of their adult life – they would have to do so over 13 unlucky lifetimes!

Such is the normalization of this capitalist metaphysics that the rival union has been universally rebuked for wanting to reduce it to a ratio of 1 year: 4.26 life spans. No wonder these strikers then entrusted the magic realism of a sangoma, for nothing today needs to be more urgently remedied than “reality”.

As a worker told the Mail & Guardian’s website: “It’s better to die than to work for that shit ... I am not going to stop striking. We are going to protest until we get what we want. They have said nothing to us. Police can try and kill us but we won’t move.”

This massacre highlights the degeneration of the dream of post-apartheid South Africa into a nightmare of capital, patronage, corruption, and repression. Now is the time for displays of real solidarity with the miners and a full exposure of the truth behind this awful crime.

Benjamin Fogel is a writer and activist in Grahamstown, South Africa.

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23 August 2012 Abahlali baseMjondolo Press statement

Marikana Massacre Memorial Service

Abahlali baseMjondolo has held a number of serious discussions about the Marikana Massacre within our movement and with our comrades. It has also been very important for Abahlali to send a delegate straight to Marikana in the North West province to meet directly with striking workers and struggling residents of the Wonderkop shack settlement. We, together with the Unemployed People's Movement, were also able to send two delegates to the meeting held to discuss the massacre at the University of Johannesburg last night. We wish to set the record straight and to say clearly that the account of what has happened that has been given in the media has mostly come from the state. The views and experiences of the striking workers and struggling residents of Marikana has been silenced. It is essential that the media must talk to the striking workers and struggling residents of Marikana and not just about them.

What has also concerned us about some media reports as well as what the state has been saying is that it seems now as if communities are violent and that what we must all pray for is an end to community violence. They say that we are violent nation. They say that this is a tragedy. But they do not say that for a long time the police and various anti-land invasion units and private security companies have been waging a war against the poor. They have been driving us out of the cities and into transit camps and they have especially attacked, beaten, tortured and killed those of us who are still struggling for real freedom, equality and justice. This has been the reality for struggling communities for years. But most middle class people only started to understand when they saw Andries Tatane being killed by the police on television. Now the truth of our democracy is here for all with eyes to see.

The police do not act as peace keepers when there is disagreement between employers and employees or citizens and government officials. They take sides. They are there for the employers and the government officials. They are not there for the people.

And we all know that we are living in a country where every police action is intelligence driven. The police have their spies everywhere and are listening to all the activists' phones. Their intelligence is not used to keep the peace. It is used to repress us.

The reality of police violence against poor people and especially against poor people that are resisting their life sentence of poverty raises difficult questions. Why does the government that so many poor people vote for repress the poor? Why are our votes wanted but not our presence in the cities or in the discussions? Why is the government trying responding to the protests that are happening everywhere with violence rather than support? It is clear that they want to respond to all this anger and protest by beating us back into the dark spaces where we are supposed to be kept. They want us in the bantustans and transit camps. They want us silent.

They want a solution to the reality that this society does not provide for everyone and include everyone that takes the form of violence and intimidation. The only real solution is to work with the poor to build a society in which everyone can participate in decision making and the land and wealth of the country is shared fairly. That is the only way to build a just peace. A peace built on state violence will never be just or democratic.

Abahlali basemjondolo will be holding a Memorial Service in Durban on Friday,

24 August 2012. We need to mourn the dead and strengthen ourselves for the struggles to come.

We are inviting all churches, shack dwellers, progressive movements, and individuals to attend this service. We are happy that Bishop Rubin Phillip has confirmed his attendance.

Venue: Emmanuel Cathedral, corner of Victoria Street and Queen Street, Durban

Time: 17:00pm to 18:30pm

Contacts:

Bandile Mdlalose: 071 424 2815 Zodwa Nsibande: 071 183 4388

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<http://www.abahlali.org>

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- Our condolences and sympathies to the Marikana and Pomeroy Victims

By Blade Nzimande, SACP General Secretary

Today the SACP joins millions of South Africans, especially the workers and the poor, in expressing our condolences and sympathies to all those who lost their loved ones and friends during the week of violence at Lonmin in the North-West, as well as all those who passed away from acts of violence in the week preceding this tragedy. Indeed thousands of our communist cadres will be participating in the various memorial services in different parts of the country, also in remembrance of those who perished in Pomeroy in KwaZulu-Natal.

The SACP once more wishes to acknowledge the leadership taken by the President, Cde Jacob Zuma, in appointing a Judicial Commission of Enquiry and a team of ministers to attend to the immediate needs of affected families and communities. The SACP plans to make its own submission to the Commission of Enquiry, as this is an opportunity for serious consideration and analyses of the nature of the mining industry in South Africa, and its vulnerability to produce this kind of violence.

In addition the SACP is also of the view that a closer study and analyses of living conditions in the mines and its surroundings will also go a long way in addressing the conditions of the working class and communities in the mining areas.

In all of the understandable fury, anger (about the unnecessary spilling of blood of the working class at Lonmins in Marikana), very few have pointed to the history and current trajectory of the mining industry in South Africa as the principal culprit in all this. This is not for purposes of laying blame for the sake of it, but to contribute towards a better understanding of the totality of the reasons behind this tragedy.

For instance the mining industry in South Africa has been prone to violence since the beginnings of its unionization over a century ago. Some of the major strikes by workers have historically been met with brutal violence, from the 1922 Rand Revolt, to the 1946 Great Mineworkers Strike and the 1987 NUM-led strike. We also have to look at the mining bosses history into using tribal and ethnic differences to try and fragment the working class in order to control it better.

The question of what are essentially backward beliefs and practices amongst sections of the working class is something that also as the SACP and the progressive trade union movement we will have to tackle as a matter of urgency and ongoing attention. Just how does a sangoma is today still able to convince sections of the working class that bullets turn into water if you have used 'intelezi', is something that we should no longer be talking about in a hush-hush manner but should openly engage, albeit sensitively. This requires enhanced strategies to raise the levels of class-consciousness amongst ordinary workers.

Indeed the above also requires that we undertake a serious analysis of some of the threats facing the working class in general and the progressive trade union movement in



particular. This incident, as well as others before it in the recent period, should send a very clear message that there is a sustained attack and offensive against COSATU in particular. The SACP has also correctly warned that where our detractors and enemies sense some divisions amongst our ranks, then they always tend to go on the offensive. It might as well be important that these and other related matters needs to be discussed at the COSATU Congress next month, including frank analyses of the strengths and weaknesses of COSATU affiliates as well as some of the threats facing the federation as a whole. This discussion must not take the form of a lamentation or rhetoric, but must aim at concretely coming up with a programme to defend and strengthen COSATU, within the context of deepening the unity of our Alliance. Such a discussion at COSATU Congress must also concretely explore the possible relationship between, Marikana, the current global capitalist crisis, the further decline in the profitability of capitalism, and a renewed offensive to weaken the working class to defend declining levels of profits. For example to what extent are the tensions in the platinum mine-belt connected to the decreasing demand of platinum in an economic zone like the EU which is a major consumer of platinum for catalytic converters?

The SACP also wishes to strongly condemn the cheap politicking by the parliamentary opposition in trying to lay the blame at the door of government and narrowly the police, without exploring (deliberately of course) some of the issues outlined above that require serious exploration and engagement. Some of the opposition parties have conveniently bought into the notion of 'inter-union rivalry' as the reasons for the violence in a manner that is no different from that of the apartheid regime's attempt to try and cover its early 1990's deadly war against our movement and our people as "black on black violence". It was also instructive to listen to some of the opposition and other demagogues using the same rationale as that of all of the past apartheid regime's stooges that "the NUM is the common denominator in all of the violence in the mines"; just like the UDF/Cosatu/ANC was described by the apartheid regime in the past as the common denominator in all of the violence directed against these very formations by the apartheid regime and its Bantustan tentacles.

Indeed attempts by the opposition to liken police reaction in Marikana to that of the apartheid regime is outrageous, no matter how unacceptable death is. The fact that government has taken the kind of action in response to this tragedy indicates that government is as equally concerned about these deaths. Of course this does not and must not mean that we do not have a responsibility as a country to constantly focus on the transformation of the police and have serious and ongoing reflection on police methods and crowd control measures.

Sithi kubo bonke abalahlekelwe, nilale ngenxeba, akwehlanga lungehlanga!

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Marikana, one week on: SA's war with itself, for all to see

- Ranjeni Munusamy

- South Africa
- 24 August 2012 01:09 (South Africa)

The Marikana massacre may well turn out to be a pivotal moment in post-Apartheid South Africa. It has shaken the country to the core and exposed the fault-line between the ruling elite and an angry, divided society. Somewhat shockingly, the massacre has also recast the party of liberation as the new enemy, upholding a regime oppressing its own people. By RANJENI MUNUSAMY.

Seven days after South Africa watched the unfolding horror of heavily armed policemen shooting into a crowd of striking mineworkers the country's wounds are anything but healing. At Thursday's memorial services at Marikana, where 44 people have died as a result of a wildcat strike at the Lonmin platinum mine, and in other parts of the country, emotions were running high, tempers flaring and accusations were still flying thick and fast.

President Jacob Zuma on Thursday announced the composition and terms of reference of a judicial commission of inquiry into the violence at Marikana in order to answer the numerous questions around the events that stunned the country and sent shockwaves around the world.

The three-member commission will be headed by retired Supreme Court of Appeal Judge Ian Farlam. The other two members of the commission are Advocate Bantubonke Tokota and Advocate Pingla Hemraj. The commission will have four months to probe, among other things, the role of the mining company Lonmin and the two trade unions, National Union of Mineworkers (NUM) and the Association of Mineworkers and Construction Union (Amcu) in the violence.

It will also examine the conduct of the SA Police Service, focusing on "the facts and circumstances which gave rise to the use of force, and whether it was reasonable and justifiable". In a surprise move, Zuma has also asked the commission to look into "the role played by the Department of Mineral Resources or any other government department or agency in relation to the incidents and whether this was appropriate in the circumstances, and consistent with their duties and obligations according to law".

The net of the probe has been thrown wide to look into the conduct of "individuals and loose groupings" in fomenting or promoting conflict and confrontation which resulted in the tragedy.

Zuma said the terms of reference might be added to or changed, and the commission would have the power to "enter and search premises, secure the attendance of witnesses and compel the production of documents". In its report, which must be submitted within a month after it completes its work, the commission could refer any matter for prosecution or further investigation, he said.

While the make-up of the commission and broad scope of the inquiry suggests that the presidency wants a credible investigation, it will do little to quell rage and turmoil at Marikana and in society in general.

Dr Saths Cooper, president of the International Union of Psychological Science, said the Marikana massacre had exposed a country with extremely high levels of anger and frustration, anger and frustration that is being directed against those in power now far removed from the people they are meant to serve.

“Violence has been endemic and continues to be largely because all of us has been socialised into accepting the correctness of using violence in our lives,” Cooper said. South Africa had among the highest rates of road deaths, infanticide, femicide, spousal and child abuse, rapes and murders, as well as topping the world in the Gini coefficient measuring levels of inequality between the rich and poor.

“All of this is while we are not at war. But we are at war with ourselves,” Cooper said. There are more protests in South Africa in a month than was during the entire Arab Spring, he said.

Rampant service delivery protests all over the country were a result of the “lack of care and responsiveness of people in power”, he said. Protestors turn on property such as libraries, schools and government offices because these are the only demonstrable representations of the state. They cannot access MPs or senior government representatives, as there is no connection between communities and those in power.

Cooper said the complexity of the situation at Marikana is in the irony of the collaboration of the previous oppressors with those currently in power. The liberation movement was deeply imbued with a socialist quest, but has now been compromised in the ownership of the means of production.

The workers do not know how to rise above their frustrations and anger in having to live and work in unbearable conditions, even as they see others flaunt conspicuous wealth. Adding to the complex dynamics around the tragedy is the failure of worker representatives and the “crass lack of remorse by Lonmin”, said Cooper. In the actions of the police, there is also the backdrop of frustration, including through rising levels of criticism in society against the police.

Cooper said the “shameful displays” in Parliament earlier this week, when MPs attacked each other during a debate on the Marikana massacre, showed the country that people of influence do not care and have no respect for those who died.

“The strong desire for law and order among South Africans, particularly those who have witnessed and are tired of rampant levels of crime, make some say ‘good for the police’,” Cooper said. “Black life in South Africa is cheap and has proven to be cheap. If this had happened in a white suburb during a protest on the billing crisis, the reaction would be quite different.”

At the memorial service at Marikana on Thursday, Zuma's inter-ministerial task team was humiliated when the community snubbed its arrangements and opted to have the service in a tent sponsored by Malema supporters. When he addressed the service, Malema called the government "a pig that eats its own people" in front of the team of ministers.

"Today they are all here, the only reason they are here is to pose for the cameras," he said, to applause and cheering by the crowd. While Amcu was welcomed at the service, there was no sign of NUM.

Political analyst Adam Habib said the Marikana massacre had shaken the political elite. "They never imagined they would be seen as the managers of a system that led to the killing of over 40 people.

"There is now an existential crisis within the political elite. They are suddenly getting nervous that the party of liberation is being perceived as the architects of an economic regime that is going against the people," Habib said.

He said this was a pivotal moment for the political elite because they recognise they are no longer the automatic representatives of the poor. "A section of the poor sees them as The Other. This is hard for the ANC to come to terms with. The Other used to be the Democratic Alliance, for the first time, they are The Other."

Habib said Cosatu and NUM were going through a similar existential crisis, with the giant mineworkers union now seen as a "sweetheart union", in the pockets of the employers. "They are not accustomed to this. They are used to being seen as left and militant. Cosatu is also grappling with this, particularly how Amcu has been able to move into NUM's space."

Habib said Zuma and his ministers were playing "catch-up" after not responding appropriately to the tragedy initially. Zuma is now trying to project himself as slightly separate from the state, even going as far as putting his own government departments under scrutiny in the commission of inquiry.

"While the ministers are seen as part of the elite, Zuma is now coming off better than them. That's because he is trying to separate himself slightly from them, which is not fair," Habib said.

He said divisions in society were evident by how people were reacting to the massacre. While the upper classes were shocked by it, the tragedy was unfolding at a distance from their real lives.

He said it was telling that though the striking mineworkers were demanding three times their wages, economists have not dared to say in public that the demand was unreasonable. "It's because they sense that there is something bigger here. This is not a normal wage strike. They are worried," Habib said.

Malema, he said, has become very good at mobilising in crises, as he did with the unemployed youth in his economic freedom march from Johannesburg to Pretoria.

“Where there is tragedy, he is there. The only other person who has been able to do this is Winnie (Madikizela-Mandela). At Marikana he is able to walk right into the crowd while the ANC leaders have to go there with armed guards. Of course it is opportunistic but he is exploiting the existing fault-lines of South Africa,” Habib said.

For months and years to come, the country will continue to try to understand what happened at Marikana, the impact of the massacre on society and whether it redefined South Africa. A week later, it is evident that the events of 16 August 2012 came as a result of the multiple failures of the structures of society around Marikana.

It is the most poignant example of a society that has turned on itself. DM

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Wildcat strike over at Royal Bafokeng's platinum mine. How painless was that?

- Siphon Hlongwane
- 24 August 2012 02:00 (South Africa)

Just two days after it started, a wildcat strike at Royal Bafokeng Platinum's mine just north of Rustenburg ended after the parties met. The lessons offered by Lonmin's rival are as profound as they are simple. Never forget the little guy. By SIPHO HLONGWANE.

On Thursday, just 24 hours after Royal Bafokeng Platinum (RBPlat) confirmed in a statement that there was an unprotected industrial action at the north shaft of the Bafokeng Rasimone Platinum Joint-Venture, there was hardly any sign that anything untoward was happening outside the gates. People were moving in and out after the end of the morning shift and there was no sign of any tension or anger that might suggest that something was happening.

The only alert was a single police Casspir (armoured truck) that was parked some distance away from the gates. The security guard at the entrance of the mine said that members of the press were not permitted to enter the premises, but all striking miners were inside and holding a meeting with the National Union of Mineworkers (NUM). RBPlat spokesperson Kea Kalebe confirmed the news.

By nightfall, people connected to the matter said that the strike was over, a deal had been reached to the satisfaction of all parties, and workers had in fact returned to their posts on Thursday.

What overshadowed the strike at BRPM was the violence a week before at the Marikana shaft of Lonmin PLC, which saw 44 people killed, 78 injured and some 260 arrested. On the

morning of the meeting at BRPM, a fiery memorial service was being held at the Wonderkop squatter camp, located just outside Lonmin's mine.

Speaking to a few RBPlat standing outside the gates made the impression that the strikes at Lonmin and Impala Platinum (Implats) before that were an inspiration for a few hundred workers to down tools at RBPlats. "Nabo bafuna R12,500," said one lady. (They too want R12,500.) That figure has been a rallying cry at Lonmin, as angry workers demand to have their net wages more than tripled.

According to three employees interviewed at RBPlat (all of whom declined to be named), the strike at the north shaft was initiated by rock-drill operators, the same group of people at the centre of the ferment, but other types of workers then joined. Most drill operators are hired on a short-term basis, and they wanted to be employed permanently at the higher wage level.

NUM is the majority representative union at BRPM, and thus the bargaining partner to RBPlat. The Association of Mineworkers and Construction Union, for so long a headache for both NUM and mining companies elsewhere on the Bushveld Complex (site of 80% of the world's platinum reserves), barely has a presence at this mine.

In an interview with Daily Maverick on Thursday night, the NUM local secretary Jeff Moleke said that the only unions present at the table was his, and the Chemical Energy Paper Printing Wood and Allied Workers Union (Ceppwawu), which represents employees who work in the other areas of platinum production.

"We had a meeting today where the issues of the striking workers were raised. Ultimately we reached an agreement that means that the workers will go to work as from [Thursday]," Moleke said.

Without revealing the exact nature of the agreement, the NUM local secretary said that some of the complaints were dealt with right there at the table, but some solutions would happen in a staggered fashion.

One of the immediate interventions by RBPlat's management was to lift the suspension of several striking miners.

"The situation was resolved to the satisfaction of all parties," Moleke said. The violence at Implats and Lonmin was discussed and the workers were told that in a situation such as happened at the other two mines, where violence was ever-present, nobody would win.

"The issue of changing contracts to permanent employment was raised. Given the current economic conditions, management did not accede to that," he said.

RBPlat could not be reached to confirm the end of the strike and the terms of the deal after the meeting ended late on Thursday.

The swift way in which RBPlat's management responded to the wildcat strike stands in contradiction to the halting fashion in which Lonmin tried to deal with trouble at its mine. The small numbers of the striking workers along with the absence of a strong Amcu certainly helped; the immediate implementation of a timeline is what diffused the situation.

However, RBPlat's real secret weapon is one long in the making, and shows how big a difference reaching out to uplift the lives of employees makes. Royal Bafokeng Holdings owns a 100% stake in Royal Bafokeng Platinum Holdings, which in turn owns 57% of RBPlats in partnership with Rustenburg Platinum Mines and publicly floated shares.

The RB Holdings company is an investment vehicle for the Royal Bafokeng nation, which mostly lives in Phokeng, near Rustenburg in the North West.

Platinum profits are invested in many social development programs, including infrastructure investments in all 29 Bafokeng villages, such as roads, street lighting, waste collection, electrification, and water provision. The dividends to the Bafokeng nation also fund healthcare delivery services, including ARV provision to more than 2,000 people and care for the elderly.

"Over the past three years, an ambitious education reform programme has been rolled out to 60+ schools in the region, including early childhood development, a 13th year programme for university-bound students, and a school nutrition programme," said Susan Cook, an anthropologist working at the time as Research and Planning Executive in the office, in a separate interview with Daily Maverick.

The development of the Bafokeng Nation is measured against the Vision 2020, a guideline or set of principles that outlines short and long term plans for the Bafokeng nation. The plan seeks to make every member of the community self-sustained through education and skills provision.

The community buy-in is non-existent at Lonmin, where the workers complained that they were being fed into a machine with nothing to show for it. While RBPlats is a company created as an investment vehicle for the nation, and thus has an obvious social development mandate; and Lonmin is a company with shareholders in Britain, the latter's failure to establish any sort of accord with workers or to invest in broad social development in the communities that worked in the mines would have ensured that there was zero trust to begin with. In such an atmosphere, big wage demands are not solved quickly and amicably. DM

Photo by Sipho Hlongwane (Daily Maverick)

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NUM must take up rock drillers wage claims - COSATU

Patrick Craven

23 August 2012

Federation's message of condolence to families and fellow workers of those who perished at Marikana

COSATU message to Marikana memorial services, 23 August 2012

On behalf of the 2.2 million members of the Congress of South African Trade Unions, we bring our heartfelt condolences to the families and fellow workers of those who perished in the tragic events in Marikana.

We join all South Africans, and many millions more across the globe, in mourning this tragic loss of 44 lives and we also send our best wishes to the 78 people who were injured and hope that they recover as quickly and fully as possible.

We share the pain, grief and despair that the families of the bereaved must be feeling. You have lost your loved ones, your husbands, sons and brothers, and in most cases have also lost the only breadwinner.

We know that most employed workers support as many as 12 family members from their meagre wages. The biggest source of income for the unemployed - 70% - is in the form of remittances from employed family members.

The families affected by this tragedy come from all over South Africa, not just around the mines, but in the 'sending areas', the former 'homelands' established by the apartheid regime to facilitate the supply of cheap labour in the mines.

COSATU will be holding a media conference tomorrow, Friday 24 August 2012 at 10h00, about the Marikana events, and on Tuesday, 28 August 2012 we shall issue a detailed report on the background to the workers' dispute with Lonmin and other related developments in the platinum mines and the trade union movement.

Now is not the time to go into this detailed assessment, nor to play the blame-game. We must await the findings of the Commission of Enquiry, which we hope will establish exactly what happened on that tragic day.

We must however appreciate the massive significance of this tragedy. After 18 years of democracy we have witnessed scenes which we had hoped were now only part of our history. For 34 workers to be killed within three minutes is a colossal disaster. It has understandably made headlines and provoked protests throughout the world.

We must reject any idea that this is just a normal feature of South African life and become immune to such unnecessary loss of life. Never again must we see such scenes on our TV screens!



One question which we have to confront immediately however, is what COSATU has raised for many years now the brutality and 'skiet en donner' attitude on the part of the commanders of the police. While the Commission of Enquiry must determine precisely what happened - and we cannot attach blame until we have the full picture - there can be no doubt that the police response was excessive.

We have countless occasions protested against the immediate resort to firing live ammunition which reveals a serious lack of training and planning on crowd control tactics. Police must be trained to negotiate before opening fire with automatic rifles and live ammunition. We want to see riot shields, water-cannons and tear-gas not R5 automatic rifles to control crowds.

At the same time we must ensure that members of society do not carry dangerous weapons and our demonstrations must be peaceful and free from intimidation of those who choose not participate in our strikes or protest actions.

COSATU has consistently condemned the use of live ammunition in protest actions by workers and in communities, and will continue to argue for a better trained, better equipped and socially responsible police service.

We must also equally condemn the carrying and use of arms by demonstrators and strikers. Workers have every right to be militant and angry, but must also be peaceful, lawful and orderly, as COSATU has always insisted.

The underlying problems which give rise to incidents like those at Marikana are the stark levels of inequality in South Africa and the super-exploitation of workers by ruthless and rapacious employers. Since they discovered diamonds, gold and platinum these greedy companies forced people from all over Europe and Sub-Saharan Africa to go down every day deep in the bowels of the earth and dig out precious stones.

They work in most dangerous conditions in high temperatures, in damp and poorly ventilated areas where rocks fall daily, killing many and condemning others to a life in a wheelchair and the loss of limbs. Some families have never even had the chance to bury their breadwinners, whose bones remain buried underground.

The rock-drill operatives at the centre of the dispute perform a more dangerous, unhealthy and difficult job than anyone else. They face death every time they go down the shafts. Yet their monthly earnings are just R5 600!

Compare that to their bosses. The earnings of Lonmin's Financial officer, Alan Ferguson, are R10 254 972 a year, R854 581 a month, 152 times higher than a rock-drill operative!

We urge the National Union of Mineworkers to take up their claim, with comparable demands for other workers in the industry, whose wages are equally pathetic, and whose living conditions are also still squalid and lacking in basic services.

The NUM has a proud 30-year history of fighting to improve the lives of this most exploited section of the working class. It has always been a fortress of the mine workers' struggle, championing their demands for better wages and working conditions. It has earned its stripes as a true representative of workers and lifted the bar for all the workers they represent.

As COSATU's biggest affiliate, with over 300 000 members, it will continue to defend and improve the lives of mineworkers and play a leading role in the federation for years to come.

But now the NUM, and the whole trade union movement, is facing a huge threat to workers' unity. The report to be issued on Tuesday will reveal what we have identified as a as a co-ordinated political strategy to use intimidation and violence, manipulated by disgruntled former union leaders, in a drive to create breakaway 'unions' and divide and weaken the trade union movement.

In less than a month, the 'workers' parliament', COSATU's National Congress, will be convening. While we shall be celebrating yet another record level of membership, we will also have to discuss how we can defeat this attempt to divide and weaken the workers, how we can give even better service to our members, and cut the ground from under the feet of these bogus breakaway 'unions' and their political and financial backers.

We must do everything possible to prevent splits and preserve and strengthen our unity. The old slogan: "United we stand - Divided we Fall" is not empty rhetoric. It is the key to our success in transforming workers' lives, building prosperous and peaceful world and preventing any more Marikanas.

Statement issued by Patrick Craven, COSATU national spokesperson, August 23 2012

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The Presidency, 23 August 2012

President Jacob Zuma

Appointment of Judicial Commission of Inquiry

on the Marikana tragedy

Ladies and gentlemen of the media,

On the 17th of August I announced that I would appoint a commission of inquiry to establish the facts about what happened in Marikana where approximately 44 people were killed in about a week.

Today I hereby announce the Commissioners and the terms of reference of the Commission.

The Commission is appointed in terms of section 84(2) (f) of the Constitution of the Republic of South Africa, 1996.

It has been directed to investigate matters of public, national and international concern arising out of the events in Marikana which led to the deaths of approximately 44 people, the injury of more than 70 persons and the arrest of more than 250 people.

#### MEMBERS OF THE COMMISSION

The chairperson of the Commission shall be Judge Ian Farlam, retired Judge of the Supreme Court of Appeal.

He has served as a Judge in the Orange Free State Provincial Division, the Cape Provincial Division and the Supreme Court of Appeal.

Other members of the Commission are the following:

Adv Bantubonke Tokota SC, who has acted as a Judge in the Eastern Cape Labour Court and Transvaal Provincial Division.

Adv Pingla Hemraj SC. She has acted as a Judge in the High Courts of Durban, Pietermaritzburg, Port Elizabeth and Grahamstown.

#### THE TERMS OF REFERENCE

The commission will look into the following matters:

It will probe the conduct of Lonmin Plc, in particular the following:

whether it exercised its best endeavours to resolve any disputes which may have arisen between Lonmin and its labour force on the one hand and generally among its labour force on the other;

whether it responded appropriately to the threat and outbreak of violence which occurred at its premises;

whether the company, by act or omission, created an environment which was conducive to the creation of tension, labour unrest, disunity among its employees or other harmful conduct;

whether it employed sufficient safeguards and measures to ensure the safety of its employees and property and the prevention of the outbreak of violence between any parties;

The Commission will also examine Lonmin policies generally, including the procedure, practices and conduct relating to its employees and organised labour.

It will also investigate whether by act or omission, the company directly or indirectly caused loss of life or damage to persons or property.

Secondly, the Commission will probe the conduct of the South African Police Service, and will look at the following:

the nature, extent and application of any standing orders, policy considerations, legislation or other instructions in dealing with the situation which gave rise to this incidents;

the facts and circumstances which gave rise to the use of force and whether this was reasonable and justifiable in the particular circumstances

to examine the role played by SAPS through its respective units, individually and collectively in dealing with the incidents;

whether by act or omission, it directly or indirectly caused loss of life or harm to persons or property.

Thirdly, the Commission will probe the conduct of the National Union of Mineworkers and the Association of Mineworkers and Construction Union, (AMCU), their members and officials.

The Commission will in particular probe:

whether the AMCU had exercised its best endeavours to resolve any disputes which may have arisen between itself and Lonmin or NUM or any other parties;

the extent to which it exercised effective control over its membership and those persons allied to it, in ensuring that their conduct was lawful and did not endanger the lives and property of other persons and

whether by act or omission it directly or indirectly caused loss of life or damage to persons or property.

Fourthly, the Commission will look into the conduct of the National Union of Mineworkers (NUM), its members and officials. It will in particular look into the following:

whether the NUM had exercised its best endeavours to resolve any disputes which may have arisen between itself and Lonmin or AMCU or any other parties;

the extent to which it exercised effective control over its membership and those persons allied to it in ensuring that their conduct was lawful and did not endanger the lives and property of other persons;

whether by act or omission it directly or indirectly caused loss of life or damage to persons or property.

Fifthly, the Commission will look into the role played by the Department of Mineral Resources or any other government department or agency in relation to the incidents and whether this was appropriate in the circumstances, and consistent with their duties and obligations according to law.

The Commission will also look into the conduct of individuals and loose groupings in fomenting and/or promoting a situation of conflict and confrontation which may have given rise to the tragic incidents, whether directly or indirectly.

The Commissions Act of 1947 shall apply to the Commission, subject to modifications and exemptions as may be specified by proclamation from time to time.

The terms of reference may be added to, varied or amended from time to time.

The Commission will submit interim reports and recommendations to the President each month prior to the final report being presented to the President.

The Commission shall complete its work within a period of four months and must submit its final report within a month of completing its work.

The Commission shall where appropriate, refer any matter for prosecution, further investigation or the convening of a separate inquiry to the appropriate law enforcement agency, government department or regulator, regarding the conduct of any person or persons.

The Commission will have the necessary powers, including the power to enter and search premises, secure the attendance of witnesses and compel the production of documents.

The terms of reference will be gazetted forthwith.

We urge all affected parties to cooperate with the Commission.

I thank you.

From: <http://www.thepresidency.gov.za/pebble.asp?reid=6649>

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(Eloquent Manyi lost his tongue, while 'leadership' at Marikana yesterday was utterly contrived and apparently unconvincing: "Cabinet spokesperson Jimmy Manyi refused to answer journalists' questions at a post-Cabinet briefing on Wednesday, on whether Cabinet discussed the likelihood of spillover effects; if there were contingency plans in place; and whether it endorsed the police actions used in Marikana last week.")

Marikana violence is a sign of things to come

by Bonita Meyersfeld, Jackie Dugard and Nikki Naylor, August 23 2012, 07:00 | 0  
Comment(s)

SOUTH Africa is reeling over the deaths last week at Lonmin's Marikana mine. The shootings are the subject of a commission of inquiry into whether the police acted lawfully when they used lethal force against the striking miners. We are of the view that the acts of the police part ways with national law and policy and international standards regarding the use of force in controlling crowds.

Marikana is not the first instance of civilians being killed by the police while striking, protesting or demonstrating about poor service delivery or increasing levels of poverty and inequality in South Africa. Over the years, there have been enough instances of conflict between police and civilians to raise serious questions about the police service's ability to deal with civil disturbances and protest action.

But underlying the question of police conduct, there is a deeper issue. The deaths are a symptom of the wider problem of inequality in South Africa. Marikana has highlighted the contradictions of our country. We have one of the most progressive constitutions in the world, yet inequality is rising, creating the widest gap worldwide between rich and poor.

Marikana has exposed the cheap value of life of the majority of South Africans who continue to toil under conditions of profound economic exploitation. Contrast this with the fact that between 1994 and 2009, platinum output grew by 67%. Yet rock drillers at the Lonmin mine earn indigent wages and have to resort to unprotected strike action.

Just as international research has demonstrated that the more unequal a country, the more prone it is to instability and violence, the events of the past week have sent us a powerful warning of the shape of things to come should inequality and poverty remain unaddressed.

What state do we live in where workers have had to lay down their lives in the name of a fair wage; where they have no hope of dialogue with management or majority trade unions; and where violence seems to be all that is left to deal with the mixture of anger and poverty?

How fair is this new South Africa, a country that holds 88% of the world's platinum reserves and accounts for 75% of global supply? Does this not paint a picture of prosperity, opportunity, employment and economic growth? Is this not the South Africa where the

state and our president speak of mining as the answer to our unemployment crisis, where mining is part of the solution to our poverty and inequality crisis?

But the wealth of mining is not meeting the needs of the poor. The Bench Marks Foundation paints a grim picture of conditions at Lonmin and other platinum mines in the Rustenburg area. The report notes that at Lonmin the workforce lives in overcrowded townships and informal settlements in deplorable conditions. The study warns of deteriorating social relations and the threat of violent conflict arising from the low wages, along with social disintegration, crime, murder, rape, prostitution, unemployment and poverty.

This is a frightening scenario for those who are economically empowered in South Africa: it challenges our status quo and evokes the spectre of forced redistribution of wealth. But more than the shock and outrage at seeing people being executed, more than the police brutality, the protesters' anger, the company's seeming indifference or the state's weak response, Marikana also represents a reality: the vast gap between rich and poor is not only immoral, but also unsustainable.

Change is necessary. The undeniable truth is that, as a middle-income country, we have choices and must make changes. We need an honest assessment of how wealth in this country is shared; how repositories of power (including the government, the private sector, trade unions and landowners) maintain a status quo that drives an ever widening wedge between the lives of the rich and the lives of the poor. How can we expect peaceful reform when the government responds by violently suppressing workers' critique of the status quo? And how can we expect the rich and capital to respect poor miners' lives when the government and its police officers so clearly have not?

A failure to deal with these issues, listen honestly to each other's needs, and find meaningful, creative and nonviolent solutions that involve all stakeholders, will inevitably lead to many more Marikanas. And that is a cost that none of us — rich or poor — can afford.

- Meyersfeld is a director at the Centre for Applied Legal Studies. Dugard is an executive director at the Socio-Economic Rights Institute of South Africa. Naylor is a human rights lawyer and activist.

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Marxism, socialism and the ghosts of Marikana

Mandy de Waal

South Africa

23 August 2012 02:42 (South Africa)

Members of a self-styled liberation movement called the September National Imbizo went to Marikana in search of the truth about what happened at Wonderkop. They found tight police control, the community in shock, and plenty of anger and hopelessness. By MANDY DE WAAL.

“It felt like a police state. It was total overkill,” said Pakama Ngceni, an activist with September National Imbizo (SNI), a self-styled liberation movement with roots in African socialism. “There’s probably a police officer for every person in Marikana.”

Activists from SNI travelled to the Northwest mining town of Marikana on Sunday to speak to miners devastated by the massacre at Lonmin, which left 34 miners dead, more than 70 injured and some 260 miners arrested.

Speaking to Daily Maverick by phone, Ngceni said Marikana was a ghost town. “There weren’t any kids on the street, and only a few people walking around. Everybody is so scared that there that the children aren’t allowed on the streets to play anymore. It was very uncomfortable.”

Getting into the mining town wasn’t easy, and the activists had to go through roadblocks manned by police. “We had to drive through four roadblocks, and we all had to show the police our IDs.”

There was some artwork in the car that concerned police manning the roadblocks. “It became a whole tedious thing. The paintings were done by Thomas Sankara, former president of Burkina Faso. The people’s manifesto is inspired by what he did in that country.”

Sankara, who died in 1987, is often referred to as Che Guevara and described by those who admire him as “the world’s poorest president, but indeed its richest revolutionary”. Writing for Huffington Post, Nyambura Michael Mungai, a former Kenyan street kid and now a Philadelphia-based social justice activist, said although Sankara’s is not a household name, he was a leader of a similar stature to Nelson Mandela or Kwame Nkrumah (who helped realised Ghana’s independence from British colonial rule).

Mungai wrote that Sankara was influenced by the works of Karl Marx and Vladimir Lenin. “He committed his presidency to eradicating poverty and to uplifting the common man. Ahead of his time, Sankara was also dedicated to seeing the status of women in his country improve. He became the first African head of state to elevate women to multiple top government positions, as well as recruiting them in the army.”

Mungai told the story of how Sankara sold off the government’s fleet of Mercedes vehicles, making the cheapest car available in the country at the time (the Renault 5), the official vehicle for his ministers. “He reduced his own salary to \$450 a month plus his personal possessions. He also banned the use of government chauffeurs and first class airline tickets by his government officials. He encouraged the Burkinabe to purchase garments produced



by their fellow countrymen. Sankara also refused air conditioning in his office, arguing that most of his fellow countrymen lived without such luxuries,” Mungai wrote.

SNI’s People’s Manifesto is based on Sankara’s thinking. In it, SNI demands all public officials, regardless of status, make use of the public sector. “We, the people of South Africa, hereby legislate a new law, titled: ‘POLITICIANS AND PUBLIC SERVANTS USE PUBLIC SERVICES’. This law compels all politicians, from the president to the local councillor, and all public servants, from the Director General to the sweeper and their families to use public utilities,” the manifesto reads.

The rationale for SNI’s manifesto? “The basic idea behind our law is simple: politicians and public servants must use the same public services that they legislate for us, the majority. In demanding this we are driven by a simple question: If politicians and public servants refuse to use the services they say are good enough for the majority of us, then who exactly are they serving?” according to the SNI website.

Back at Marikana, SNI’s Ngceni said the intense police presence was reminiscent of a police state. “They (the SAPS) act like they are in charge, and they are there to interrogate anyone who comes in. What you feel throughout is that you are being watched. Every single car is accounted for, even when we said we were meeting a friend in town at a particular shop, when we got to the shop in question there were three big ‘mello yellos’ (yellow police trucks) outside, just to check that we were telling the truth.

“Speaking to people in the town, they said they don’t quite trust anybody. They are very scared, and particularly scared of the police,” said Ngceni, adding the state action becomes more ominous when one considers the relationship Zuma and the ANC have with mining interests in this country.

“The relationship Zuma has with mining owners, and those granted access to mineral wealth, is shady. It is very dodgy. Even when Malema was still in the ANC nationalisation was dealt with as if the government today doesn’t own all the mineral rights in South Africa. The government does own the mineral rights and has chosen to give these rights to the likes of Lonmin, who has a person from the ANC (Cyril Ramaphosa) as part of its board. All the influential people in the ANC like Kunene, Motsepe and Gumede have stakes in the mining industry.”

Under the apartheid regime, this country had a dual ownership model for mineral rights. The state held some rights while private ownership was based on the law of property, securing long-term tenure for those involved in mining. The 1998 White Paper on Minerals and Mining gave voice to the concept of vesting custodianship of mineral rights to the state on the agenda, after which the Mineral and Petroleum Resources Development Act of 2002, realised state custodianship of mineral rights. The act recognises the mineral wealth as a national asset that belongs to all.

Ngceni said despite democracy and changes in mining legislation, the song remains the same as it was during apartheid. “The ANC leadership has been courting apartheid capital

on our behalf and is merely putting their own guys in there. Everything still runs the same way and black people are still being exploited in mines the way they were during apartheid.

“The fact is that ANC leadership—who are supposed to have an ANC agenda—only go into these mining deals to become the empowerment faces that hide the exploitation of blacks that goes on in these mines. In Marikana, we spoke to miners who said they felt betrayed by the president. When Jacob Zuma arrived, his first call was to the mine bosses. The miners felt so betrayed by this because they blamed Lonmin for the massacre. The mine bosses called the police, and after that the state got involved,” Ngceni added.

“The fact that the first call Zuma made was to go to the mine bosses was seen as an indication of where his loyalty lies, particularly if you look at the context of all of the ANC leadership getting into mining and securing mineral wealth,” she said.

The SNI spent Sunday walking around the scene of the massacre. On arrival, Ngceni saw a lot of people wandering around, looking for lost personal articles. “The first guy we spoke to was so traumatized. He was holding onto a phone that was in pieces. The man is a miner who was on the hill when those people were shot and killed. The phone he was holding onto belongs to a close friend of his, and he says the phone got crushed by a police vehicle.

“You have all these items of clothing lying around, and all the blood. There is a second hill behind the one people are seeing in the media, but it is blue because of some chemical. There was a water bomb and the water had some kind of chemical or toxin because the miners’ eyes started watering, they couldn’t see properly. They said they were disoriented. When we saw that mountain it was still blue. The rocks were blue and the grass around it was still blue. It looks terrible,” Ngceni said.

The SNI activist said she’s sceptical about the proposed investigation of the Marikana massacre. “The miners told us that the police burned evidence right in front of them. The miners we spoke to claim that maybe one guy shot at the crowd with rubber bullets, but most of the police shot with live ammunition. They claim that the police then replaced the live round cartridges on the scene with rubber bullets.”

Approached for comment SAPS spokesperson Dennis Adriaio said police were no longer able to issue comment on the Marikana issue because an investigation had been launched and the police couldn’t comment from a legal perspective. Adriaio referred request for comment to Moses Dlamini from the Independent Police Investigative Directorate.

Dlamini said that IPID had offices in Rustenburg and that investigators from that office were on the scene within half an hour. “The area was secured, the forensic team arrived and I am confident that the investigation was thorough and by the book,” said Dlamini.

Ngceni stressed that activists and the public may never know what really happened at Marikana, but do know the events that led up to the massacre. “What’s certain is whether it is the police, or the schools, or the hospitals, there is absolutely no accountability in government,” she said.

“Our way forward cannot merely include enquiries... enquiries happen, findings are brought and nothing really happens. Time passes and you find the person involved in the killing was just shifted to another post, and life goes on,” she said.

Now, Ngceni said, is the time for South African activists to ask what the way forward is. “With this massacre, and the killing of Andries Tatane last year, social activists need to re-group and re-think. We need to re-look what it is we are fighting for and what it is we are dying for.”

Whether its socialists, Marxists or unionists you speak to, the one commonality that echoes is that people, disillusioned by a government that has failed to deliver what it promised, want change. DM

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Reporter's Notebook: NUM drowned out at UJ meeting on Marikana

Khadija Patel

South Africa

23 August 2012 02:27 (South Africa)

On Wednesday the University of Johannesburg hosted ‘Never Again’, a public meeting on the Marikana mining massacre last week. One by one, speakers made clear their disillusionment with the ANC-led government to do anything more than enrich themselves at the expense of the poor. And when Cosatu-affiliated National Union of Mineworkers attempted to give their side of the story, they were drowned out by a very, very angry audience. By KHADIJA PATEL.

A scheduled 17h30 start translated into an actual starting time some 60 minutes later. Few of the more than two hundred people gathered at the University of Johannesburg’s Bunting Road Campus complained, however. The audience was buoyant, jovial and calmly expectant as organisers announced that the Lonmin miners from Marikana and a group of women from the neighbouring Wonderkop settlement were to have dinner before they made their way into the hall. In the meantime, UJ security had reportedly refused entry into the Bunting Road campus to a group of people who had arrived singing struggle songs. Peter Alexander, the host of the event and Director of the Centre for Sociological Research at the university, was forced to intervene.

When the women and miners were eventually ushered into the conference hall, they were greeted by cheers and a rousing song. It was almost like the well co-ordinated welcomes that are unfurled for the country’s sports people every time they return home from doing something heroic abroad. But it was also so much more than that. Theirs was a fight for something more than a number one ranking, or a chunky medal. It’s a fight for a better life

that is echoed in the struggles of millions more South Africans. And for the audience at UJ on Wednesday night, the miners at Lonmin's Marikana mine were not modern-day substitutes for ancient warfare, they were the living embodiment of a rising discontent with the ANC-led government, its alliance partners and their protection of the status quo.

So, even as they took their seats, Alexander requested that the montage of international television reports of last Thursday's events be removed from the projector, pointing out that the scenes of violence were insensitive to the people of Marikana who had lost friends, relatives and colleagues in the mayhem last week. It was a timely reminder that the humanity of the Marikana miners had been buried beneath the political opportunism and the endless fight about who was the most culpable for causing the massacre.

And yet they were received at UJ on Wednesday as vicegerents of a greater calling. Each speaker tapped further into the bristling discontent of the audience, asking probing questions of the real motives of the police and casting aspersions on government's willingness to do anything to alleviate the plight of the workers of the country.

For example, Primrose, a woman from the Wonderkop settlement, described the living conditions of miners. These were not addresses that were written hours ahead and rehearsed for an agreeable crowd. These were speeches that clearly came from a place of great feeling. Sure, many of the speakers may have spent the better part of the last month geeing each other up with similar words, but the fact that they were able to come to a university in the economic heart of the country and speak of their demands and their willingness to keep fighting for what they wanted – this struck a chord with South Africans far beyond Lonmin's shaft in Marikana.

It was unclear how many of the striking miners who had travelled to Johannesburg were actually rock drill operators. But picking at this point may well have been moot. For the audience, the credibility of the miners lay simply in what they said they were doing – taking the fight to the money-making machine that is Lonmin and its protectors in government. Wearing faded, green AMCU T-shirts, the striking miners listened attentively as AMCU officials and their colleagues spoke, nodding in agreement at times, other times responding to chants with great vigour.

But it was not until a representative from NUM spoke that the miners really made their presence felt. Even after his courageous call of "Amandla", yielded only a feeble response, the NUM representative continued to speak, reiterating the union's condolences to the victims of last week's shootings and then going on to detail NUM's contributions to the struggle. But as he spoke, there was a sudden flurry of activity at the front of the room. The miners were leaving the room in protest. And as the audience noticed what was happening, a cacophony of jeering drowned out the NUM speaker. The atmosphere in the room had changed dramatically. There was a more aggressive tone in the chants of the audience. Beside me, a woman stood up furiously, complaining to her companion that Pete (Alexander) had promised her in an email that NUM would not get a platform. But even as she hurled choice expletives at NUM, Cosatu and just about everybody else even remotely connected to the ANC, AMCU's general secretary tried, and failed to quiet the crowd.

Eventually, Alexander escorted the NUM representative out of the room.

But what exactly came of the meeting?

Besides an opportunity to further explore what happened last week, the one outcome of the meeting was a unanimous call for an independent inquiry into the massacre. The official, government probe into the matter just will not do – more than that, it cannot be trusted to reveal the truth. But as the “truth” lurks overhead somewhere, waiting for someone to catch it, there is something far greater than a mere wage dispute taking place in Marikana. And as one speaker from the Bafokeng tribal authority proudly announced that miners from the Royal Bafokeng mine near Marikana had also laid down their tools, he noted that already two military helicopters were circling the area overhead, just in case. Will it really never happen again? The government doesn’t seem to be taking any chances.  
DM

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Deadlock at Lonmin as Zuma visit falls flat

by Carol Paton, August 23 2012

THE standoff at Lonmin’s Marikana mine looked completely intractable yesterday as the workers vowed to continue their illegal strike and it became clear that the threat of mass dismissals would be unlikely to deter them.

Because of conditions in the area near the mine, where the workforce lives in sprawling informal settlements that cannot be easily policed, Lonmin would effectively be unable to employ new workers, should it fire its workforce.

The strikers said the threat of dismissal, which Lonmin put on hold until the week of mourning ended, was doomed to fail.

A rock-drill operator from Bizana, in Eastern Cape, who would not give his name, said all mass dismissals would achieve would be to bring the mine to a halt.

"They can fire us but we will not go away. Any new people who are hired must know that they will take their lives in their hands ."

As the vast majority of workers do not live on the mine’s premises but in nearby informal settlements, anyone reporting for work would have to walk through open veld that is unlit and hard to police. Morning shifts begin in darkness as workers report from 4am.

Government officials present at the mine yesterday expressed concern that the situation appeared to be intractable.

Lonmin workers said they were encouraged by the fact that mineworkers at Royal Bafokeng's BRPM mine had joined the strike on Tuesday night. The strike at BRPM continued at the mine's north shaft yesterday.

President Jacob Zuma's visit to the Marikana strikers yesterday did little to change their attitudes, although the workers listened respectfully to his speech.

Mr Zuma said he had heard about their grievances, which was why he had established a commission of inquiry to investigate the circumstances that led to the killing of 34 strikers last week.

After he had left, many of the strikers expressed their disappointment that Mr Zuma had not said what they wanted to hear.

"We wanted him to say that those who have been arrested will be immediately released," said a group of rock-drill operators who, with hundreds of others, milled about the rocky outcrop that was the scene of the killings.

Many were doubtful about the presidential commission. "The same person who gave the order to shoot is the one who appointed the commission," a worker said.

An independent commission, perhaps by Public Protector Thuli Madonsela, would be more likely to get to the bottom of what happened, they said.

There is also the widespread belief among workers that the shootings last Thursday were orchestrated by police, who had cordoned off striking workers with razor wire and then shot at them as they rushed through the only exit point, the workers said.

Two policemen had been killed at the mine last weekend.

A meeting yesterday between Labour Minister Mildred Oliphant and leaders of the Association of Mineworkers and Construction Union (Amcu) failed to produce solutions to the violent strike. Ms Oliphant's spokesman, Musa Zondi, said the parties would meet again.

Amcu president Joseph Mathunjwa said yesterday the union was yet to hold a meeting with Lonmin management to discuss the strikers' wage demand of R12,500 a month. He had received a phone call, Mr Mathunjwa said, from a Lonmin director who said the company was meeting its workers and did not plan to meet unions.

The National Union of Mineworkers (NUM) and Amcu were to have met on Tuesday night, Mr Mathunjwa said.

"We waited for at least two hours at Lonmin's offices, only to see NUM president Senzeni Zokwana emerge from a meeting with management," he said.

NUM spokesman Lesiba Seshoka said he did not know anything about the meeting, but that Amcu did not have the bargaining rights at Marikana to allow it to negotiate with the employer. "They only have bargaining rights at Lonmin's Karee mine, not Marikana," Mr Seshoka said.

Mr Mathunjwa insisted yesterday that Lonmin's rock-drill operators earned only R4,000 a month. But striking rock-drill operators at the mine yesterday said they earned R4,900.

Their basic pay was R5,400 before deductions and most also received a living-out allowance of R1,800 a month. Rock-drill operators also worked on a bonus system according to targets and the number of holes drilled.

Mark Munroe, Lonmin's executive vice-president for mining, said yesterday: "Rock-drill operators earn in the region of R10,000 per month without bonuses and over R11,000 including bonuses. The average bonus is R1,500 a month and a rock-drill operator can earn up to R6,000 a month in bonuses."

A large contingent of Cabinet ministers and government officials was at Marikana yesterday, ahead of today's memorial service.

Asked if he thought the strike's spread was orchestrated, Police Minister Nathi Mthethwa said there were investigations into the matter and it would be premature to express an opinion.

With Sapa

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Govt won't talk, it's mourning

22 Aug 2012 16:53 - Andisiwe Makinana

The government has refused to reveal its plans to prevent further events like the Marikana strike action in the future - because it's in mourning.

Cabinet spokesperson Jimmy Manyi refused to answer journalists' questions at a post-Cabinet briefing on Wednesday, on whether Cabinet discussed the likelihood of spillover effects; if there were contingency plans in place; and whether it endorsed the police actions used in Marikana last week.

Manyi said because of the period of mourning this week, he would refuse to give answers, adding that it should be observed by all.

"Let me put it this way, right now the president has declared this whole week as a week of mourning. The Cabinet posture is a mourning posture," said Manyi.

He continued: "Top of mind for Cabinet as things stand, we think that the loss of life is a very serious matter, that's what government is busy with."

Manyi said Cabinet is waiting to hear what the judicial commission of inquiry is going to come up with and is wary of making statements that are not thoroughly analysed and processed. "The president has been very clear that this week, let's mourn and not do recriminations and finger-pointing."

But Wendell Roelf from Reuters, who had asked the question, pointed to reports that there was another strike action taking place at the Royal Bafokeng Platinum mine outside Rustenburg in the North West, where workers downed tools and were demanding a salary increase.

"I understand it's a period of mourning, I understand about the commission of inquiry, I understand that, but without sounding insensitive, that is old news. At the moment there are people who are being blocked at other mines. What is government planning to do should this sector of mine be further affected?" he asked.

Manyi responded: "In government, when the president has spoken, we listen. The president has been very clear, this is a period for mourning and giving counselling to families and Cabinet is endorsing that position.

"Our view as government is that South Africa as a whole should respect that and should be saying what it is that we can do in our various individual and various capacities to assist the bereaved families.

"I know that your requirement for news does not meet that issue, it's one of those things, and I can't help that."

Independent Newspapers' political editor Gaye Davis rebuked Manyi, saying the question relating to the spillover effects of Marikana was "very legitimate" as the country's economy revolves around mining, a crucial sector.

"We do accept that it's a week of mourning, and we have enormous empathy and sympathy for the events that took place, but I feel we can't just accept an answer that simply says it's a week of mourning and we are not going to entertain the possibility of further issues rising in the sector. I think we deserve a better answer," said Davis.

Manyi would still not budge.

"I understand the emotions of the journalists on this matter, but as the government we have a responsibility to say, as emotional as it is, we have to handle it in the most sensitive way and ... the president has decided this is a week of mourning.

"Whether there's a spillover or not, those are matters determined by facts and one has to look at and analyse the facts ...before you make a pronouncement," said Manyi.



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Past commissions of inquiry bode ill for Lonmin probe

by Anthea Jeffery, August 23 2012

DESPITE great outrage over the Marikana massacre, South Africans are not uniting to demand the resignation of the national police commissioner and the minister of police.

Instead, most commentators seem to have accepted the president's promise of a commission of inquiry and are waiting patiently to be told who will head it and what its terms of reference will be.

But experience with the African National Congress (ANC) and commissions of inquiry shows this to be a grave mistake.

In the early 1990s, no fewer than four inquiries into the ANC's camps in exile, including one by Amnesty International, painted a grim picture of murder, torture, and "other abuses of the most chilling kind" perpetrated on the hapless (and helpless) inmates. One spoke of "a litany of unbridled and sustained horror" marked by "tyranny, terror, brutality ... and mass murder". All four reports urged that perpetrators be punished and their victims compensated.

But the ANC refused to take such action, calling instead for "a commission of truth to deal with the past" and probe human rights abuses by the apartheid government as well. This let it off the hook and led, in 1996, a good three to four years later, to the establishment of the Truth and Reconciliation Commission (TRC). The TRC's mandate was thus to probe killings and other gross violations of human rights committed on all sides from 1960 to 1994. The statute establishing the TRC was sound, giving it extensive investigatory powers and instructions to compile an objective and comprehensive report into all political killings perpetrated in that period.

This, however, did not suffice to ensure a proper job. Instead, most of the commissioners appointed were ANC sympathisers. Archbishop Desmond Tutu, its chairman, though widely hailed as independent, was in fact a former patron of the United Democratic Front, the ANC's clandestine internal wing during the 1980s.

Predictably, the TRC ignored its mandate to be even-handed and proceeded to write a report which glossed over the abuses in the camps (the original rationale for its establishment), closed its eyes to the brutal people's war the ANC had unleashed from 1984 to weaken and destroy its black rivals, and wrongly blamed the bulk of political killings on Inkatha and the police.

This was a careful choice of culprits that ignored the copious evidence of ANC culpability in violence put before the TRC, and helped to build the ANC's image while discrediting its key black rival.

In this instance, the commission helped the ANC get away with murder, torture, and an extraordinary level of violent abuse in its camps in exile. It also helped it gloss over the thousands upon thousands of black civilians who died in a people's war aimed primarily at trouncing black rivals and giving the ANC the hegemony required to press on with its destructive revolution.

Fast forward to 2011 and the ANC faced embarrassment over the corruption accompanying the 1999 strategic arms acquisition, the cost of which has now risen to some R70bn. Faced with litigation demanding the appointment of a commission of inquiry — and mindful, perhaps, of the lessons from the TRC — President Jacob Zuma pre-empted a likely Constitutional Court order instructing him to do this by getting in first. He unexpectedly announced in September last year — a short while before the court was to give its ruling — that he was establishing a commission of inquiry to probe malfeasance in the arms deal. The court case fizzled out and the nation seemed appeased.

Since then, of course, very little has happened. Terms of reference have been published which leave it unclear how much of the inquiry will be held in public and whether its report will ever see the light of day. It is almost a year since the commission was announced — and it has yet to call its first witness or hold its first sitting.

In practice, little can be done to hurry it along, for litigation to this end could take another two years to wend its way through the courts. If the report that finally emerges is then kept confidential, it will take more years of court action to compel disclosure. At this pace, Zuma will be safe from embarrassment at Mangaung and could be well into his second term before anything comes of this commission.

Take the Marikana massacre. Once public outrage had compelled Zuma to return home and start paying attention to the 34 deaths at police hands, his first act was to announce a commission of inquiry. If the past is anything to go by, this could also be a tortuous process that drags on long enough to protect Zuma and his ministers at Mangaung (and well beyond) — and overlooks or downplays any evidence the ruling party or its allies might prefer suppressed.

A commission of inquiry should be accepted only if it is headed by a credible retired judge with comprehensive experience of criminal cases and no link whatsoever to the ruling party, the relevant trade unions, or the police. The commission must have comprehensive powers of subpoena and investigation. It must be compelled to hold all proceedings in public (with witness names protected if needs be). It must be obliged to complete its work within two months; and compelled to publish its report in full.

It must confine its focus to the key issues: the extent of the threat posed by the men on the hill, why the police were so determined to clear them off that day, why the police were

armed with rifles and handguns instead of adequate riot control equipment, and why they fired so heavily into the crowd against all standard riot control procedures.

A shopping list of issues to probe, from the wages paid by Lonmin to the living conditions in surrounding informal settlements, will simply blur the issues and give the commission an excuse to drag its heels.

A brief, focused, public, and scrupulously independent inquiry is now required — and its report should be with Parliament within two months at most. All key evidence of wrongdoing by individuals should simultaneously be sent to the National Prosecuting Authority so that criminal charges can be brought.

The minister of police and national commissioner of police should immediately be fired for sending out policemen so poorly prepared and so evidently unfit to wield lethal power. If the culture of impunity that has dogged SA for three decades is ever to be broken, the minister and the commissioner must now be compelled to carry the can.

- Jeffery is head of Special Research at the South African Institute of Race Relations and author of *The Truth about the Truth Commission and People's War: New Light on the Struggle for South Africa*.

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EDITORIAL: Price too high for ruthless policing

August 23 2012

POLITICAL pressure on the government is ratcheting up in the wake of the Marikana police killings, and rightly so. Thirty-four deaths at the hands of police firing live rounds into a crowd constitutes a crisis in any democracy. Hard questions should be asked, and it is incumbent on the police ministry in particular to ensure that proper internal investigations are conducted and honest answers provided.

Still, the knee-jerk call for Police Minister Nathi Mthethwa's resignation is premature given that the Presidency has already revealed that a judicial inquiry is on the cards.

The pertinent issues raised by opposition parties during Tuesday's special sitting of Parliament — such as the precise circumstances under which police were given live ammunition, and who gave the order to open fire — will undoubtedly be addressed by the inquiry.

If Mr Mthethwa is found to be responsible for any act or omission that gave rise to unnecessary deaths, there will be plenty of opportunity to call for his head then.

Meanwhile, if the inquiry is to do more than merely apportion blame, the terms of reference under which it operates should include considering whether the militarisation of the police on Mr Mthethwa's watch was a contributing factor.

The government seems oblivious to this possibility — it wheeled out Mineral Resources Minister Susan Shabangu to represent it in Tuesday's robust debate, despite the fact that it was she, in a previous incarnation as Mr Mthethwa's deputy in the then safety and security ministry, who sparked an outcry by urging police officers to "shoot to kill" when confronted by armed criminals.

There is a history to the increasingly aggressive stance adopted by the police since the downfall of the Mbeki presidency, a history South Africans owe it to themselves to review in an objective manner. If official statistics are to be believed, and in general we aver that they should, the trend in most violent crime categories has been downward since the government adopted a more robust approach to policing.

At the same time, deaths in police custody have increased, and anecdotal evidence abounds of police officers abusing their authority and even terrorising law-abiding citizens. The question has to be asked: if this is the price that must be paid for a reduction in violent crime, is it worthwhile?

It is hard to divorce the belligerent tone adopted by the police from the top down — former national police commissioner Bheki Cele even dressed like a cowboy — from either the decline in violent crime or the increase in the public's fear of the police. The institution was quite deliberately changed from a "police service" to a "police force", along with the reversion to military-style ranks from the less threatening titles used in jurisdictions such as the UK and Canada.

There was a not-so-subtle message behind this: the gloves are off, ruthless crimes will be met with ruthless policing, police lives are worth more than those of alleged criminals, and the end justifies the means. This ties in with the militarisation of the "force" and a rise in aggressive rhetoric — these days we declare war on crime, rather than devise strategies to combat it.

It does not take an overactive imagination to extrapolate from this approach to policing a change in attitude among officers. Individual rights are frequently suspended in a state of war, after all. Might is right when you're holding an automatic rifle and have been told to shoot first and ask questions afterwards.

South Africa's policemen and -women operate under extremely stressful conditions, they frequently put their lives at risk and they deserve more public support. But creating an "us against the rest" mentality was a mistake that needs to be corrected before the culture of impunity that is taking hold in the "force" erodes the relationship of trust with the public completely.

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ANC

Address by President Jacob Zuma

at the James Sebe Moroka Lecture

Northwest Province, 22 August 2012

ANC provincial chairperson Comrade Supra Mahumapelo,

ANC national chairperson Comrade Baleka Mbete and all ANC Officials,

NEC members and provincial leadership,

Leadership of the Tripartite Alliance;

The Moroka Family;

Esteemed guests;

Dumelang!

We have gathered this afternoon, to reflect on the life and times of the seventh President-General of the African National Congress, Dr James Sebe Moroka, who led our organisation from December 1949 to 1952. Like all centenary lectures, the reflection on the life of one ANC President is in essence a review of the period during which they lived and led the ANC.

The Moroka presidency in particular was an eventful moment in the life of the ANC because that was when the militant Programme of Action was adopted which changed the character and operations of the movement. This was the phase that introduced activism and mass protests in the organisation, turning the ANC into a militant organisation, moving away from using deputations as a key strategy of engaging the enemy.

Before getting into the subject of the day, I would like to begin by paying tribute to a highly regarded leader in our continent, Prime Minister Meles Zenawi of the Federal Republic of Ethiopia, who sadly passed on yesterday after an illness.

His untimely death has robbed us of wisdom and leadership in many challenges that affect our continent. He conceptualised and led many AU programmes, and his passing is an immense loss for the continent.

It is a tragic year for the African Union, as we have lost three Heads of State in one year.

We also lost President Bingu waMutharika of Malawi and President Atta Mills of Ghana.

We extend our deepest condolences to the Government and people of Ethiopia and all our colleagues in the African Union.

Comrades, we also meet during the national period of mourning in our own country, in memory of the 44 compatriots who died violently in Marikana in Rustenburg between the 10th and the 26th of August.

We extend our deepest condolences to their families, and I will return to this point later.

Comrades and friends,

Dr James Moroka, the grandson of Kgosi Moroka of the Barolong in Thaba Nchu was born on 16 March 1892 in Thaba Nchu.

He was one of the early black South Africans to obtain a medical degree in South Africa, which he obtained in 1917.

After working briefly in England, he returned to South Africa in 1918, during the time of the devastating influenza epidemic and opened his first practice.

He was exceptional in providing medical care for his community, serving both black and white patients diligently. Sadly, he had to use separate entrances for his black and white patients.

It is reported that many of his white patients reportedly consulted him secretly and scratched the name of the doctor on their medicine bottles due to their prejudice.

Dr Moroka was so committed to his work that in 1923, he applied to the native commissioner for permission to extend his yard to erect a building to provide lodging for his patients who travelled long distances.

In some instances poor black patients did not even pay for consultations.

Dr Moroka also helped many young people financially, including two Afrikaner students, who qualified as medical doctors.

During the harsh times of limited land purchase by black people after 1913, Dr Moroka was one of the privileged few who were able to buy land considerably, gratifying his pastime of farming.

On family life, Dr Moroka first married Ms Princess Maggy Fenyang, who sadly passed away and later married Ms Susan Motshumi, with whom they were blessed with 10 children.

President Moroka began his political activism through joining the All African Convention, which was led by Dr AB Xuma and DDT Jabavu.

The AAC was formed to oppose the Hertzog Bills which were instituted to restrict land to Africans and remove Cape Coloured voters from the voter's roll.

His leadership skills stood out and he was elected treasurer of the AAC.

He later joined the Native Representative Council, a structure that was created in terms of the Bills, and the strategy was to expose it from within.

He was active in opposing government within the Native Representative Council around 1946, and ultimately the structure collapsed.

Dr Moroka had joined the ANC in 1942 and had dual membership of the organisation and the All African Convention.

His key contribution to the ANC at this time was membership of the Atlantic Charter Committee of the ANC which drew up the landmark African Claims document.

The committee also produced a Bill of Rights, one of the key achievements for the ANC. The movement produced a Bill of Rights even before that of the United Nations.

At this time, the ANC Youth League, which was formed in 1944, was promoting a change in strategy and tactics in 1948 after the coming into power of the National Party. The racist apartheid regime required a militant response. The Programme of Action was adopted at the 1949 conference.

Since then President AB Xuma did not appear willing to support the Programme of Action, youth leaders at the time, Nelson Mandela and Walter Sisulu, lobbied and succeeded to get Dr Moroka elected as President of the ANC in December 1949.

Dr. Moroka willingly supported the programme. He took part in the planning of the Defiance Campaign of 1952 and in the execution of the campaign itself.

He was a member of the Council of Action which included Oliver Tambo which was appointed in February 1950 to drive the implementation of the programme.

The Joint Planning Council called on the government to repeal the Suppression of Communism Act, the Group Areas Act, the Separate Representation of Voters Act, the Bantu Authorities Act, the pass laws and the stock limitation laws, and gave a deadline of 29 February 1952.

The then Prime Minister Malan, to whom they wrote, refused to comply and the Defiance Campaign went ahead in June that year.

On 30 July, 1952, 21 leaders of the ANC were arrested under the Suppression of Communism Act, including Dr Moroka, Nelson Mandela, Walter Sisulu, JB Marks, Dadoo, and Ahmed Kathrada.

Dr Moroka made the rest of the ANC leadership unhappy when he organized a separate defence for himself, as opposed to the ANC decision that all those arrested would make a common stand.

The accused were found guilty and were sentenced to nine months imprisonment suspended for two years.

By October 1952 more than 8000 volunteers had been arrested. At the 1952 conference, President Moroka was replaced as President by Chief Albert Luthuli.

When he left, the ANC membership had grown from around 7 000 to over 100 000 after the Defiance Campaign.

The rise of collective leadership also took shape under President Moroka's stewardship.

As a result, when many of the ANC leaders were banned in the early 1950s, another leadership collective emerged which steered the movement to the next level.

President Moroka also worked with the Communist Party and the South African Indian Congress, promoting Alliance politics.

In April this year, Dr James Sebe Moroka was awarded with the Order of Luthuli in Gold for his contribution to the struggle for freedom.

Comrades and Esteemed guests;

President Moroka and his peers fought for freedom, democracy and prosperity.

Incidentally we are acknowledging his contribution here in the North West, during a period of mourning.

The strike by workers at the Lonmin mine for better wages and working conditions has sadly been fraught with violence and the loss of 44 lives, ten people between the 10th and 12th of August and 34 on the 16th of the month.

A few months ago, workers at Impala Platinum in this area also engaged in strike action, which was also far from peaceful.

The tragic loss of life has caused untold pain to the families and the nation at large. We were shocked and deeply saddened by all the incidents and all the deaths of mineworkers, security guards and two police officials over a period of a week.

The life of every South African is important.



As you would be aware, we declared a week of mourning so that we can reflect and recommit ourselves to a violence-free society and the sanctity of human life.

An Inter-Ministerial committee was established and is assisting the families with the identification of relatives who have passed away and with preparations for funerals. I visited the area on the 17th and returned earlier today.

We are doing everything possible to assist families as almost all of them are very poor.

We have said that this is not a week to apportion blame or for finger-pointing. It is a week of unity as we come together as a nation to support the grieving families from all sides.

When I went to Marikana the first time when the incident had just happened, I met with the police and also met some of the injured miners in hospital.

Earlier today I again visited Marikana and obtained a report from the striking workers. I have now listened all sides.

But I will not prejudge the incidents.

The judicial commission of inquiry that we are in the process of establishing will uncover the truth about what happened in Marikana. It must tell us how the industrial dispute degenerated into such a tragedy.

We should be able to announce members of the Commission and other information before the end of the week.

Comrades and friends,

Through this tragedy we are also called upon to reflect on the rights that we enjoy that are enshrined in the Constitution and how we exercise them.

We have a Constitution with a Bill of Rights, which incorporates labour rights as well as freedom of association and expression.

Clause 17 of the Constitution of the Republic states as follows: "Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions".

Clause 23 states that everyone has the right to fair labour practices. Every worker has the right -

to form and join a trade union;

to participate in the activities and programmes of a trade union; and

to strike.

The ANC fought for these rights with our people over many decades. They should be exercised orderly and peacefully, without violence.

It is well understood that mine workers operate under difficult and risky conditions underground.

Many still live in unacceptable conditions in hostels of compounds where they share sleeping quarters and ablution facilities, as it used to happen during the period of colonial oppression and apartheid.

They remain amongst the poorest in our communities.

However, we need to look at how working with labour and business, we can make industrial action in this sector, over working conditions and conditions of service, to take place within the confines of the law.

We have seen too many violent strikes in recent years which is unnecessary as there is enough legal instruments that workers and employers can use to resolve disputes.

Comrades

The Marikana tragedy has also reminded us of our responsibility of the ANC government to monitor the contribution of the mining sector to building democracy with a social content through agreed prescripts such as the Mining Charter.

Given that this industry is the backbone of our economy and has a long, bright future, we have to ensure that its growth also benefits workers and communities it operates in.

In terms of the Mining Charter, all mining companies are required to implement measures to improve the standard of housing and living conditions of mine workers.

They are supposed to do the following;

to convert or upgrade hostels into family units;

to attain the occupancy rate of one person per room; and

to facilitate home ownership options for mine workers by the year 2014.

From 2010, we directed that every mining company must report annually on levels of compliance with the Mining Charter. The Department of Mineral Resources sends inspectors to verify the information.

Last year the ANC government conducted audits on compliance with the Mining Charter for all platinum mines in the North West region. In terms of the 2012 score card, the

improvements of hostels to attain the one person per room upgrade and into family units is only 50%.

Some companies have plans in place and have achieved some of the targets such as housing for employees.

We commend those companies that are investing in improving the living conditions of employees and will continue to monitor progress in this regard.

At the same time, others are moving slowly on this question.

One company has a hostel block accommodating 166 employees, who have to share four toilets and four showers amongst them.

We urge the industry to take this matter seriously. Mine owners are aware that sanctions for non-compliance with the Charter include the cancellation of mining rights or licences.

We want to believe that we share with the business community, the goal of building a prosperous society and a better life for all. We must continue to work together towards this end.

We value the contribution of the mining sector to the economy. By 2009, the mining industry contributed more than 30% to the country's total export revenue.

It employed two point nine percent of the country's economically active population.

The mining assets in South Africa are currently valued at two point five trillion US dollars, excluding energy commodities such as coal and uranium.

Estimates suggest that our mineral resources are expected to be exploitable for over a century to come.

It is for this reason that the ANC will discuss mining at length at the national conference in December, to see how we can derive greater benefit from the sector.

Comrades and friends,

Let me reiterate that I am raising all these issues related to Marikana and the exercise of worker rights here because we are commemorating an ANC President whose presidency was characterised by the transformation of the ANC into a very militant organisation.

What we are seeing in our country is a continuation of a strong culture of freedom of expression which was nurtured and developed by the ANC. We just need to ensure that we go back to the basics, and promote peaceful protest, as it is more effective.

Comrades and friends,

This lecture has also taken place in August, women's month. It is a month on which we honour women and their contribution to the struggle and life in general in the country.

I am delighted therefore to join you in the province which has produced many selfless struggle stalwarts like Mme Sina Keitsing.

She was a veteran of the anti-pass campaigns in Lehurutse and Johannesburg. She provided passage to Botswana for many ANC cadres, including President Nelson Mandela.

She was awarded the national Order of Luthuli in bronze for her outstanding contribution to the struggle. We also celebrate mme Violet Sina Matlou of Welgeval, who together with Sina Keitsing cared for our cadres in Botswana on their way to the various exile destinations. We also salute the women of Lehurutshe, who braved the might of the apartheid authorities and protested against passes in 1957.

Comrades, we also take this opportunity to recognise our Deputy Secretary General, Comrade Thandi Modise who is also the premier of this province.

She was one of the first MK women cadres and commander in the camps to be sent inside the country on missions.

We acknowledge and praise her bravery, dedication, commitment and sacrifice, under extremely repressive conditions including imprisonment.

We take pride in the contribution of many women to various pillars of our struggle, including other women in uMkhonto Wesizwe such as the Luthuli and other Detachments.

In this August month, we salute all women comrades and declare that the ANC remains strong and focused on its mission because of the contribution of all of us, men and women.

It is also a special delight to be in the province of struggle veterans like the late Moses Kotane and Peter Magano as well as national heroes such as the late Comrade Job Tabane, known in exile as Cassius Maake.

They were all following in the footsteps of our forebears, such as our President-General James Sebe Moroka.

Comrades,

By the time J.S. Moroka died on November 10, 1985, the struggle for liberation in South Africa had turned full swing.

The militant mass politics that they had started in the 1950s through the Defiance Campaign were back in the fold. Since 1983, the country had been going through protest politics reminiscent of the early 1950s.

By 1985 the country had reached levels of ungovernability on instruction from President Oliver Tambo.

It was in essence a second Defiance Campaign, with our people taking the struggle to new heights, and the dawn of freedom was imminent.

We thank President Moroka and his peers for the legacy of a vibrant ANC that was able to deliver freedom, justice and human dignity to our people.

I thank you.

Amandla!

From: <http://www.anc.org.za/show.php?id=9835>

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----- Original Message -----

Subject: [Debate] Mac Maharaj's line on Marikana: " "

Date: Wed, 22 Aug 2012 22:50:38 +0200

From: Patrick Bond <[pbond@mail.ngo.za](mailto:pbond@mail.ngo.za)>

Reply-To: Debate is a listserv that attempts to promote information and analyses of interest to the independent left in South and Southern Africa <[debate-list@fahamu.org](mailto:debate-list@fahamu.org)>

To: DEBATE <[debate-list@fahamu.org](mailto:debate-list@fahamu.org)>

On Radio786 in Cape Town from 9:30-10:30pm tonight, Ashraf was the interviewer, and to open, David van Wyk of Bench Mark Foundation (church-backed research group) did a terrific job setting out the extent of the crisis, including the social and labour plans which were never discussed with communities and workers.

The first input by Presidential Spokesperson Mac Maharaj was (and I'm typing fast so will make a few minor mistakes): "The first question is the state of the industry. It cannot be examined separately from the transformation of the economy that we need. But the Constitution has mechanisms for industrial disputes to be resolved. The President today addressed the Marikana workers and said that. The immediate task facing us, is how to ensure that this violence doesn't happen again. It is unreasonable for people to die. That's the real problem. I accept that the conditions - the shantytowns sprouting around the country - mean that we have challenges in meeting housing, water and sewage requirements. It's a serious problem. The terms of reference for the Inquiry will be released. With the particular emphasis on how things degenerate into violence."

Patrick: harsh critique of the police, using the most recent info about Lonmin's demand for an end to the strike and the 'D-Day' announcement that preceded the slaughter.

Mac: "Let me react to Patrick. This is precisely why we need a commission of inquiry. If matters are as easy as Patrick says, then we don't need a commission. We do need the facts, instead of using highly emotive language, words like fascist police. I don't mind that criticism. But Patrick would agree, the first thing to do is have a commission of inquiry. Instead, Patrick thinks he can watch video clips and can come to a conclusion. This is just trying to stoke up emotions, instead of putting the facts on the table."

Patrick: tough rebuttal

Mac: "This is the challenge of leadership. If anyone has information we must put it before that commission of inquiry. The workers listened to Zuma today without any disruption and he took leave of them and walked away. And he gave assistance to families, burials, etc., including counseling. Secondly we're having a commission of inquiry to see what is the problem and how to prevent it."

Ashraf: People are not going to wait for some inquiry. It does remind of the days before 1994.

David: On the day of the massacre, Bishop Joe Seoka went to the workers and spoke to them, and came away with demands, and they asked whether he could speak to management. He went to management and they rebuffed him. He went back to where the workers were. The police said he couldn't visit. Then the shooting began.

Mac: "Please pause there. A week before, ten people were killed."

David: "Yes, and three workers were shot at Aquarius by security guards, and 12 others wounded. The problem with the spiral of violence is that no one wanted to listen. To illustrate, mine management has been intransigent about forcing workers back to work, ignoring the need for burial."

Mac: "Let that information be put to the commission. Let the truth come out. Rather than each of us taking our perspectives."

David: What worries us is that we were concerned about the platinum belt in 2007. The mining companies brushed us off. We had little feedback from the government. This time we released the report, on August 14, and now we want to see the Human Rights Commission getting involved.

Mac: "You want a separate inquiry?:"

David: I'm not contesting that commission.

Patrick: I am, because government is in bed with the mining houses, so a separate commission of inquiry has been launched today in civil society.

Mac: "You don't think the South African government has legitimacy?"

Patrick: No, not in this instance. The record of being in bed with big business is overwhelming.

David: The reason people are seething on the ground is that no one wants to listen to them. It's a spiral of uprisings in that area since last August when the Marikana community stopped operations for two weeks. It spread and spread. Some mines met with communities, but only after their operations were roadblocked. These things don't need to happen, if there's a channel of communication. There's a breakdown of information. The communities see these huge operations making billions.

Mac: "The commission isn't the only important response but it's the way to say what happened. We have six days of mourning in which the government says, let us reflect on how to rid the society of violence. It is unnecessary for disputes to lead to deaths. What I find alarming is that Patrick Bond is insulting to me. I don't mind the labeling but he's playing a blame game. He's ended up in a position where he is developing his own agenda, saying we're a sell out. Zuma went there today. We need to have a listening mechanism. SA can take this tragedy and turn this into an opportunity - not into a no-solution state which Patrick Bond advocates."

Ashraf: Isn't this a failure of democracy?

Mac: "You can argue that no live ammunition can be there but let that be left to the commission. Let the truth come out."

Mac's line then went dead. It did twice more.

David explored more of the Marikana massacre, and noted the potential for more explosions. The entire mining industry should be investigated.

I agreed that this was why SA suffered a Resource Curse, stretching into all areas of society, ecology, politics and economics.

Mac just got back on line.

Ashraf asked him to reply to the need for a much broader mandate, to look at mining as a whole.

Mac: "It's inherent in the democracy that we debate, including the views of Patrick Bond, and that these views should be put into the democracy, and tested in the electorate. In the meantime that will not affect our immediate need to address the problem. I'm also concerned with David's position. He would like civil society to be involved and widen the

debate, so it becomes industry-wide issues. Those issues belong to the debate around economic policy. We have to address this within the scope of existing laws so that the complex of interests can be addressed. I'm not here defending the police or the protesters. We need the facts and truths to come out. We need to move forward and I'm disturbed by David's suggestion that the judicial inquiry will not be adequate. Two of the 2500 workers Zuma met spoke today. Are we listening to them or to someone sitting in the boardroom of the University of Natal? Patrick Bond attacks my integrity. I have heard no other proposals. A few days from now we should have the terms of reference and composition."

Ashraf: The proposal is that the Commission must be broad enough to incorporate a human rights approach, not limited to a particular mine.

Mac: "I'm hearing that for the first time. I'm not seeing any representation sent to the president. He will be appointing a commission based on the need to move forward."

Ashraf: Can terms of reference be broadened?

Mac: "I don't know, the President is working on these. It will be a judicial commission of inquiry. I hear from David mistrust of that. The responsibility sits within the presidency. If David has an input to make, he knows where to send it."

David: Our first study in 2007 was circulated to all government agencies. Since that report, there were many killings, and Moss Phakoe was killed after compiling a portfolio of corruption allegations. Mac is correct that we need to solve violence. We have left the situation to boil and it is out of control, for too long. The signs have been there that it would explode. The launch of the second report on 14 August was attended by some agencies. Our role is to open the way for dialogue. The mines are polluting our air, our rivers and our democracy. The corporate capture extends to NGOs, governments, politicians, etc and the mining houses are running rings around government. About 80 mining houses didn't have water licenses last year. There are lots of irregularities in the industry, like the acid in the Carolina water."

I spoke more about resistance, including the inspiring meetings in South Durban against petro-chem, freight and shipping - and the need to transcend reliance and vulnerability associated with extractive industries.

Ashraf got Mac back on line: what about mining houses avoiding regulation?

Mac: "I think there is a genuine problem, it has been there on the table, and there are efforts to put it on the table and find solutions. No one can expect the building of our society can be without bottlenecks. These are what we inherited. To hold the mining companies to account is very difficult. There are real problems and we need to be dispassionate, and abide by the rules of democracy to put our views before the electorate. How do we move forward and restructure our economy?"

Ashraf: Will the public be able to give input?



Mac: "I don't know. What we know is that it will be a judicial inquiry with the powers of subpoena. It's a question of ensuring that people with information can give that. I don't know the terms of reference."

David: The mining houses shouldn't use their power to swamp the inquiry with loads and loads of technical documents. We live in a class society and corporations are very powerful, more than poor people who are semi-literate. The other issue I'm worried about is the police marking off the area, and bodies were being dragged out from the scene of the crime. These are worrying factors. This has been a wake-up call for all of us. I'm glad to hear Mac agrees with that.

Ashraf: what other options to people have?

Mac: "The Commission will bring out what happened and who did what. There are enough opportunities to lay charges and prosecute people. I called this morning to ask the IPID spokesperson to find out and they said the scene was secured and not disturbed. A class action may be pursued against mining houses. How do we avoid protest degenerating into violence?"

I made some points about disunity associated with the current wave of resistances by poor and working people.

David: All should have recourse to the law but we're in a class society and the communities cannot afford money to run a court case. The mining houses drag it out until the communities cannot sustain it. When that happens, that's when things get out of hand.

That was about an hour of chit-chat. Summary: Mac had a say-nothing approach he came back to time and time again, as would any skilled spin-doctor. No amount of needling would draw him into an engagement with the broader problems of the ANC's utter corruption and the absurd power of mining capital. Oh well, no surprise.

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The brutal history of South Africa's platinum industry

[www.socialistworker.org.uk](http://www.socialistworker.org.uk)

Gavin Capps looks at how platinum has taken centre stage in South Africa's mining industry—and how workers have paid the cost

Platinum mining is a big part of South Africa's economy. South Africa holds 88 percent of the world's platinum reserves and accounts for over three quarters of global platinum production.

In the boom years between 1994 and 2009 the industry grew by 67 percent, making it the single largest component of the country's mining sector.

The period saw a huge wave of mine expansion and investment, including at British-owned Lonmin, the owners of the mine at the centre of the battle (see below).

With gold in long-term decline because of the difficulty of reaching the remaining reserves, platinum has become the pivot around which South Africa's mining future turns.

The ANC government has identified mining as central to its new resource-based development strategy. It even plans a "platinum valley" to concentrate platinum-based manufacturing industries.

However, its plans have been severely hit by the global crisis and a dramatic fall in the price of platinum over the past year. The earlier scramble to expand production has now led to a situation of global over-supply.

#### Pressure

At the same time, rising wage pressure, electricity and transport costs are squeezing profits. This has led some smaller producers such as Aquarius to temporarily close their mines. All the big players are radically cutting back on their investment plans.

Anglo Platinum—which alone accounts for 60 percent of world platinum production—has been particularly hard hit. It recorded a loss of £20 million in first six months of 2012. For its part, Lonmin has cut its planned spending for the next two years from £285 million a year down to £160 million.

Now the South African ruling class is panicked by militancy. It is particularly scared by the growth of the Association of Mineworkers and Construction Union (AMCU) and its power to shut down production.

It is equally worried by the loss of control by the established National Union of Mineworkers (NUM).

The union has been central to dampening and deflecting struggle since it became deeply embedded with management. Since 1994 it has effectively worked for the government.

A militant strike at the Impala platinum mine in January set a pattern. It lasted six weeks, cost Impala £180 million and stopped almost half of national platinum output.

This strike resulted in a sudden growth of the AMCU at other mines, including Lonmin, which is terrifying the bosses, the ANC and the NUM alike.

#### Lonrho's shameful hidden history

Lonmin is the renamed British company Lonrho. The name change hides a shameful history even for an industry as brutal as mining. The firm was originally set up in 1909 to grab mining rights in what was then called Rhodesia.

Even British Tory prime minister Edward Heath called Lonrho's boss Tiny Rowland "the unacceptable face of capitalism" in 1973.

This was amid allegations of tax avoidance, bribing African leaders and breaking UN sanctions against the racist regime in Rhodesia.

#### Golden tradition of workers' fight

Since gold was discovered in South Africa in the 19th century, more than 80,000 miners have died in avoidable accidents. But this brutality has gone along with a long history of militancy.

The current National Union of Mineworkers first built its strength from strikes in the gold mines under the apartheid regime in 1975. It faced systematic repression.

In 1986 177 miners died in an accident caused by cost-cutting. More than 300,000 miners struck for a day. And in 1987 330,000 miners struck for 21 days, proving the power of the black working class in South Africa.

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#### South Africa's dashed hopes of liberation

[socialistworker.org.uk](http://socialistworker.org.uk)

Charlie Kimber travelled to South Africa regularly to report on the fight against apartheid for Socialist Worker. He looks back at that struggle in the wake of the Marikana massacre—and how dreams have turned to disillusionment

In the misty early morning of 27 April 1994 I stood in a township near the city of Johannesburg to watch an extraordinary event. Black people, oppressed and spurned for decades, were lining up to vote for the first time.

Millions queued across the country, savouring their victory and voting for Nelson Mandela's African National Congress (ANC). It was pledged to deliver "peace, jobs and freedom".

The voters' faces reflected the determination that the apartheid system of racial segregation must now be abolished for ever.

And the violence of the state which defended apartheid must also go. Apartheid South Africa's history is studded with massacres—Sharpeville and Langa in 1960, Soweto in

1976, Boipatong and Bhisno in 1992. In every case terrified people fled the state's terror, and afterwards there were fields or streets strewn with bodies.

In 1994 everyone believed that there would never again be the sickening sight of policemen and their allies shooting down protesters or strikers.

But now there is the Marikana massacre. At least 34 striking workers butchered. Again the pictures of the gun-toting cops, the screams, the twitching blood-soaked bodies.

This is a turning point, lighting up the reality of post-apartheid South Africa, where the rich still rule and the overwhelming majority of black people are treated as disposable.

## History

How did it come to this? The answer lies in the history of apartheid, the struggles that ended it, and what has happened since that great election day 18 years ago.

Apartheid was a system of terror and brutality where everything from what job you could do to what toilet you could use and where you could swim was based on the designated colour of your skin.

The whites, one in seven of the population, were the only ones with votes and full rights. Non-whites faced discrimination and poverty.

For 45 years children had to suffer humiliating examinations of the curliness of their hair or the shape of their fingernails so the state could assign them to arbitrary "racial categories".

Up to six million people were forced from their homes and expelled to distant townships or dusty country areas because they were found to be living in the "wrong" racial areas.

When people fought back the repression was pitiless. The state hanged over 2,000 people between 1948 and 1993. Hundreds of thousands were imprisoned and millions arrested.

The African National Congress (ANC) headed the resistance. But the struggle came at a cost. Thousands of its members were tortured or forced into exile as it organised opposition to the regime. Its leader Nelson Mandela was imprisoned for 27 years.

Apartheid was not simply an expression of evil racism. It was based on the way capitalism developed. After the discovery of diamonds and gold in the 1880s, the huge white-owned mining firms needed a vast black workforce to labour for very low wages in the hellish conditions of the mines.

In doing this they also created the earliest and one of the most persistently militant sections of the black working class. To drive African peasants from their land required decades of war, cruel laws, naked repression and the destruction of their agriculture.

## Divided

The society that resulted was deeply divided, a system that was codified in 1948 as apartheid.

It was not defeated by pressure from foreign bosses and politicians—especially those in Britain. As late as 1989 Britain's consul general reassured businessmen that Britain was South Africa's most reliable trading partner.

Companies including ICI, GEC, Shell, Pilkington, British Petroleum, Blue Circle and Cadbury Schweppes made huge profits from the poverty wages and racist laws enforced under apartheid. Tory prime minister Margaret Thatcher denounced the ANC as a "typical terrorist organisation".

Apartheid was broken by struggle. Above everything it was the great workers' movements from 1973 onwards that broke the back of apartheid. The very economic success of apartheid produced its gravedigger, the black working class.

Eventually the scale of workplace protests and strikes, allied to the revolt in the townships, convinced substantial sections of the ruling class that unless they made concessions there could be a revolution.

First they tried to create and buy off a black middle class and set up fake "homeland" leaders. When that failed the government was forced to negotiate with the mainstream black opposition, principally the ANC.

The 1994 election was the result. After winning nearly two-thirds of the vote, Nelson Mandela and the ANC came to office. It was a stupendous victory for struggle against the most ruthless regime imaginable. It was a triumph for everyone who hated racism.

## How the ANC has stifled struggle

The ANC leaders who now headed South Africa did not intend to confront capitalism. Instead they hoped to preside over a "fair" capitalism where black and white would be treated equally.

They hoped that "partnership" with the bosses would produce prosperity. But the price for securing the goodwill of the powerful corporations, landowners and bankers, both in South Africa and abroad, was the abandonment of their promises to the masses.

The process began even before the elections with the decisions of the ANC-dominated interim government.

As the writer Patrick Bond says, "The very first act of the interim government was to accept an \$850 million loan from the International Monetary Fund."

“The loan’s secret conditions—leaked to the main business newspaper—included the usual items from the classical structural adjustment menu: lower import tariffs, cuts in state spending, and large cuts in public sector wages.”

Two years into its rule the ANC imposed an even more neoliberal economic strategy, based on World Bank advice. Ministers pleaded that this was the only alternative to economic collapse.

The ANC knew it could rely on the union leaders and the Communist Party, its partners in a “tripartite alliance”, to do no more than mutter against this turn. They might criticise the ANC, but they would not propose any alternative.

Together they sought to squash any systematic opposition. One of the best organised and most militant working classes in the world was held back as the Communist Party’s leadership came to justify the ANC regime’s shifts. Trade union militants became caught up in a process of stopping strikes rather than encouraging them.

Neoliberalism has been a disaster. Of course there have been some changes since 1994. There are more homes, more people linked to the electricity grid, more schools and hospitals. But not nearly enough.

#### Process

Meanwhile a tiny black elite has made itself fabulously wealthy, with former firebrands such as miners’ leader Cyril Ramaphosa grabbing multiple top directorships. Yet the income of the average black person actually fell relative to the average white’s between 1995 and 2008.

Anti-apartheid activist archbishop Desmond Tutu famously said that the ANC government had “stopped the gravy train only long enough to get on”.

A recent UN report found that 1.4 million children live in homes that rely on often dirty streams for drinking water and 1.7 million live in shacks, with no proper bedding, cooking or washing facilities.

Such conditions provoke resistance. And because the state is determined to face down the resistance rather than confront capital, it also means the ANC has turned to repression.

The Marikana massacre is therefore a continuation of a wider process, not a break from it. But the fightback will not go away. South Africa has more explosions of revolt per capita than anywhere else—strikes, township protests, roadblocks and occupations.

Zwelinzima Vavi, general secretary of the Congress of South African Trade Unions, warned two years ago, “We are already sitting on a ticking bomb. The poor are already getting

restless. They are tired of watching and reading about the elite blacks or whites parading wealth a few kilometres away from where they live in squalor.”

He was right. The challenge now is to use the methods that brought down apartheid to fight for immediate demands, to unify the working class against the bosses and the state but also to confront capitalism itself.

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South Africa does not support the death penalty, or does it?

The groundWork team

Almost a week after the Marikana Massacre and in the midst of a week of mourning for those who were tragically killed at the Lonmin mine, the groundWork team sends their condolences to the families of the deceased and reflects on what this series of events means for South Africa.

The absurd nature of South Africa’s democracy has been exposed by the brutal deaths of the 42 workers and 2 South African Police Service members at Marikana. May we never forget the painful events that culminated in the Marikana Massacre on 16 August. These events cannot be seen in isolation as Lonmin’s continual search for greater profits at the expense of workers, and the worker struggles there, but rather in the context of a failed democracy and crumbling state, whose interest is tied up in protecting the wealth of the elite by using the Property Right (Section 25) in our Bill of Rights, rather than supporting the poor and responding to their call for the ANC’s promised ‘better life for all’.

As groundWork has said from 1999, the state together with corporate capital is failing the nation. We in South Africa are in the middle of the perfect crisis, the elite crisis: the crisis of imperial capitalism, the crisis of energy resource depletion, and the environmental crisis. This is amplified by the nexus between the political elite and corporate power. The deaths of those in Marikana, have given us a graphic depiction of the crisis of capital. Simply put, the workers were demanding more for toiling in the bowels of mother earth, and they were prepared to change alliances for this. And this, the ruling class could not contend with.

The African National Congress (ANC) had its back against the wall. It could not allow the National Union of Mineworkers (NUM), which is one of its strongest Congress of South African Trade Unions (Cosatu) partners, to lose workers to a rival union, the Association of Mineworkers and Construction Union (AMCU). This could mean that the workers and their families might not vote for the ANC in the next election. So it had to back NUM to ensure that AMCU was not successfully organising. AMCU was raising worker issues no doubt because NUM was not serving their needs – better working conditions and remuneration.

Even General Secretary of Cosatu Zwelinzima Vavi admits that there might be problems. The Mail and Guardian reports that Vavi: ‘admitted that Cosatu’s preoccupation with ANC politics is resulting in a growing distance between union leaders and its membership’.

Generally speaking, this then translates into workers never being allowed to demand too much from capital – if they do the state must manage this demand. The ANC had to do it in this instance because they also had to protect vested corporate interests in the mining sector that many individuals in the ANC, and even the Chancellor House (the ANC's investment arm) holds. The ANC could manage NUM; NUM managed the workers and ensured that demands never threatened corporate profits. But when the rival union arrived, workers could not be managed anymore.

The deaths of the first 10 in Marikana should have brought the nation to a halt – and we should have all asked what was going on. Critically, President Zuma should have intervened; after all he has been touted as the 'people's president' after the stiff upper lip nature of Mbeki. But he did not. He failed us by leaving the country at a critical point in time. We are waiting for guidance. We are waiting for our President to address the nation directly. But what is needed is not another commission of enquiry that will hold the truth back for many years, but rather direct action against the Minister of Safety and Security and the Presidency for allowing this process to get to this stage.

For the workers at Lonmin and the hundreds of thousand other miners throughout South Africa, there is no democracy in the long hours they have to work, the poor wages they have to be content with, the work related illnesses they have to endure, the high HIV rates that ravage the community, the shacks they have to live in, the lack of services they have to endure, and the broken social fabric of their families because of migrant labour. For 18 years they have been asking for a better life for all and for a meaningful democracy promised by the ANC. But all they have been given is the blood of their fellow workers spilt and the deaths of their comrades.

Whose rights are the state going to deliver on? Those that own 'property' or those that die daily for they do not have 'property' and access to the basics of life: fair and safe employment, basic services and nutrition and a clean environment so that our children realise their potential to compete at the Olympics, rather than share their lives with an asthma pump – if they can afford one.

We cannot continue blaming the victims and the workers for the crumbling democracy that allows people to be shot dead because they seek a better life.

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<http://usilive.org/the-marikana-massacre-reveals-the-depths-of-the-fault-lines-in-south-africa/>

The Marikana Massacre reveals the depths of the fault lines in South Africa

Sahra Ryklief

On Thursday 16th August, 34 striking mineworkers were shot dead by police at LONMIN's platinum mine in Rustenberg. It is not yet clear why the police were using live ammunition, nor whether a warning was issued. Audio-visual depictions of the event demonstrate a systematic attack on strikers, with dead bodies strewn on the field while police continue with open fire.

In no way can this action be excused as a police warning to violent strikers to desist from attacking them. Police have access to buckshot; teargas; tazers; the ability to cordon off the strikers with layers of barbed wire or other more solid re-enforcements. They have the resources and expertise to contain and prevent violent crowds from harming others whilst trying to defuse the situation through negotiation. They should have knowledge of dozens of siege/negotiation combination tactics and actions, even if I am not aware of it.

I know that these exist internationally. I have watched Korean fishermen hurl themselves at policemen, battering them mercilessly with every weapon at their disposal during anti-WTO demonstrations in Hong Kong for days, without any fatalities. I have seen line after line of fresh police troops replace their furious and embattled comrades holding the frontlines of worker demonstrations in various countries of the world without even resorting to teargas. I have seen, here in South Africa pre 1994 and post, police cordon off uncontrollable areas and, if unable to influence or change the situation, wait for order to be

restored. What has changed? Who do we hold responsible for this example of extreme moral bankruptcy, when the situational restoration of 'order' becomes more important than the lives of countless workers?

If we want to prevent this from occurring again, we have to make sure that this black Thursday of the 16th August 2012 is never forgotten. This means we have to acknowledge our culpability. In apportioning blame I do not exclude myself. As a labour educator and researcher, I have taught and written about the pioneering role of strikes in this country in shaping the organisations, legal protections and improved conditions of our industrial relations system, whilst either glossing over or excusing the coercive actions and violence workers have directed towards each other in the name of unity and solidarity. I will do so no longer. Worker unity has to be based on something superior to violent coercion. Unity on that basis cannot lead to any lasting, positive outcome. It has shaped the way we approach strike organisation in this country for far too long. As labour, we need to take responsibility for change in this respect.

Which is not to say that those who study, educate, lead and organise workers and communities have, in any meaningful way, control over whether violence will occur or not. They do not. As long as we have the depths of deprivation and differentiation we have here in South Africa, violence will shadow collective action, electoral and associational freedoms notwithstanding.

As the working poor, mineworkers live under similar levels of deprivation as the wild-cat strikers of the 1970s and 1980s whose actions shaped our current labour movement and constitutional dispensation. As the jobless youth, those who currently are burning tires and debris and stoning buses and taxis live under similar, appalling socio-economic conditions, are imbued with comparable levels of anger, frustration and helplessness to those of the 1980s and 1990s. Unless the socio-economic conditions change, violence will remain endemic to protest and resistance in South Africa.

By its mere prevalence, it becomes open to manipulation. Claims by various politicians and trade unionists of a "third force" summoning up the violence for their own advantage, have some resonance. However, despite their resonance, these claims of a third force should be no less acceptable to us today than they were when the apartheid government claimed this as the force behind the anti-apartheid and labour movements of thirty years ago.

Firstly, because to focus on an invisible (or visible only to some) external, third force as the main driver behind the strikers' actions is a grievous disrespect of these workers' own volition. Secondly, because the apportioning of blame externally both hides stakeholder culpability and also exonerates the responsibilities of said stakeholders to prevent a re-occurrence in future. We do not yet know the full extent of culpability behind the LONMIN disaster, but we already know enough to speculate on the consequent actions that could emerge.

The first lesson of the massacre is this – the time of celebrating past anti-apartheid heroism is over. The irony of having the former National Union of Mineworkers and ANC General

Secretary, Cyril Ramaphosa, as a director on the LONMIN board just says it all. In respect of the traditional importance of burying the dead near their ancestors and families, his R2million offer towards their funerals will be helpful, but not enough. Non-executive director or not, Ramaphosa should commit himself to investigate and correct all mismanagement that led to this disaster, under conditions of full transparency, or if he cannot, divest himself of any further interest in the company. That's taking real responsibility, as a shareholder representative.

This leads us to the culpability of the mine management, who bypassed the collective bargaining processes to establish differentiated conditions amongst its workforce, sparking the wild-cat protests. Many, many lives have been lost in the establishment of our industrial relations system. Our system has many flaws, not the least that it is inherently structurally unstable due to the grave differentials between the ceiling and floor of earnings within the country, company and workplace. The arrogance and disrespect shown by LONMIN management to this reality should not go unrecognised. Whoever was responsible for this decision should resign, and issue a statement acknowledging culpability. Furthermore, their replacements at LONMIN management should recognise whomever the strikers elect as their leaders. The ability to recognise a crisis and respond accordingly is an essential requirement of management. LONMIN failed dismally in this respect.

Then there are the police. This massacre and the total disregard for the protection of lives, even of those who were aggressive and armed (although the exact extent of this has to be established), is a direct result of the modelling of the police as an armed force rather than a service. A judicial enquiry may reveal the actual culpability of those who made the decision and took action, but as citizens we are entitled to hold our elected representatives accountable for the decisions and actions of those under their command. The appointment of Cele, the introduction of military titles and the blatant culture of use of force as a first resort has taken place under the watch of the current minister of police and his deputy. They should resign with immediate effect and be replaced by politicians committed to a police service that holds the protection of human life supreme.

Last, but by no means least, there are the unions. As the largest COSATU affiliate, the NUM is "kingmaker" amongst our unions. It influences every ANC party election, and through this, parliamentary and cabinet positioning. Yet it is as vulnerable on the workplace as any other union. It cannot afford to neglect consistent and comprehensive grassroots organisation and voice at the workplace. This is no easy task, because it requires the union to at all-time have its primary articulation being that which furthers the interests of its workers, even at the cost of its king-making role.

The massacre has brought home the political reality, which should not be too difficult for the NUM leadership to openly face and acknowledge, that the class interests of the NUM are easier shared with the leaders of its bitter rival at LONMIN, AMCO, than with their allies in the ANC NEC. If they have the courage to do this openly they will destroy the spurious argument that NUM or COSATU officials, by virtue of earning a decent wage (contrary to

the workers whose conditions their life's work is dedicated to improve) and perhaps even, horror of horrors, by residing in the suburbs, are losing touch with the rank and file.

For if this were true, how could Julius Malema, king of bling, just fly in from London and address the striking workers to welcome applause? Do these commentators really think those strikers are not aware that Malema's wealth is one hundred times greater than any union official? Populist demagogue par excellence, Malema tells them what they want to hear, and they welcome him because of this. As a union official or leader, you cannot always do this. Even the leader of AMCO tried to dissuade the strikers and failed. There are no easy solutions, but one thing is very clear. As labour the NUM and COSATU have to unambiguously condemn the firing and killing of striking workers, and not exempt any power broker, whether their allies in the ANC leadership battle; mine management or the police from culpability in this regard.

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The massacre of striking workers at Marikana on Thursday 16 August is a turning point in our recent history. The ANC stands condemned as taking over the mantle previously donned by the apartheid regime in violently suppressing workers in order to ensure the continued profits for mining capital. Marikana now joins the ranks of the Sharpeville and Boipatong massacres in the odious history of a method of capital accumulation based on violence. The ANC's moral legitimacy as the leading force in the struggle for democracy has now been irrevocably squandered and the struggle for social justice has now passed on to a whole new working class – including the workers at Lonmin who went on strike – who are outside the Tripartite Alliance and its constituent parts.

The broader platinum belt has been home to new upsurges of struggles over the last 5 years – from the working class community activists of Merafong to the striking workers of Implat and Lonmin. These social forces – including the nationwide “service delivery” revolts - are the signs that a new workers' movement is being forged despite the state violence that killed Andries Tatane and massacred the Lonmin workers.

But a second act of violence against the Lonmin workers is being perpetrated within the Tripartite Alliance, the business world and the media in general: there the struggles of the striking workers are being sullied as brought on by “inter-union rivalry”; by claims that conspiracies are behind the AMCU; that AMCU made “impossible demands”; that the workers were on an “illegal” strike; and that the workers brought it on themselves by being violent. The media has somehow placed Julius Malema at the centre – conveying the impression that this is merely one more instance of the ANC’s succession battles. This follows on similar attempts by the DA in the Western Cape to demonise service delivery struggles around Cape Town as the work of conspirators.

We note the role of the NUM and COSATU leadership in peddling these conspiracy claims and their abandonment of the most basic premise of the labour movement – an Injury to one is an Injury to all. For some time now we have been researching how neo-liberalism has been restructuring the working class so that casualisation, outsourcing, homework, labour brokers and other forms of informalisation have become the dominant form of work and homelessness and shackdwelling the mode of existence of much of the working class. By way of contrast the dominant trade unions in SA have largely moved up upscale – towards white collar workers and away from this majority. Lonmin has exploited these divisions – exacerbated by the old mining industry forced labour strategy of recruiting along tribal and regional divisions to heighten exploitation at the coalface of drill workers while making cosy deals with the more skilled and white collar NUM members.

In condemning the police brutality and the disgraceful collusion of COSATU and NUM we will continue to provide support to all working class organisations of struggle and promote the idea that the true working class culture of debate and tactical differences is through persuasion and not violence.

Leonard Gentle

(Director)

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Lenny Gentle

The massacre of our illusions ...and the seeds of something new

The story of Marikana has so far been painted shallowly as an inter-union spat. In the first few days after the fateful Thursday and the shock and horror of watching people being massacred on TV there have correctly been howls of anger and grief. Of course no one wants to take responsibility because to do so would be to acknowledge blame. Some pundits have even gone the way of warning at anyone “pointing figures” or “stoking anger”. That buffoon, Julius Malema, stepped forward as if scripted, and promptly lent credibility to those warnings. So Zuma’s setting up of an Inquiry and his call for a week of mourning for the deceased and their families could come across as “statesmanlike”.

But this is not just a story of hardship, violence and grief. To speak in those terms only would be to add the same insult to injury perpetrated by the police on the striking workers as many commentators have done - that of seeing the striking miners as mere victims and not as agents of their own future and, even more importantly, as a source of a new movement in the making.

The broader platinum belt has been home to new upsurges of struggles over the last 5 years – from the working class community activists of Merafong and Khutsong – who drove the then ANC chairperson Terror Lekota out - to the striking workers of Angloplat, Implat and now Lonmin. These struggles – including the nationwide “service delivery” revolts - are the signs that a new movement is being forged despite the state violence that killed Andries Tatane and massacred the Lonmin workers. Rather than just howl our outrage it is time to take sides and offer our support.

Marikana now joins the ranks of the Sharpeville and Boipatong massacres in the odious history of a method of capital accumulation based on violence. The ANC’s moral legitimacy as the leading force in the struggle for democracy has now been irrevocably squandered and the struggle for social justice has now passed on to a whole new working class – including the workers at Lonmin who went on strike – who are outside the Tripartite Alliance and its constituent parts.

In this sense, after Marikana, things will never be the same again.

Firstly, the killings mark the end of the illusion of a moral high ground occupied by the ANC and the completion of its transformation into the governing party of big capital. For some while now the ANC could trade on its liberation credits in arguing that all criticism came from quarters who were trying to defend white privilege. The DA, of course, was perfect to be cast in this role because it always attacked the ANC for not being business-friendly enough. NGOs who ramped up the criticism of the ANC’s attacks on the media or freedom of speech could be dismissed as “foreign-funded” or having darkly hidden agendas or being the tools of the liberal onslaught on majority rule.

But Marikana was an attack on workers in defence of white privilege – specifically the mining house, Lonmin. Although it is partly owned by one of Cyril Ramaphosa’s companies, its major shareholders include British investors and ex-South African (and ex-Eskom) Mick Davis’s Xstrata.

In this the ANC steps squarely into the shoes of its predecessors – Apartheid’s Nationalist Party and Smuts’ South African Party – acting to secure the profits of mining capital through violence. This was Bulhoek and Bondelswaarts all over again. This was the setting up of forced recruitment over Southern Africa leading to the dreaded migrant labour system, the compounds and the dompas. This was the stuff of Hugh Masekela’s Stimela.

Always successive governments did what was necessary to ensure a cheap, divided and compliant labour force for the mines.

Lonmin epitomises the make-up of the new elite in SA – old white capital garnished with a sprinkling of politically-connected Blacks in the name of BEE.

Secondly the strike and the massacre mark a turning point in the liberation alliance around the ANC – particularly COSATU. Whereas the community and youth wings of what was called the Mass Democratic Movement of the 1980s and 1990s – specifically SANCO and SAYCO (remember the UDF was disbanded by the ANC) – became disgraced by their association with corrupt councillors and eclipsed by the service delivery revolts (and the ANCYL became a home for the tenderpreneurs) COSATU's moral authority was enhanced after 1994. Within what is called “civil society” COSATU continued to be a moral voice. So anyone who had a campaign - whether challenging the limitations on media freedom or fighting for renewables – sought out COSATU as a partner. This moral authority came because COSATU was simply the most organised voice amongst the working class.

Today COSATU's links with the working class is only a very tenuous one.

It is almost intuitive that we consider the notion of a worker as someone working for a clearly-defined employer, on a full-time basis, in a large factory, mine or supermarket. Indeed classical industrial trade unions were forged by workers in large factories and plants and industrial areas. This was the case in many countries where such unions won the right to organise and bargain collectively – and was also the case in South Africa, when a new wave of large unions formed industrial unions after 1973's Durban Strikes. And going along with this structure of work were the residential spaces of townships. From the 1950s in SA apartheid increasingly came to accept the de facto existence of a settled urban proletariat – which intensified from the early 1970s – and built the match-box brick houses in the townships of the apartheid era: the Sowetos, Kathlehongs, Tembisas and the like.

So the working class was organised by capitalism into large industrial sites and brick houses in large sprawling townships.

The neo-liberal phase of capitalism – since the 1980s – has begun to change even this.

Neo liberalism has not only been about privatisation and global speculation. It has also been about restructuring work and home. Today casualisation, outsourcing, homework, labour brokers and other forms of informalisation or externalisation have become the dominant form of work – when work is available at all - and homelessness and shackdwelling the mode of existence of the working class. The latter is in indirect proportion to the withdrawal of the state from providing housing and the services associated with formal housing.

Twenty years ago the underground workers of Lonmin would have lived in a compound provided by and policed by the company. Today the rock drill workers live in a shanty town nearby the mine.

Also mining itself has changed. Much of the serious hard work underground is now done by workers sourced from labour brokers. These are the most exploited and insecure workers

who work the longest hours and most flexible arrangements. It is even possible today to own a mine and not work it yourself but to contract engineering firms like Murray and Roberts to do the mining for you. Into the mix are so-called “illegal miners” who literally mine with spades and their own dynamite and then sell on to middle men who themselves have links to big businesses.

Lonmin has exploited these divisions – exacerbated by the old mining industry strategy of recruiting along tribal and regional divisions – the drill workers at Lonmin were known as Xhosas railed in from the Eastern Cape into an area which is largely Tswana-speaking - to heighten exploitation at the coalface of drill workers while making cosy deals with the more skilled and white collar NUM members.

Add to this the toxic mix of mine security, barbed-wire enclosures and informal housing - identified by researchers such as Benchmarks and a picture of institutionalised violence emerges.

By way of contrast the dominant trade unions in SA have largely moved up upscale – towards white collar workers and away from this majority. Today the large COSATU affiliates are public sector white collar workers – the SA Democratic Teachers’ Union (SADTU), the National Education, Health and Allied Workers’ Union (NEHAWU) and the unions amongst white collar workers in the parastatals – Telkom and Communication Workers’ Union (CWU) and Transnet and SATAWU. The lower level blue collar workers are now in labour brokers and in services that have been completely outsourced – like cleaning, security etc, so they do not fall within the bargaining units of the Public Sector Bargaining Council.

The Lonmin strike was second in the last 3 months to hit the platinum sector. It was preceded by a strike at Implats (and before that at Angloplat). All involved the AMCU as workers sought an outlet for their frustrations. In this sense the recent strike has been simmering for years.

The mining trade journal Miningmix published this story in 2009...

“One such issue was an agreement signed between the NUM and Implats in 2007, which stipulated a 50% plus one member threshold for recognition – practically making Implats a closed shop where minority unions have no rights. That removed any competition and gave the NUM a monopoly in South Africa’s largest single mining complex. Secondly, and most importantly, a gradual change had taken place in the profile of the NUM membership over the last 15 years; one that nobody had taken notice of. The NUM was originally borne out of the lowest job categories of South African mineworkers, mainly from gold mines. More than 60% of its members were foreigners, mostly illiterate migrant labourers.

Nowadays that number has dropped to below 40%. On the other hand, an increasing portion of the NUM’s membership comes from what can be described as white-collar mining staff, who had previously been represented exclusively by Solidarity and UASA. The local NUM structures in Rustenburg, like the branch office bearers and the shop stewards,



are dominated by these skilled, higher level workers. They are literate, well spoken and wealthy compared to the general workers and machine operators underground. For instance, there are two NUM branches at Implats – North and South. And the chairpersons at both these branches were beneficiaries of the 18% bonus that sparked the strike. During wage negotiations in September 2011 Implats wanted to give rock-drill operators a higher increase than the rest of the workforce, but a committee of NUM shop stewards demanded the money be split among the whole workforce. Needless to say, there wasn't a single rock-drill operator on the shop stewards' committee."

So while the NUM remains the largest affiliate of COSATU it is moving on from the union of coal-face workers, to a union of white collar above-ground technicians. It is these developments within NUM that led to the formation of the breakaway union – the AMCU. Whatever the credentials of AMCU its emergence is a direct challenge to the hegemony of NUM and of COSATU. As such the federation has embarked on a disgraceful campaign of slandering the striking workers and their union.

In this they have been joined by the media..

With the notable exception of the Cape Times who gave spaces to stories of family members of the dead workers and editorialised on the police and Lonmin's practises, the media's culpability in demonising the striking workers has been equally reprehensible. In addition to only quoting NUM sources for information of the strike or focusing on Malema's opportunism there have been no attempt to dig beneath the idea of manipulated workers and inter-union rivalry.

In general they all painted the rock drillers as uneducated, Basotho or Eastern Cape Xhosas etc whilst flogging the idea of an increase to R12 500 as "unreasonable" (nobody has even bothered to check what rock drill workers actually earn at present).

Then there is the notion that workers went to AMCU because they were promised R12 500. This fiction is repeated endlessly by the media. Journalists are of course happy to source this from (unnamed) NUM sources and are simply too lazy to check with the striking workers themselves, or from AMCU, and do not even observe the most basic principle of saying this is an unsubstantiated allegation coming from NUM sources. The slander here is that workers are so open to manipulation that they will believe any empty promises. This plays to the prejudice – repeated by Frans Baleni of NUM from his Nyala – that rock drill workers are ignorant and uneducated - and it bolsters the idea that AMCU is some kind of slick-willy operation who must take responsibility for the massacre.

Anyone with any experience of organising knows that trade unions don't come to workers like insurance salesman or vendors of encyclopaedia. In the main workers form their own committees and then send a delegation to the union office demanding that an organiser come and sign them up ..or simply down tools forcing their employer to contact a union organiser to come and talk. Nor is any strike decision, let alone such a strike such as this one - unprotected, under the umbrella of an unrecognised union, in a workplace with mine security and where the workers themselves are far from home in a strange region – ever

taken lightly. Wildcat strikes are probably the most conscious act of sacrifice and courage which anyone can take, driven by anger and desperation and involving the full knowledge that you could lose your job and your family's livelihood.

In normal times trade unions can be as much a huge bureaucratic machine as a corporation or a state department with negotiations conducted by small teams of no more than a dozen or so far from the thousands of rank-and-file members. Strikes change all that ....suddenly unions are forced to be conduits of their members' aspirations. Whatever the merits of AMCU as a democratic union or as one with any vision of transformation; whatever the involvement of the Themba Godi's and whoever else, the workers of Marikana made their choices – to become members of AMCU and risk everything – including their lives – for a better future. For that we owe them more than just pious sympathy. There is a job of mobilisation and movement building to be done.

Almost 40 years ago – in 1973 - workers from companies like the Frame Group in Durban came out in a series of wildcat – then really illegal – strikes. Now this event is celebrated by everyone as part of the revival of the anti-apartheid mass movement and the birth of a new phase of radical trade unionism - which culminated in the formation of COSATU in 1985.

But in 1973 the media highlighted the threat of violence and called for the restoration of law and order. The apartheid state could not respond with the kind of killings that happened at Marikana because the strikes were in industrial areas around Durban, but they invoked the same idea of ignorant misled workers (then they were seen as ignorant Zulus) and had homeland leader Mangosutho Buthelezi send his emissary, Barney Dladla, to talk to the workers.

While in exile the SACP questioned the bona fides of the strikes, invoking the involvement of Buthelezi to perpetuate the fiction of “ignorant Zulus”, because they were not called for or led by the official liberation aligned union body – SACTU. Some in SACTU – SACP circles (like Blade Nzimande today) raised the spectre of liberals and CIA involvement in the new worker formations with an agenda to “sideline the liberation movement.” This separation of the ANC and its allies from the early labour movement was to lead to the divisions between the “workerist unions” (independent) and the “populist unions” in the labour movement and was to continue within COSATU until the period of the political negotiations when there was more-or-less an agreement that the ANC would take centre-stage.

How easily people forget when workers forge new movements today ..

For a long time now the ongoing service delivery revolts throughout the country have failed to register on the lap tops and blackberries of the chattering classes. This is because of the social – and even geographic distance – of the middle classes to the new working classes and the poor.

Now the sight of the police shooting striking workers on TV has brought the real world of current struggles right into the lounges and bedrooms of public opinion.

According to statistics supplied by Wits University's Peter Alexander:

"In 2010/11 there was a record number of crowd management incidents (unrest and peaceful), and the final data for 2011/12 are likely to show an even higher figure. Already, the number of gatherings involving unrest was higher in 2011/12 than any previous year. During the last three years, 2009-12, there has been an average of 2.9 unrest incidents per day. This is an increase of 40 percent over the average of 2.1 unrest incidents per day recorded for 2004-09. The statistics show that what has been called the Rebellion of the Poor has intensified over the past three years."

This kind of "spontaneous" revolt is now also extending to the industrial sphere – witness the unprotected strikes in the platinum mines at AngloPlat, Implats and now Lonmin.

So far the strikers have stood firm not only against the police, and Lonmin, threatening dismissal, but also against the media labelling their strike "illegal" (strikes are not illegal in SA, they are only protected or unprotected) and NUM and COSATU rallying behind their ally – the ANC – to stigmatise the strikers and their union as "paid by BHP Billiton and/or the Chamber of Mines (why either of these would pay to form a striking, volatile union rather than a sweetheart union like NUM who sits in all their bargaining chambers and acts to respect agreements, makes no sense. But some people choose to believe this nonsense). The SACP even goes on to call on Zuma's Commission of Enquiry to investigate AMCU and the possibility that it is being financed by business interests to break NUM (that vanguard of the working class) – this from the SACP cabinet minister, Blade Nzimande, who wines and dines with big business every day of his life.

In the midst of our outrage at this brutality let us acknowledge that a new movement is emerging. Such early signs do not as yet indicate something grand and well organised. Movements are notoriously messy and difficult to assign to some kind of predetermined ideological box. We do not know what ups and downs people will go through but when the seeds of a new movement are being planted it is time to ask what the rest of us can do to help it to grow.

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[counterpunch.org](http://counterpunch.org)

Neo-Apartheid and the South African Miners Massacre

St. Nelson's Legacy

by THOMAS C. MOUNTAIN

As the legendary life of South African leader Nelson Mandela draws to a close his legacy to his people has been brutally splashed across television screens worldwide showing neo-Apartheid police firing automatic weapons into crowds of striking African miners, killing two score or more and wounding nearly a hundred.

Every day crushed, broken and lifeless bodies of Africans are dragged from hellholes under the earth, joining a list of untold thousands who gave their lives enriching the bank accounts of western “shareholders” of gold, platinum and diamond mines in South Africa.

Working up to a mile underground, 10, 12 or more hours a day, where the very stones they bring crashing down are almost too hot to touch, and all for a dollar or two an hour.

With platinum in oversupply and prices steadily falling a British boardroom tightened the screws with safety slashed and workers, neo-Apartheid slaves really, pushed past their limit.

Last week the inevitable happened and Africans stood tall, downed tools and marched in the open air demanding to be treated as humans. Why risk our lives everyday yet not be able to provide a future for our children, to even afford to pay for their school fees they cried out.

And the answer given to them by their neo-Apartheid masters was no different than that received by their forefathers this century or more past, bullets shedding more African blood.

Only this time it was an African giving the commands, with Africans standing side by side with Boers and Englishmen that fired weapons that massacred their erstwhile brothers.

While for the Africans slaving away everyday in the western owned mines life since the worst days of the Apartheid state has seen only small improvements, for the new, black, South African elite life has never been better.

Living in white neighborhoods, sending their children to white schools, sitting side by side at the tables of power with those they previously addressed as “baas”, the legacy of St. Nelson has been a true golden reward for some.

Today the servility of the neo-Apartheid African elite on behalf of their western masters has gone beyond all discretion.

It was the South African UN Ambassador, a black man, who cast the crucial vote allowing NATO to institute a “no fly zone” over Libya that saw the massacre by western air forces of 80,000 Libyans, or more.

It is a dark hued South African woman who sits as UN Commissioner of Human Rights who keeps under lock and key a report on the western funded genocide in the Ogaden, under the direct orders of Gayle Smith, a white woman in the White House, USA.

It is a black South African, former wife of the current President, who so proudly presides over the African Union soldiers enforcing their marching orders from Pax Americana, carrying out the occupation and slaughter of Somalis in Mogadishu.

While on her way to her AU installation ceremony in Addis Ababa, Ethiopia, Ms. Zuma must have made sure not to look out of the tinted, bullet proof windows of her limo so as not to catch sight of the hundreds of thousands of her fellow Africans in the streets surrounding the AU headquarters, protesting the high crimes and genocide of her by then comatose host, Meles Zenawi.

This past thursday saw black South African blood spilled once again but at least this time it was spilled by Africans standing up as men, in the open air, not dying an ignoble death deep in the bowels of the earth. Fighting for a future for their children, fighting against the racially mixed agents of violent enforcement of the neo-Apartheid legacy of St. Nelson, former President Mandela, the first black president of a “free, democratic” South Africa.

Thomas C. Mountain was active in the anti-Apartheid movement and represented the USA at the 1st Asia-Oceania Anti-Apartheid, Anti-Racist Conference in Tokyo, Japan in 1988. Today he is the most widely distributed independent journalist in Africa, living and reporting from Eritrea since 2006. He can be reached at thomasmountain at yahoo dot com.

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<http://www.theafricareport.com/index.php/news-analysis/marikana-a-lesson-in-late-liberal-democracy-501817460.html>

Wednesday, 22 August 2012 10:59

Marikana: A lesson in late liberal democracy

By Heinrich Böhmke

Thirty-four miners were shot dead by police at a mine outside Rustenburg, South Africa last week. The 3000 rock-drill operators, from a Lonmin owned platinum company, had been gathered on a hill for four days, demanding a wage increase from recalcitrant owners.

The leaders belonged to Amcu, a militant breakaway from the Cosatu-aligned National Union of Mineworkers. In the days before the massacre, ten people were killed in skirmishes, including two police officers and a NUM shopsteward. Police gave a final ultimatum for the workers, carrying pangas and spears, to disperse. They refused.

Television footage showed a group of

[LINK=<http://www.theafricareport.com/index.php/20120817501817228/southern-africa/sa-s-lonmin-shoot-out-calls-for-a-fundamental-change-of-culture-501817228.html>]approaching workers sprayed with automatic weapon fire by police[/LINK]. They fell in heaps upon the ground.

Within hours, the Facebook timelines of progressive South Africans lit up in outrage. They combined menace and hopefulness in their proclamations that the Marikana massacre

heralded a new era in South African politics. The ANC and the mine bosses they served, would regret it. Articles and listserv comments soon followed. They compared this event to Sharpeville and, more suggestively, to the Bullhoek massacre, wrapped up in political and spiritual fatalism.

Some commentators inserted Marikana into a list of police repression against new social movements who have been agitating for service delivery throughout the country these last ten years. They named real events, such as Andries Tatane's killing by police in Ficksburg but also the boosterism of Ayanda Kota's misadventures with a Grahamstown constable. Trade union, Amcu, too was appropriated as a critique, in organisational form, of the ANC government and its 'anti-poor' policies.

The tone of all this writing is breathless, both in anger and expectancy. This has to be it. People will be revolutionized by such a traumatic event. The moorings of the post-apartheid order are bound to break. Workers will see that they are pincerd between dehumanising work for slave wages and police mowing them down. The poor are left with no choice but uncompromising struggle against both the ANC and the wider economic order it maintains.

I suspect that the repertoire of counter-insurgency, (for lack of a softer term), available to those working on behalf of the status quo is too great to allow much to come of Marikana. From the coaxing of human resource people at the mine, the bite of no-work-no-pay, mass arrests of strike leaders, [LINK=<http://www.theafricareport.com/index.php/20120814501816996/southern-africa/violent-mine-deaths-pit-cosatu-against-local-police-501816996.html>]the vengefulness of rival unionists[/LINK], revelations of 'barbarism' to come at the commission of enquiry, blue-light visits by inter-ministerial task teams, flags at half-mast, Zuma at the hospital, cynical journalists, woebegone churchmen, and, yes, the sound and advocacy of civil society is all going to have an essentially moderating effect. The wound will be sutured.

A year after Andries Tatane was killed, the protest movement of which he was a part welcomed a provincial government minister as keynote speaker to the anniversary event. A movement spokesperson effused about houses that had been delivered but said the pace could be a little faster. How do these coagulations happen?

They happen with essential input from 'progressives' themselves. Elizabeth Povinelli defines late liberal democracy as a mode of government focused on the problem of how much pain can be administered to sections of the population while maintaining a remotely plausible claim that their sacrifice is for the sake of a future common economic and legal good. By the timing and pitch of their indignation, progressives disagree about how much pain was administered in this particular dose.

[B]On two crooked legs[/B]

There are many mechanisms that 'democracy' provides for handling disagreement, many safety valves. These include the space being taken by left intellectuals to denounce, at R2 a word, what essentially comes down to the poor quality of crowd control. They also include ineffectual displays of free speech and assembly on posters carried at fringe pickets, proclaiming "We are all Andries Tatane / Marikana miners".

Except 'we' are not. The indignant commentators are not in the least representative of the mind of South Africa. At the heart of the expectation that something good and militant will arise from Marikana is an almost comically mistaken assumption that 'ordinary' South Africans are specially inclined towards social justice. That they will not lightly stand for this sort of thing. The assumption rests on two crooked legs. These are that Black people in general have a recent tradition of sterling struggle against oppression and exploitation that they will take up again and that Blacks are made ripe for revolution by the obscenity of South Africa's wealth gap - the widest in the world.

What is ignored in this analysis is the deeply conservative, pro law and order mindset of a huge, cross-class lump of society. What is ignored is that the promise of jobs and economic windfalls from the platinum cycle is the only foundation of an illusory but believed political economy in the North West province that allows hosts of local ANC leaders ("traditional" or otherwise) to claim legitimacy over those they rule. It is also a silly canard that only a sprinkling of BEE beneficiaries have a stake in the system. This analysis forgets about the over one million strong civil service, 80% Black, who, from clerk to director-general, have profound investments in stability, even if it is built on exploitation. It forgets the individualizing of success and failure drummed into a generation of graduate fortune seekers. It forgets how parochial other struggles in South Africa have been, unable to jump the 'firebreaks' of place and issue. It gets excited at tyres burning and rubbish strewn on highways and attacks on hawkers, when these days, these are but the opening gambits in protest, an invitation, only gilded in antagonism, to fairly conventional negotiations with the local state. It forgets about the residual pull and aura of the ANC that defeated white rule and it forgets, if City Press is believed, the distaste bound to be felt for the 'backward' scenes of men smeared with muthi charging about with pangas.

At best, only a slice of the poor of South Africa are a viable agent for post-Marikana social change. However, if the violence issuing from the poor in recent years is any measure, they are readily available to 'loyalist' reaction. Participants to COP17 who ran up against pro-Zuma marshals, know this quite well as do Somali shopkeepers.

[B]A postcard from 1922[/B]

If I were to seek a historical lens through which to understand contemporary events, I would not choose Sharpeville or Bullhoek. They obscure a crucial factor, race. The massacre of dozens of white mineworkers in 1922 by the Smuts regime provides, I think, a better perspective from which to see where Marikana might lead.

Ninety years ago, a mixture of Afrikaner nationalists but also many Communist stalwarts, took Johannesburg in a general strike. Mine bosses like Lionel Phillips insisted on using

African labour in the mines. By getting rid of the more unprofitable aspects of hick racism and bringing in cheaper workers, mines would enjoy unprecedented rates of profit. White workers opposed this policy to the point of insurrection. Smuts called in the troops who surged into the shantytown of Fordsburg, killing scores. Smuts also used the airforce, like Assad, to strafe mineworker positions on the Brixton Heights, near where the SABC tower now stands.

This was a crushing blow to the militance and independence of white trade unions in South Africa. It occurred a mere twenty years after the Boer hero had hung up his Mauser as a guerrilla fighter against England. Now with the levers of state in his hands, Smuts demolished both Afrikaner and communist resistance to the cost-saving endeavours of big capital. After the massacre, strike leaders were arrested and four communist organisers hanged. A bloody line was drawn in the sand: mineworkers were ruining a critical foreign exchange earning industry. As it turns out, Smuts' government did not survive the next election but big capital thrived just as well.

Unlike Smuts, the ANC has no serious electoral rivals. Its slow unraveling will, I think, be slowed not hastened by spectacular acts of violence like this. I get the impression that there is an appetite in this land for a little bit of authoritarianism now and again. That is, as long as what functions as a crackdown is deniable behind excuses, running in parallel, of poor police training or evil instigators. What else shows the true power of a government than its tacit ability to exempt itself, from time to time, from normal legal niceties like the right to assemble, strike and breathe?

I suspect that Amcu has effectively been brought to heel by the Marikana killings, owned by Zuma himself. I also think that employers, municipal managers, police commanders and any other officials facing protest action are going to find protestors complying with ultimata to withdraw a little more swiftly than in the past. This is especially when nervous cops cock their guns. Bosses of all hues will consider this a boon. Instead of menace and the hope for an upsurge in struggle, what Marikana may end up marking is the beginning of a tripartite backlash against what government, established trade unions and business have all called 'anarchy'. It will be a backlash bemoaned by most of those who are moved to blog but which impresses most of the rest.

[I][B]Heinrich Böhmke is a labour law trainer and independent researcher.[/B][/I]

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Zuma meets Lonmin miners

August 22 2012 at 03:47pm

By Molaole Montsho

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REUTERS

President Jacob Zuma.

Rustenburg -

President Jacob Zuma visited Nkaneng in Wonderkop on Wednesday afternoon to listen to striking workers at the Lonmin platinum mine in Marikana, North West.

Worker leader Xolani Nzuza briefed the president about events that ended in police shooting dead 34 people last Thursday, and wounding 78.

He told Zuma that the strikers wanted the mine to pay all workers R12,500 a month.

Zuma told the crowd that he had instituted a commission of inquiry to investigate the shooting. It would then present him with a report that would enable him to know who was right and who was wrong.

The leaders requested Zuma to go and inspect the scene where the shooting happened.

When Zuma's convoy left, the group of workers followed his car anticipating that he would stop at a hill where the miners were shot, but his convoy just drove past. It was not clear whether he would visit the scene later.

Hundreds of striking workers converged on top of the hill around 2.30pm, expecting Zuma to visit the scene of the shooting.

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Business Day

Mine pay revolt spreads in aftermath of Marikana

by Carol Paton and Allan Seccombe, August 22 2012

UNREST: Minister of Defence Nosiviwe Mapisa-Nqakula addresses striking miners outside Lonmin's Marikana mine in Rustenburg. Picture: REUTERS

ROCK drill operators and other workers of at least two other North West platinum mining operations have made similar wage demands to those of strikers at Lonmin's Marikana mine — raising fears that the instability could spread.

At Anglo American Platinum's (Amplats) Thembelani mine near Rustenburg, workers have given management until Friday to respond to their demands. At Royal Bafokeng's BRPM mine, drillers are demanding R12,500 a month — the same as Lonmin's strikers.

Amplats spokeswoman Mpumi Sithole said yesterday the demands were presented after a march last week — by the workers, and not union representatives.

Steve Phiri, CE of Royal Bafokeng Platinum, said that rock drillers had made similar demands a week ago, through the National Union of Mineworkers.

The company had not entertained discussions on the wage demand as it had a collective agreement, signed in June last year.

"There are indications (rebel union) Amcu might want to organise at our operations, which management is not against — provided it is done by the rules and with the utmost discipline," Mr Phiri said.

Royal Bafokeng was concerned about a "possible spillover" from Lonmin to its operations, he said.

Lonmin said in a statement yesterday it was in danger of breaching debt covenants with its lenders.

"Whilst there is still some time before the covenant compliance is tested, the company now considers that the balance of probabilities is that the impact on production of the current events will result in covenants being breached at the next test date on September 30.

"Consequently, constructive discussions are now taking place with Lonmin's banking group to address this potential situation."

Lonmin reported 33% attendance yesterday at its platinum mines near Brits as most workers ignored requests from the company and unions to return to work.

It said it would not pursue disciplinary action against workers not returning to work this week, which the government has declared to be one of mourning.

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Lonmin may breach covenants, have to raise new capital

Lonmin

21 August 2012

Company says no disciplinary action will be taken against those unlawfully away from work this week

Statement on Marikana and Covenants

Situation Update

The situation on the ground at Marikana remains calm. As of today around 33% of the Company's 28,000-strong workforce reported for work, including approximately one in five of the RDOs.

The Government of South Africa, Lonmin and the unions are in agreement that the best way to start to rebuild trust is to return to something closer to normality, albeit gently and carefully and in tandem with counselling and support work, and including the financial and logistical support for those affected, that Lonmin and others are undertaking.

We are working alongside the unions as they also want their members to report for work. Given the traumatic events of the last 10 days this is a delicate process and it will take time for people to come to terms with what has happened. Nothing is being done to risk the continued calm on the ground. Safety and public order are the priorities of everyone involved in this process.

There is a highly visible police and security presence at the operations, a communication programme involving leaflets, local radio, an SMS text system and word of mouth, and an emergency number for the reporting of any incidents of intimidation.

This is a week of mourning, as declared by the President of the Republic of South Africa, and there will be a memorial event on Thursday. The Company respects and supports this event as an important milestone on the road to rebuilding trust and returning to normality.

In consultations with ministers and unions, Lonmin agrees that no disciplinary action be taken against those unlawfully away from work who do not return this week. However, all parties are also agreed that the interests of employees, the wider economy and the Company are best served by a return to work and they call on those striking to do that.

#### Capital and Liquidity

In view of the lost days of mined production and the resulting lost revenue, the Company has been closely monitoring the position in relation to the terms of its existing bank debt facilities. Whilst there is still some time before the covenant compliance is tested, the Company now considers that the balance of probabilities is that the impact on production of the current events will result in covenants being breached at the next test date on 30 September 2012.

Consequently, constructive discussions are now taking place with Lonmin's banking group to address this potential situation. Alongside these discussions, the Company is reviewing all the options available to strengthen its financial structure, including possible access to the equity capital markets. The Company will make a further announcement as and when appropriate.

Statement issued by Lonmin, August 21 2012

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Marikana tragedy: Who authorised the use of live ammunition?

21 Aug 2012 21:05 - Andisiwe Makinana

There was only one question opposition parties in Parliament wanted answered by the judicial commission of inquiry into the Marikana tragedy.

Members of Parliament on Tuesday demanded the inquiry, announced by President Jacob Zuma on Friday, investigate who authorised the use of live ammunition on the striking workers.

The incident left 34 people dead and more than 70 injured last week.

In a fiery parliamentary debate on Tuesday about the Lonmin platinum mine tragedy Police Minister Nathi Mthethwa emphasised the responsibilities that the Constitution imposes on citizens, but opposition MPs said the Constitution has been breached and whoever gave the instruction to the police to use live ammunition should be held accountable for the deaths of 34 striking workers.

Mthethwa said Thursday's event could have been avoided "if all of us had adhered to the noble principles of our Constitution".

He said the Constitution guarantees rights and imposes responsibilities on the citizens of the republic.

Mthethwa cited section 17 of the Constitution which assures the citizens the right to "peacefully and unarmed, to assemble, to demonstrate, to picket and present petition and section 205 which speaks specifically to the South African Police Service and enjoins the members of the service to 'prevent, combat and investigate crime, maintain public order, protect and secure the inhabitants of the republic and their property and uphold and enforce the law'."

He said the police as part of our security services are always and at all material times guided by the Constitution of the Republic. The police did all in their power to avert (a violent) situation, he said.

"As we indicated above, the Constitution of the Republic guarantees us the right to strike, to protest in a peaceful orderly manner to express our dissatisfaction with anything. While all South Africans enjoy these rights, rights always come with responsibilities," said Mthethwa.

But leaders of the opposition parties came out guns blazing demanding answers on who authorised the use of live ammunition, and also called for a broad and data-driven commission of inquiry.

## Lack of leadership

The Democratic Alliance's Lindiwe Mazibuko said the tragedy spoke of a lack of top-level leadership and of ministerial accountability.

She said the judicial commission of inquiry should specifically establish who authorised the use of live ammunition on the striking workers, within the context of how the police manage violent strikes. "Whoever authorised the use of live ammunition must be held accountable.

"It must also be revealed on what, if any, intelligence was the planning was conducted; and if the national police commissioner, Riah Phiyega, exercised appropriate judgment and leadership. At what point did she intervene?"

Mazibuko said the commission should also carefully examine the conduct and Mthethwa's role adding that: "In most democracies, a crisis of this magnitude would have immediately precipitated the resignation of the minister, and, in many cases, the fall of the government.

"The DA is concerned that no one in this government seems to be assuming political responsibility for the [tragedy]. We need accountability now."

She added that police minister, the secretaries general of the Association of Mineworkers and Construction Union (AMCU) and the National Union of Mineworkers (NUM), and the chief executive officer of Lonmin should carefully consider their positions, and offer their resignations. "Their position is untenable."

Congress of the People president, Mosioua Lekota reiterated that the incident was avoidable "had we only stuck to the provisions of our Constitution".

## 'Militarisation'

Lekota blamed the "militarisation" of police, especially highlighting the introduction of military ranks to the police service. He said this had prepared the "young" police officers in a manner which resulted in an outcome like the Marikana tragedy.

He said while the Constitution prescribed for a police service and not a police force, Zuma introduced military ranks. "When the authors of the Constitution decided on a police service, and not on a militarised police force, they had been informed by what had happened in the past under the then police force."

Lekota said whoever authorised the use of live ammunition was in breach of the Constitution.

"In this country, the Constitution does not allow death sentence, who is this authority who has the right to say to the police shoot with live ammunition that was definitely going to take lives ... Who was this person who is above the Constitution, who had the authority to

decide that this right to life will be suspended today, for this moment and therefore shoot? ... Who had the authority to waive the right of the people to life and to mow down those numbers of people that were slaughtered on that day there," asked Lekota.

The Inkatha Freedom Party's Velaphi Ndlovu questioned the presence of the police in Marikana, saying they had been used by management.

"Why did the police go there, who called them? Workers were not on the mine property and didn't pose any threat to the management."

### Civilian leadership

The appointment of a civilian to top police leadership also came into question.

United Democratic Movement leader Bantu Holomisa, who visited Marikana with other leaders of the opposition parties on Monday, said incidents like Marikana were here to stay, "unless we do away with the deployment of people with no professional police background to senior SAPS levels to command juniors with military training".

"Perhaps, it is time for this House to review the mechanism of civilian oversight in the SAPS. Should we not confine civilian oversight to the office of the Minister and let experienced police personnel run SAPS?"

Holomisa also questioned the tactics the police used to disarm and disperse striking mineworkers.

He then suggested that Parliament should closely monitor these salary negotiations given the questionable involvement of the police in this labour dispute. "We should not lose sight of the fact that both NUM and Amcu workers have one thing in common. They demand a salary adjustment."

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Not enough to look for scapegoats for Marikana

by Steven Friedman, 22 August 2012, 06:27 |

OUTRAGE at the Marikana killings is justified. The usual attempts to turn them into a crude morality play with only one villain are not. Much of the reaction has taken two forms, both of which lead away from solutions. The first treats the tragedy as a ghastly error so out of keeping with the norms of our society that an inquiry must be held to find someone to blame. The other does not need an inquiry — it has already found only the governing party and its president guilty, absolving everyone else from responsibility.

Marikana was not an aberration. It was an accident waiting to happen because it was a symptom of longstanding problems about which our mainstream debate has been in denial.

And, while the government must take responsibility, the killings should prompt some serious reflection from others too.

The first cause of the tragedy is that police were not trained to deal with the situation. Violence on police and by police did not begin at Marikana — it has been a constant feature of our society for years. Ten people died in the Lonmin dispute in the week before the tragedy alone. And this surely speaks to the reality that our police are not trained to deal with the violence endemic in our society.

Researcher Janine Rauch points out that, in the first few years of democracy, police knew how to prevent demonstrations becoming violent because public-order police were specially trained to do this. But they were considered too costly and were too rarely used. So they were closed down and demonstrations are now handled by ordinary police who are not trained for the task.

But why, after eight years of protests, were the public-order police not revived a long time ago? Because voices calling for humane and democratic policing have been drowned out by those demanding more force. If we think this is a problem only in the government, in how many of our suburbs are residents demanding measures that see most South Africans as a security threat?

Our police will be trained to prevent rather than cause violence when the voices recognising that we need police trained to respect democratic rules become louder than those that we can rely on police powers.

Second, the tragedy was triggered when the National Union of Mineworkers (NUM) lost touch with its members, signing agreements that fell short of their demands. This opened the door to a breakaway union, which promised workers it could get for them what NUM could not. The lesson is clear: trade unions that look after their members do not cause conflict, they prevent it.

The NUM must take responsibility for its failings just as its rival must take responsibility for its demagoguery. But if the NUM had stayed in touch with its members and engaged in tough bargaining on their behalf, we would not be mourning now.

Part of the problem is the way in which unionism developed on the mines.

Because mines were sealed off to outsiders, union organisers could not gain access until employers agreed to allow unions. And so, unlike unions in other industries, mining unions did not build their organised strength in order to win recognition from employers. Links between unions and workers have therefore often been weaker.

This is important in the light of the campaign to weaken unions and their bargaining rights. The platinum industry today — and Marikana — show in stark terms what would happen if the union-bashers had their way. Preventing strong unions from bargaining hard on behalf

of workers will not create jobs, it will create chaos because worker demands will lead to more Impalas and Lonmins.

Third, we need to look at why labour disputes seem more violent on the mines. Much of the reason surely lies in the nature of mining here — in most cases, ore deposits are deep under the ground, making mining them tougher and more dangerous.

One miner said last week that he did not fear police bullets because he risked his life by working underground every day.

We have made some progress in turning our mines into safer, healthier, more humane places, but Marikana suggests that we need to do more.

Finally, one reason union rivalries are so heated here is that so much is at stake. Unionism has become a way for people who win elections to live middle-class lifestyles: bitter union rivalries are thus a symptom of the glass ceilings that face ambitious people in business. The mines cannot be expected to solve this wider problem alone, but they could look at ways in which opportunities for advancement can be created that offer options other than union leadership, making battles for union control less desperate.

Marikana did not pop out of thin air. It is a symptom of problems that go much deeper than the search for scapegoats suggests.

And it requires a debate on our failings that goes well beyond the desire to find someone else to blame.

- Friedman is director of the Centre for the Study of Democracy.

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'Only Malema cares' - Lonmin miners spurn Zuma's task team

22 Aug 2012 08:04 - Nickolaus Bauer

The crisis surrounding events at Lonmin platinum mine has deepened after workers rejected overtures by the government to rescue the situation.

"If [President Jacob] Zuma wants to show us he cares and that he wants to help, he can make sure we get the money we want," Xolani Ndzuzza said on behalf of striking workers at the mine.

Read the liveblog of the Lonmin mine shooting [here](#)

Ndzuzza was responding to the interministerial task team set up by Zuma to investigate last week's shooting, who visited the community on Tuesday.



Some 34 people were killed and 78 were wounded in a shootout between police and miners in Marikana, Rustenburg following a protracted labour dispute between workers and Lonmin management.

Most of those killed are understood to have been involved in illegal industrial action at the mine after rock drillers affiliated to the Association of Mineworkers and Construction Union (Amcu) demanded that their monthly salary of R4 000 be increased to R12 500.

"We agree with you that blood was spilled here. This is not something we condone," Minister of Defence and Military Veterans Nosiviwe Mapisa-Nqakula said, to angry jeers from the assembled crowd.

"We are sorry, this hurts all of us. As government we would like to assist you with the organisation of Thursday's memorial service," she added.

But the government's offer to help didn't placate the angry workers.

"Julius Malema is the only one who cares about us," Ndzuzza said. "He spoke to us and he is helping us,"

Expelled ANC Youth League president Julius Malema visited the mine on Saturday and again on Tuesday when, along with seven survivors of the incident, laid murder charges against police for the shooting.

"We don't want your help and we don't want the R2-million Cyril Ramaphosa said he would give to pay for the funerals and assist the families," Ndzuzza told the government team.

Most of the workers who involved in last week's industrial action are still on strike, after only about a third of the Lonmin workforce returned to their posts on Tuesday.

Those who stayed away say they won't return to work until their demands are met.

Ndzuzza also said the incident had caused workers to lose their faith in their political leaders.

"We won't vote for the ANC. Black people killed black people here. We have been forgotten. They hate us," Ndzuzza said.

It is understood by the Mail & Guardian that a parallel memorial service is being organised in opposition to the one being arranged by government and is supposedly being organised by the league.

"The police acted like they did before apartheid ended. It is not right and you must not accept it," Andile Lungisa, former ANC Youth League deputy president and current member of the league's national executive committee, told the assembled crowd of workers before the interministerial team arrived.

Expelled youth league spokesperson Floyd Shivambu and suspended secretary-general Sindiso Magaqa were also among workers when they were addressed by the task team.

"It's obvious certain people will try and use this situation for their own personal reasons," Minister in the Presidency Collins Chabane, leader of the interministerial task team told the M&G, when asked about the involvement of current and former youth league leaders. "We are not able to control that and we can't stop people from coming here,"

Chabane also defended the government's approach to addressing the crisis.

"We were here as soon as the team was formed. We engaged bereaved and injured first, and we are here now to speak to workers. We will assure the memorial service goes off well and continue to deal with this situation," he said.

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Xstrata would find it hard to renew suit for Lonmin

by Ron Derby, 22 August 2012, 06:27 | 0 Comments

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THE struggles at Lonmin have battered the company's valuation over the past week, over and above the general weakness in the platinum sector over the past couple of years as the metal struggled to gain any sort of upward momentum.

Talk of nationalisation too has done little to encourage any investment.

There is a R70bn gap between the world's second-biggest platinum miner, Impala, and Lonmin, which occupies third spot. Anglo's platinum unit, Anglo American Platinum, is the largest producer and is valued at almost R100bn more than the miner whose name will forever be tarnished by the Marikana tragedy last week.

While the events have no doubt further dented South Africa's already poor image as a mining destination — despite the \$2-trillion-worth of mineral wealth under its soil — the fact is that the sell-off in resource counters, and in particular platinum, from a value point of view, is attractive.

London-based Xstrata bailed out of a proposed \$10bn bid for Lonmin in 2008 as it could not get enough support, settling instead for a 24,59% stake. In dollar terms, Lonmin is valued at about \$2bn.

Just looking at those numbers, it seems a foregone conclusion that Xstrata CEO Mick Davis, who is said to have platinum as religion, will be thinking of making another play for the troubled miner. However, analysts say he has a lot less South African religion in him.

As a mining destination, South Africa has through poor political leadership in an already softening commodity cycle become a much riskier place to invest in. Resource stocks are actually rewarded for decreasing their exposure to the country.

In such an environment and despite the bargains that may exist in the platinum and other mineral sectors, Davis would find it very hard to convince his board and shareholders to make another play for the miner — which some analysts say may have to make a rights offer soon to service its debt.

While those analysts may be getting ahead of themselves, if it is true, a Lonmin rights issue would provide the opportunity for Xstrata to strike.

On Tuesday, the company said it was reviewing all options available to strengthen its financial structure, including possible access to the equity capital markets.

The Marikana tragedy, which highlights the grassroots problems of underdelivery by the government, will make board approval, let alone from shareholders, for a bid for Lonmin very difficult.

The politics of South Africa is now really hurting the country as an investment case, especially in a sector that could ease the problem of an unskilled workforce.

But a decision to bid for Lonmin may not lie solely with Davis and his board. There's a potential "merger of equals" on the cards with Glencore and Xstrata. Shareholders decide on the deal next month.

If the deal is approved — no matter how unlikely it may look in Wednesday's Financial Times — Glencore CEO Ivan Glasenberg has a different view of South Africa. In Tuesday's conference call he was pro-South Africa and very proud to mention that while his rivals weren't investing, he was in coal. The key differentiator is that Glasenberg isn't as big a fan of platinum. So even if the proposed merger between the two does not go ahead, as a shareholder in Xstrata he may prove an obstacle if Davis does have an appetite to make a play for Lonmin.

Glencore owns about 34% of Xstrata.

Initially, as I ran through Lonmin's valuation in comparison with its peers on the back of a plunging share price, I believed that at its current valuation there must be a handful of potential suitors. I mean, close to 80% of world platinum production comes from South Africa and Zimbabwe, and Lonmin is the third-biggest producer. Normally, bankers and lawyers should be salivating at the prospect, calling management with various proposals.

As a significant shareholder and a former interest acquirer, I figured Xstrata was more than likely to be the number most would be looking for. But after writing this piece, I'm not too sure there is any appetite.

Given the importance of mining to the future of the South African economy, one would hope that all stakeholders make sure that the tragedy becomes a watershed moment for labour relations for the entire industry.

If relations deteriorate even further and the risk of more skirmishes rises at other platinum mines and even gold mines, a bid for a piece of the South African commodity story as a whole will prove a hard sell for boardrooms in Johannesburg, London and New York. It's an emergency, people.

Exxaro, which has recently spoken of its interest in entering the platinum sector, must be thinking again after Marikana.

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Marikana: Why the deafening silence?

Jeremy Gordin

21 August 2012

Jeremy Gordin says he's still waiting for a squeak of anguish from Vavi & Co.

### 1. Silent Night, Unholy night

I like it here in the dead of night, if it's not too cold. We're half-way down - or up - Wicklow Avenue, Parkview. At 3am, when there's no traffic whatsoever, it's very silent.

It's so silent that one night I heard a woman screaming; it seemed to be happening just next to my right shoulder. On venturing out to save her or get hurt as well, I found she was actually three blocks down the road. The hill going down towards the golf course, with walls on either side, acts as a sort of funnel that magnifies sound. (We'll have reason to talk of funnels or corrals in a moment.)

But in the early hours of Friday or Saturday or Sunday, during the week just gone by, I couldn't hear a damn thing. I strained my ears for a sound, till I thought my eardrums would pop. Still, I couldn't hear anything.

I was waiting for a cry - or even merely a squeak - of anguish from Zwelinzima Vavi, general-secretary of Cosatu and former organizer at the National Union of Mineworkers (NUM). Or maybe from Gwede Mantashe, the secretary-general of the ANC, who was SG of NUM until their 12th National Conference in May 2006 when he was succeeded by Frans Baleni.

Or maybe from Baleni, an apparently jovial fellow who receives a salary of R1, 4-million a year. Or perhaps from Kgalema Motlanthe, deputy-president of the beloved republic, who was one of NUM's SGs. Or how about Blade Nzimande, GS of the SACP? Or even his deputy, Jeremy Cronin?

I thought I would definitely hear from Mantashe, Nzimande and Vavi, as well as from Tony Yengeni, the alleged author of the Third Transition of the Fourth New Dawn, and Jackson "just one more tincture before I-go-go" Mthembu.

I was particularly hoping to hear from these five men because they, if I am not mistaken, were the brave men, the valiant men, the outspoken and fearless men, who led the charge against the Goodman Gallery and City Press in the matter of President Jacob Zuma's exposed peanut.

Yet, after 34 miners were gunned down and 78 were injured by the SA police services at Lonmin's Marikana mine near Rustenburg - which followed the deaths of 10 other people - there was not even a peep from these featherless bipeds.

Not a sound.

Well, I guess there's nothing to say when you weigh up the president's peanut versus 44 dead people - 34 of them gunned down in the dust by an inept, over-armed, and leaderless police force.

On Saturday, I believe it was, in Braamfontein, Nzimande mumbled something about "labour brokering and sub-contracting [being] behind the deadly clashes between police and striking miners at Lonmin's Marikana mine in Northwest, which claimed 34 lives ...". (I'm quoting from a Citizen reporter, who was quoting on Sunday from a press release.)

Too little, too late, my china. And nothing from Vavi. And not much compassion around - well, none that I could hear or find.

And I was reminded of Ariel "Arik" Sharon, sitting somewhere near the edge of the canal in October 1973, and being told by the Commander of the South, General "Gorodish" Gonen, that he couldn't head out for the canal to try and save such men as were still alive because it was too risky and not according to plan.

And Sharon is understood to have replied: "You know, Gonen, if you had any balls, I'd tell you to bite them off and eat them."

## 2. Why the silence?

I touched on the reason for the deafening silence from those who count in my column last week. The coming out on strike by those men at Marikana - whether or not they were all genuine Rock Drill Operators (RDOs), whether or not they were all high on some bizarre muti, and whether or not they were all happily operating under the aegis of the Association of Mineworkers and Construction Union (Amcu) and Joseph Mathunjwa - their strike action signified one very important thing: the end of NUM hegemony.

Charles Van Onselen put it in his usual elegant manner in RW Johnson's piece on Marikana (see here): "The troubles at the mine have their root in the ongoing disintegration of the National Union of Mineworkers. The NUM is the biggest union and its leaders provide the labour federation, Cosatu, the Communist Party and the African National Congress with many of their leaders.

"So this is the entire spinal column of the ANC alliance which is fragmenting. The police have been quite routinely tolerant of violence - as during the xenophobic riots when over 60 were killed - but this time they drew a line in the sand because that is what the NUM and the ANC wanted."

I don't know if the "entire spinal column" of the ANC alliance has disintegrated; that might be a slight exaggeration. But I do think Cosatu (think of the organisation as a man, think of it as Vavi, if you can bear/bare it) is suddenly standing on a bare stage with a bright spotlight on it - and with its trousers around its ankles.

Of course they have been falling for some time; but now it's actually happened. It's not rocket science really. "The working class can kiss my ass/ I have the foreman's job at last." That pretty much sums it up, doesn't it?

Besides, the Mineworkers Investment Company (MIC) has tons of boodle; everyone in the upper echelons of the unions and Cosatu is getting a handsome salary these days and pontificating about the state of the nation, and so on and so forth.

## 3. Inquiry?

There is going to be a judicial commission of inquiry into the massacre. I am not entirely certain why. It's going to take time and money. Yet it seems to me that it was clear what happened from the footage that Al-Jazeera had on its website on Thursday night. And seems to me that General Bantubonke Holomisa had it correct in parliament yesterday.

The cops corralled the strikers with razor wire, leaving only a narrow funnel through which the men could move. Then the cops shot tear gas at them, to disperse them. So they fled through the one space that was open, the funnel.

Standing opposite this opening were the lines of cops you saw on TV. The strikers couldn't really see them properly because of the tear gas (and vice-versa) - and no one had told the waiting cops that the strikers were going to be fleeing through the hole in the barbed wire. The waiting cops saw this crowd of strikers coming at them - and opened fire.

What do they give these guys these days? I've lost track. The R4? The R5? Which can fire about 600 rounds a minute? Surprising that only 34 people were gunned down.

In brief; the strikers weren't attacking anyone; they were on the run. You don't believe me? How come there were no police injuries at all?

#### 4. The strikers & Amcu

Politicsweb's Ratcatcher had a good piece yesterday (see here) pointing out that no one in the media had apparently bothered to verify the R4 000 salary figure over which the strikers were apparently striking.

It was actually deputy general-secretary Gideon du Plessis of trade union Solidarity, not terribly popular with the lefties and sickly liberals, such as me and, say, Justice Malala, who reported that "The adjusted total cost package of a Lonmin rock drill operator is approximately R10 500 a month, excluding bonuses."

I take the Ratcatcher's point but does it really matter - now - precisely what salary level the strike was about? Clearly, the Marikana miners were upset, dismayed, fired up - and wanting more money. Seems to me the real question is this: why did the police shoot down a mob of men who were fleeing tear gas?

The Ratcatcher also seemed interested in Du Plessis having noted that "the rock drill operators and their representative union, Amcu, did not submit written demands nor declare a wage dispute, which is the norm in a process of collective bargaining."

So? Those guys out there had gone past all that stuff - isn't that clear by now? And no one was paying any attention until they started hacking people up.

But if you are interested in Amcu and Mathunjwa, there was a piece written on 2 August by Jan de Lange (see here) as part of the Miningmx Mining Yearbook. It's a fascinating read. You might find the following excerpts interesting:

Archie Palane, at the time Deputy General Secretary of the NUM, was sent to investigate the charge against Mathunjwa, but found the local chair had done nothing wrong. Another official from Johannesburg was sent for the same reason, but he also found no reason to discipline Mathunjwa.

However, Gwede Mantashe, then the union's General Secretary, insisted that Mathunjwa appear before a disciplinary hearing chaired by Mantashe himself.

Mathunjwa refused as he had previously clashed with Mantashe over the handling of money paid by employers to a job creation trust. Mathunjwa insisted that an independent person should chair the hearing, not Mantashe.

And this:

Mathunjwa was, however, very popular among the workforce. Among other notable successes he forced the management of Douglas to implement a bonus system for underground workers. When a worker had died under mysterious circumstances, Mathunjwa forced management to not only deliver the body to the family in Mozambique, but also to accompany the body and explain in person the circumstances surrounding the death.

And finally this:

... a gradual change had taken place in the profile of the NUM membership over the last 15 years; one that nobody had taken notice of.

The NUM was originally borne out of the lowest job categories of South African mineworkers, mainly from gold mines. More than 60% of its members were foreigners, mostly illiterate migrant labourers who were not interested in a career path.

Nowadays that number has dropped to below 40%. On the other hand, an increasing portion of the NUM's membership comes from what can be described as white-collar mining staff, who had previously been represented exclusively by Solidarity and Uasa. The local NUM structures in Rustenburg, like the branch office bearers and the shop stewards, are dominated by these skilled, higher level workers. They are literate, well spoken and wealthy compared to the general workers and machine operators underground.

For instance, there are two NUM branches at Implats - North and South. And the chairpersons at both these branches were beneficiaries of the 18% bonus that sparked the strike.

During wage negotiations in September 2011 Implats wanted to give rock-drill operators a higher increase than the rest of the workforce, but a committee of NUM shop stewards demanded the money be split among the whole workforce. Needless to say, there wasn't a single rock-drill operator on the shop stewards' committee. The NUM head office moved quickly after the strike to correct the situation, but it was way too late.

It is circumstances like these that become an entry point for a rival union. It is a fairly well-established principle in industrial relations that the interests of different categories of



workers are not aligned. They differ vastly, especially in societies where inequality is as extreme as in South Africa.

#### 5. Enter Little Julie

And so on Saturday Little Julie Malema walked where apparently neither President Jacob Zuma nor NUM president Senzeni Zokwana could go with impunity - and launched an anti-Zuma, an anti-Nathi Mthethwa, and an anti-Cyril Ramaphosa barrage.

Then he returned yesterday to help the miners lay charges of murder against the police.

I love the farce. But it doesn't bring back any dead people or provide money for their extended families.

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FROM: "samyhargreaves@gmail.com" <samyhargreaves@gmail.com>

LAUNCH OF INDEPENDENT CS LED INQUIRY TONIGHT IN PUBLIC MEETING!

WEDNESDAY, 22 AUGUST, 5:30PM: Conference Room 1 and 2 at the School of Hospitality and Tourism, Bunting Road Campus, University of Johannesburg.

Dear friends

See more of the details of this initiative below. The Marikana Support group is calling on as many organisations as possible to attend the public meeting this evening, and for those organisations in other parts of the country that cannot attend, the Support Group would appreciate your endorsement of/commitment to the proposal for a CSO led inquiry into the massacre. The meeting tonight will open the inquiry and decide on some of the key parameters of the inquiry. We will send out further details for formal endorsement tomorrow.

If you have specific proposals for what you would like this inquiry to address please put this in writing, and if you have any specific messages of solidarity and support you would like read tonight at the meeting please also send on.

You can mail me directly on the above. <samyhargreaves@gmail.com>

Thanks much

Samantha

On behalf of Justice Now For Marikana Strikers ad hoc group

(participating organisations thus far include the following: FHR, LHR, Amnesty International, Civicus, SERI, R2K, Section 27, LRC, WWMP, Labour Research Services, SECC, SRC – Voice of the Poor, TCOE, Amandla, Khanya College, Bapo Tribal Authority, SANCO Wonderkop, Marikana Development Forum, Bafokeng Land Buyers Association, Chaneng Civic leaders and Youth Group, Balfour Civic Movement, Democratic Left Front, SOS, Advocates for Transformation)

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### CIVIL SOCIETY TO LAUNCH ITS OWN INDEPENDENT INQUIRY INTO THE MARIKANA MASSACRE

Released by: Justice Now for the Marikana Strikers and Communities – ad hoc support group

On Wednesday 22 August, civil society organisations - faith-based, non-governmental and community-based organisations, social movements and trade unions - will initiate an independent civil society-led inquiry into the massacre of more than 34 mineworkers at Marikana.

The launch will take place at a public meeting to be held this Wednesday. The meeting will hear testimony from Marikana workers, affected women and leaders of community organisations. We will hear their account of developments leading up to the massacre and a description of how the police slaughtered their loved ones and comrades. This version of events differs from those that have prevailed in the media. It offers the perspective of those who were attacked without mercy, rather than the one provided by TV cameras located behind police lines and from interviews with police and union officials

Speakers will also bear witness to the conditions of work on the mines, and the grinding poverty of the communities of Wonderkop and Marikana. These are communities whose lands have been taken, whose labour feeds the mines, and whose basic needs for water, housing, energy and health services have not been met by government or the mines. These are the stories to be told, and these are the stories that will help us understand the desperate struggles of the striking mineworkers for a better life that has been promised by democratic government and never honoured.

We call on all interested organisations , individuals and members of the press to participate.

WEDNESDAY, 22 AUGUST, 5:30PM: Public meeting and launch of civil society led inquiry into the massacre. Conference Room 1 and 2 at the School of Hospitality and Tourism, Bunting Road Campus, University of Johannesburg.

The Marikana Massacre – Never Again!

Issued by Justice Now For Marikana Strikers ad hoc group, many CBO, CSOs, Human Rights and Social Justice Groupings.

(Pathbreaking new analysis of August 16, 4-5pm. I hope that it generates a great deal more critical inquiry.)

<http://socialistworker.co.uk/art.php?id=29403>

How police planned and carried out the massacre at Marikana

Thapelo Lekgowa, Botsang Mmope and Peter Alexander investigate the scene of the killing

Strikers were surrounded by heavily armed police and soldiers, and killed while fleeing from gunfire. The state forces were not “protecting themselves”. They participated in well-organised, premeditated slaughter.

We interviewed surviving miners and looked at physical evidence on the site of the massacre. What we found is even more shocking than the story presented in the media, even here in South Africa. Follow numbered events on the map above.

1: On the day of the killing about 3,000 striking miners were gathered on and just below the “mountain” (actually a small hill). Joseph Mathunjwa, president of their union, the AMCU, came and pleaded with them to leave to avoid a police attack. The miners refused.

2: Within 15 minutes of Mathunjwa leaving, the police and army laid razor wire, separating the strikers from the Enkanini informal settlement, where many of them live. Casspirs (armoured cars), horses and water cannon moved up to encircle the workers.

3: Some workers walked down to the razor wire to see if they could still get out through a gap. Witnesses say police near the “small koppie” (hillock) opened fire on them, probably with rubber bullets.

Some workers fled through a five metre gap in the razor wire. They were met with a barrage of live fire from the police and many died. Images of this shooting were broadcast around the world.

4: Terrified strikers scattered in all directions, with a large number heading for cover by a koppie about 300 metres in the opposite direction from the wire. This “killing koppie” is where the largest number of strikers died.

No cameras recorded this slaughter. But evidence remained on Monday, four days after the massacre. There are remnants of pools of blood. Police markers show where corpses were removed. We found markers labelled with letters up to ‘J’.

5-8: Other strikers were killed as they fled across the fields. Some examples are marked on the map. Shots were fired from helicopters and some workers, heading for hillock, were crushed by Casspirs.

By Monday the whole area had been swept clean of rubber bullets, bullet casings and tear-gas canisters. We also saw patches of burned grass, which local workers claim are the remains of police fires used to obscure evidence of deaths.

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### Women march to support the miners

Sisters, wives and daughters of the miners marched to the “mountain” on the Saturday after the massacre. One woman told us, “The television is hiding the truth about the killings. It’s lying!”

Another said, “My husband has worked here for 27 years—waking up at 3am and returning at 2.30pm. “He earns 3,000 rand (£230) a month. What clown would earn so little and not protest?”

They told us about the shootings. “All we saw was a helicopter flying. We heard shots. Then we saw men running and cops picking up anyone running around the streets.”

Many have not seen their relatives since the massacre. Some didn’t know if they were in hospital, in prison or dead. They also face immediate practical problems. One said, “We have no money for rent, food, for our children’s schools. We expect no more income this month.”

Thapelo Lekgowa, Botsang Mmope and Claudia Ortu

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### A political storm flows from strike

Workers’ determination to continue their strike against Lonmin has hardened enormously since the massacre. Two massive meetings on Saturday and Monday attended by 12,000 to 15,000 workers and their families pledged to continue.

They said it would be a betrayal of their slain comrades if they gave up. The strike has been presented as a sectional action by rock drillers. But we spoke to numerous strikers from other sections of the mine, and nobody we heard was appealing just to the drillers.

Lonmin management said any worker still striking on Monday would be sacked. It also maintains that it will only negotiate with the NUM. A striker speaking at one of the mass meetings asked his colleagues if the bosses intended the 80 people who lay in hospital, or those in prison, to return.

Even the government recognises that Lonmin has lost touch with reality. The minister of police told the company it could not fire workers during a week of mourning called by president Jacob Zuma. On Tuesday the company withdrew the sack threat.

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Strikers remain defiant

AMCU is belittled as not being a serious union. But the reality is that while it is ignored by Lonmin, the NUM is doing deals without support from the workers.

There have been shock-horror stories about the strikers carrying traditional weapons, but they are no match for automatic weapons—and the strikers had no illusions that spears could beat Casspirs.

The issue that unites the workers is the demand for 12,500 rand (£960) a month. This is a massive increase—400 percent for some workers. NUM attacks AMCU for supporting such “unrealistic” demands.

But it forgets its own history. The main demand in the great 1946 African miners strike, which NUM glorifies, was for ten shillings. That represented a 500 percent increase. It was a powerful mobiliser, and eventually it was won.

Now, the demand for 12,500 rand is a threat to the system, to profits and to industrial relations machinery. Just as in 1946, the ruling party has united behind the bosses. A victory for Lonmin strikers is a victory for workers everywhere. A defeat will encourage more massacres.

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Anger has built for a long time

Chris Molebatse is a local monitor for the Bench Marks Foundation, which looks into conditions for miners. He told Socialist Worker, “Last year a white man died underground. People were told not to go into work.

“Not long after a black man died. Miners wanted to stop work, but were told to go on as normal. This anger has been building for a long time.”

He said bosses at the Lonmin firm take a lot of miners on as subcontractors, rather than employing them. “Living conditions are terrible. People are housed in camps with no sanitation or running water.

“And these are people who mine for platinum! Meanwhile Lonmin officials drive in from Sandton, South Africa’s most expensive suburb.”

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(From the self-declared pro-capitalist ezine the Daily Maverick - albeit very little mavericity is to be found there - are some interesting insights this morning, plus the overall sentiment we've come to expect from aspirant-1%ers: "We need Cosatu to be strong for the less obvious role it plays in calming broad social unrest.")

Marikana: Lonmin's disquiet and the fight for manhood

- Aubrey Masango
- 20 August 2012 01:27 (South Africa)

There's nothing wrong in revelling in the light entertainment of the Olympics, but let's not let it cloud our view of the important things happening here at home. The reality at Marikana demands our attention.

In the week we celebrated the return of Team SA from a relatively successful showing at the 2012 London Olympics, a tragedy of epic proportions was unfolding in the Northwest Province, near Rustenburg at the Lonmin platinum mine known as Marikana.

The global hypnosis caused by the Olympics had caused most media platforms to be transfixed on the events in London, rendering most oblivious to what was brewing in Marikana. Those who had been faithfully reporting on what was happening at Lonmin had to contend with the world's love for the glamorous, the frivolous and sculptured, spandex-clad torsos of world-class athletes. A battle they were clearly ill-equipped to win.

As we reel amid the pain of the death of 44 people, 34 shot dead Thursday by police and 10 killed in the various contestations for power and dominance among the unions, the employer (Lonmin) and police earlier in the week, we must temper our righteous indignation with a sense of sober contrition. We are all complicit in varying degrees.

It is important to adopt a reflective, pensive approach to our attempt at making some sense of this mess. A natural reaction is to succumb to the blame game, informed by the myopic value systems and limited experiences of whichever group we identify with or hail from. Indeed, when we have somebody to blame in any situation it allows us to neatly categorise it into convenient labels of good and bad.

We punish the bad, praise the good and move on with our lives.

Content in the notion that all is well, our systems are in place to deal with bad people and so we, the good people, can sleep peacefully at night. Yet, unease and disquiet persist in the deep recesses of our minds, unconvinced by our rationalisation.

The Marikana situation demands more than the normal knee-jerk responses that characterise our national discourse about most issues.

Most commentators would point us to the “facts” as we try to understand the events of the last week at Marikana. Oh the famous “facts”! Which ever version of the “facts” they subscribe to usually seems to advance a particular agenda: theirs. So excuse my slight scepticism to those that would call for a purely factual analysis of the Marikana killings. True, we cannot ignore the facts as much as they may be at risk of manipulation by clever pundits. They are the basis upon which we can have some sort of discussion. But we must equally look at the nuances and contexts from which these “facts” seem to arise. Perhaps we may see a more complete picture than what the mere “facts” may suggest.

On or about Wednesday, 6 August, the day before Women’s Day celebrations (a day understood by many men to be partly responsible for the undermining of manhood and the God-given right and responsibility to rule, provide for and protect one’s family), more than 3,000 mineworkers set up camp outside the Nkanini informal settlement near the Marikana Lonmin Platinum mine “in protest for better wages”.

They occupied a “koppie”, an elevated vantage point, armed to the teeth with traditional weapons, symbolically affirming their right to bear arms in defence of their God-given right to be men and not just boys as the employer (Lonmin) and the system (government) seem to be suggesting with their policies and laws. There, they took their stand and made their demands as men, not slaves or boys.

In the factual reporting of the events of Marikana, little is mentioned about the many, many failed attempts at negotiating a better wage settlement with mine bosses that fell on deaf ears. Little is said about the frustration, humiliation at work by blatantly racist conditions reminiscent of a colonial era under which these men have had to labour for generations, ironically operating in a supposedly “democratic dispensation”. Nobody really speaks, even the workers themselves, about the sense of betrayal they feel about their so-called leaders who are mostly seen at golf courses sipping red wine with their unscrupulous employers.

Even less is spoken of the humiliation of bringing home a monthly pittance to a wife and children whose basic needs are unable to be met by R4,000. Little is spoken about the resultant sexual impotence (the most humiliating condition to traditional men) due to psychological pressure, the consequential alcoholism and misdirected anger at the very people he loves and the perpetuation of that cycle. The ever-present pain.

It has also been reported that the strike was also fuelled by tensions between the more established National Union of Mineworkers (NUM) and the recent arrival of the rival Association of Mineworkers and Construction Union (Amcu). It may be the case that the rivalry between these two unions was contributory to the violence, but such a contribution should not be understood as the reason for it. The workers themselves declared this fact when they said through various spokesmen, “This is NOT about NUM and Amcu, it is about us the workers. We want better wages!” The media machinery continues to interview the leaders of these organisations in an attempt to make sense of what happened, ignoring the

reality of the situation thus further perpetuating a false notion of a rivalry between unions and not telling the true story of the men at the “koppie”.

This unholy relationship between unionists, politicians, business and, to a large extent, the media is understandable but deplorable. The media get to sell newspapers and get better ratings, the unions and politicians get to advertise their rhetoric for greater membership and influence and the business (Lonmin and the mining companies) get to deflect the issue of exploitative work conditions and slave wages as we all engage in our “righteous indignation”, business goes on as usual and true victims of this tragedy are once again not listened to.

When the life of a man is such that he is willing to run in to a hail of bullets resigned to the certainty of death, we who remain have a solemn duty to understand the real conditions that lead to such suicidal behaviour. Perhaps it is the way of lazy, lawless unlearned barbaric people. But ask yourself how civilised you would remain if you had to month after month bring home R4,000 to a wife who can barely buy sanitary pads from your wages, to children who hardly have anything to eat each day after having toiled in the belly of the earth. Tell me how civilised you would remain when your voice is constantly manipulated for more power and influence by those who are meant to represent your plight to the powers that be? How civil would you be when the general narrative tells you that your traditions, value systems and even your gender is an aberration (rightly or wrongly) and you know no other reality.

Yes, perhaps these men were unreasonable in their decision to resort to the kind of strike action that led to a massacre that will be remembered forever. Perhaps they were not just fighting for wages but were fighting for something deeper and more abiding, something robbed of them by the system. The right to live and die like a man.

There is nothing wrong with our enjoyment of lighter moments in life like the Olympics. In fact, it is important for our sanity. There is nothing wrong with our need for refuge in our systems of law and governance that is the bedrock of civilisation. However, there is everything wrong with these things if they are shields for the protection of our blissful ignorance. If we hold the latter as our attitude, we are as complicit in the deaths of these men as those who pulled the triggers.

We need to scratch way below the surface of our shallow understandings of the reasons for people’s behaviour in all areas of our lives, if we are to come to lasting solutions. Or that uneasy feeling, that constant disquiet, will visit us all with merciless reality. DM

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The Lonmin shootings could knobble Cosatu. Be afraid.

- Siphso Hlongwane

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- 20 August 2012 02:11 (South Africa)

As the country begins to unpack the Lonmin shootings, Cosatu should be taking the events of the last week as a sign that it needs to think seriously about its own future. This was a significant display of weakness by its biggest affiliate trade union, NUM, and we should all be worried.

On Saturday, Greg Marinovich and I spent several hours talking to the miners who work at the Marikana shaft of Lonmin Plc., to get a sense of what their daily lives are like. When we asked if the type of illegal strike that we saw at Marikana could spread to other mines, the answer was emphatic: yes. Some men even suggested that it would happen elsewhere soon, because they knew that the discontent felt at this particular mine was shared in other places.

This whole disaster is not just about anger at low pay or inequality. It is about the destruction of clear practices that have been used to meet the needs of workers along with those of employers, and the deprecation of the guardians of those practices. The culture of bargaining is under threat.

At Lonmin, the National Union of Mineworkers (NUM) has bargaining rights, since it has 50% plus one representivity. The Association of Mineworkers and Construction Union (AMCU) has less than 30% and therefore does not enjoy that right. It is recognised by the company as a right representative of its members.

In January 2011, NUM successfully negotiated a wage pact with Lonmin. The workers got an 8% wage increment as well as a once-off bonus of R850. The deal put formal wage negotiations away till 2013.

The 8% increase in wages would have put the earnings of workers such as rock drill operators somewhere between R4,500 and R7,500, depending on individual employment terms.

At some point, AMCU came around to the drill operators and said that it could manage to negotiate their wages up to R12,500 a month. Whether this was nothing more than a cynical ploy to steal NUM's members and their monthly fees away, or whether they thought Lonmin would be spooked by the violent protests at Impala Platinum (which eventually saw drill operators there earning R9,000 a month) is a question that has yet to be answered. Certainly, AMCU couldn't open negotiations under bargaining process rules without that majority that would make it a certified bargaining partner.

The drill operators then took matters into their own hands when Lonmin balked at negotiating (after the company allegedly entertained discussion with AMCU) and embarked on an illegal strike. By Thursday last week, it was clear that AMCU could no longer catch the snowball that it had pushed down the hill.

The men who sat on the koppie near the miner's squatter camp did not do so under the flag of NUM or AMCU, even though they thought that the latter was at least acting as a messenger to the company on their behalf. Having whispered R12,500 into the ears of those who would listen, AMCU now found itself stuck as that figure became a rallying point. It couldn't now try to wrestle for a more palatable figure with the men – they had been promised a certain amount, and that's what they wanted.

This was where NUM was caught as well. They hadn't promised a 300% increase to the miners, but found themselves at the receiving end of fury when it was clear that Lonmin wasn't going to negotiate. The perception that the bigger pay could be reached (again, the Implats lesson would be that there are ways to force the employer's hand in such negotiations) rubbished NUM's 2011 wage deal to the workers.

NUM's position is shaky. For negotiating furiously and after getting an increase percentage that its members could accept in 2011, it now looks like a stooge for Lonmin. After all, if a union could get a 300% increase within the bargaining council but only gets an 8% increase in practice, it is acting in the interests of the employer rather than the workers it represents. Extricating itself from this mess and going back to normal bargaining practices is going to be extremely difficult. No wonder general secretary Frans Baleni complained on Thursday morning that this strike would severely disrupt bargaining procedures.

NUM's predicament will be made even worse should Lonmin cave in and decide to pay drill operators the much-publicised R12,500. Bargaining may eventually normalise within council at Lonmin's mines, but what about the workers it represents at other platinum mining companies? What will the union do if those men decide to go down the Implats and Marikana route as well?

The massive wage inequality between miners and management at Lonmin is not the union's fault, but it will pay dearly for failing to turn the fury of its workers into satisfactory percentage increases. Lonmin obviously faces questions of its own about the wages, as well as the conditions in which miners are expected to work and live.

Violence is increasingly becoming a component of strikes in the platinum sector. In the Mail & Guardian, PhD candidate at the University of Witwatersrand's school of social science Crispin Chinguno (who researched patterns of violence in the North West platinum mines) said, "At Implats, where workers were also demanding a salary adjustment outside of a bargaining agreement (R9,000), they ended up getting more than R8,000. The strike was illegal, some were dismissed, but most of them got their jobs back. From that perspective, the workers feel the use of violence is working for them."

As violence becomes a key component of making sure that the employer caves in to worker demands every time, NUM will have to distance itself from these workers. If the reasons to join such illegal strikes are good enough (fear of reprisals from colleagues also counts) at some mines, the union could find itself having to disown most of the workers.

NUM is in danger of no longer keeping pace with the discontent among platinum miners.

The horrible conditions of too many people have not changed with democracy, and the space for NUM to play the kind of role it played in the late 1980s as Apartheid ended is shrinking. The latter days of Apartheid were an extremely volatile time, and the view that violent overthrow was the way to do it was popular, largely thanks to extreme poverty and the brutality of the Apartheid police and defence force in putting down protests and demonstrations. The unions, led by Cosatu, were instrumental in convincing the people that a negotiated settlement was the best option. We can never underplay the importance of Cosatu in the process that led to democracy. Yet the Lonmin shootings suggest that we may be headed to a future when the unions can no longer stop people from organising violently.

The discontent can spread out from the platinum mines. It started there because working conditions were the worst there, but the world's grim economic outlook could curdle the mood in the gold mines, farms, factories and shops.

The price of food is set to rise dramatically over the coming years as commodity prices rise. This will drive inflation up, while at the same time many companies will struggle as a slow global economy dampens demand for goods. This is not a set of circumstances that will see wages rise sharply. If other poor workers haven't felt the pinch as acutely as Lonmin's workers do, they may, and soon enough.

This is not an easy time for Cosatu, and the future does not promise to be much better. It needs to ensure that it does not get locked out as acute anger spreads. Our country needs this federation more than we perhaps understand.

In South Africa, the buck must inevitably end with the government of the day. In a country that is often ranked as the most unequal in the world, where the youth population has up to 50% unemployment and where there is plenty of residual anger, the right policies and actions are not something politicians have the luxury to dither on.

Even so, we must all be fearful when the largest affiliate union of Cosatu has such a moment of weakness. It makes the whole federation look shaky. Hopefully Zwelinzima Vavi, the general secretary, and the entire central executive committee will think seriously about this over the coming months. The federation's congress in September will tell us if the Marikana incident wounded it badly.

We need Cosatu to be strong for the less obvious role it plays in calming broad social unrest. DM

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Marikana massacre: Global media's focus on tripartite failures and the growing class divide

Mandy de Waal

South Africa

20 August 2012 01:58 (South Africa)

The world's most influential media weigh in on the Lonmin tragedy with analysis that points to South Africa's growing class divide, and a tripartite alliance that's becoming an unholy trinity for SA's workers and the impoverished. By MANDY DE WAAL.

"In scenes that evoked memories of some of the country's darkest days, national television showed pictures of police in helmets and body armour shooting at workers on Thursday amid shouting, panic and clouds of dust at Lonmin's Marikana platinum mine," wrote David Smith and Terry Macalister for The Guardian in one of the many global news stories on SA's Lonmin massacre that evoked the metaphorical ghost of apartheid past.

A battery of boys in blue, weapons to the ready, facing a dusty outcrop of protestors, teargas flying and then the inevitable rat-a-tat-tat of the live rounds that mows down the strikers. This was an image that was seared into the mind of the world during South Africa's Apartheid regime and remains lurking, ready for the recall. Only this time the easy and obvious analogy instantly positions the police and South Africa's government as the bad guys, and the miners as the victims.

It was an easy reach for international news. Foreign Policy couldn't resist reducing what happened at Lonmin to a reductive metaphor. "In one of the bloodiest police operations since the end of Apartheid, heavily armed South African police officers shot and killed 34 miners at a wildcat strike about 62 miles north of Johannesburg."

"Lonmin massacre evokes Soweto and apartheid brutality" wrote Sibongile Khumalo for Agence France-Presse (AFP). "South Africans believed police massacres were for the history books and museums, but around Soweto's Hector Pieterse Memorial the killing of 34 miners stirred dark memories and new worries," Khumalo noted in a story that surveyed Soweto locals about their perceptions of the Marikana massacre.

"In Soweto's 1976 uprising, honoured at this memorial, white apartheid police gunned down black students demanding a better education in a protest that left 23 dead the first day, and sparked a national uprising. On Thursday at Lonmin's Marikana platinum mine, 34 workers were shot dead in a clash with police as they demanded better wages in a wildcat strike," Khumalo wrote before asking locals for their reactions, most of which speak about a new divide: the class divide.

"I have no doubt that the police wouldn't have dared shoot at a group of rich white workers," an unemployed 27-year-old told AFP. "Most of us expected freedom to deliver us from social injustices and poverty. But what we see is more suffering by the poor and the capitalists keep getting richer," said Thozamile Ngesi, a visitor to the Hector Pieterse Memorial. "I guess we are now going to see memorials of post-apartheid police massacres. The blood of poor black people continues to flow," said Soweto local Ananias Makgaretsa.

The Apartheid metaphor is easy, precisely because of the class divide in South Africa which has heralded a new separateness. In South Africa the new "apartheid" is the distance between the poor, the working class and the political elite with their strong connections to mining and mineral wealth which together create a top stratum of the super-rich and powerful.

Amongst these ANC heavyweights is Cyril Ramaphosa, whose Shanduka holds a 50.03% share of Incwala Resources, which holds 18% in two of Lonmin plc's local subsidiaries.

Analysts think the action at Lonmin is going to cast a long shadow over SA's mining sector. Africa analyst Mark Rosenberg told CNN the Lonmin massacre (the bloody outcome of union wage negotiations with mine management) had set a "problematic precedent for platinum companies in South Africa."

Rosenberg said the National Union of Mineworkers (NUM) was a close ally to the ANC and that its inability to quell the violence at Marikana would have a drag on Zuma. In particular, the Lonmin violence would impact the president's bid for re-election, which Rosenberg predicted is "significantly less likely".

People are no longer willing to sit and wait around for the ANC to deliver, Rosenberg told CNN. "They are becoming more and more impatient and they're becoming more and more violent as a result."

Reuters also pointed out the close relationship between NUM and the ANC, saying the mineworkers union was "the country's biggest union that has been a training ground for ANC leadership and a staunch supporter of President Jacob Zuma." The financial newswire then quoted Lazarus Letsoele, a striking miner from the Lonmin Marikana mine who escaped when police opened fire last week.

"The NUM is all about politics. They have forgotten about the man in the mine shaft," Letsoele told Reuters which said the Marikana mine massacre will "wound the ruling ANC and its main labour ally, laying bare workers' anger over enduring inequalities in Africa's biggest economy."

Reuters continued: "Thursday's shooting, bringing back memories of Apartheid-era violence, underlined that after 18 years in power the African National Congress and its union partner have not been able to heal the fissures of income disparity, poverty and joblessness scarring the country." DM

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Lonmin, the 'unacceptable face of capitalism'

Sipho Hlongwane

South Africa

20 August 2012 02:22 (South Africa)

The company that preceded Lonmin was once dubbed 'the unacceptable face of capitalism' by a British prime minister. Tiny Rowland, man who turned the company into an international colossus, wore the slur happily. In the aftermath of the Marikana shootings, it seems like not much has changed since his day. By SIPHO HLONGWANE.

The deaths of dozens of people on August 16 has thrown South Africa into a frenzy of outrage, grief and soul searching. President Jacob Zuma announced that the following week would be declared one of mourning. Over the weekend the situation had calmed down at Lonmin's Marikana shaft, close where the shootings happened, but the dead had yet to be fully identified and a breakthrough to the deadly wildcat strike action had not been found yet.

On Sunday, Lonmin issued an ultimatum to its employees: if they did not return to work on Monday, they could be fired summarily.

"The final ultimatum provides RDOs [rock drill operators] with a last opportunity to return to work or face possible dismissal," the company statement said. "Employees could therefore be dismissed if they fail to heed the final ultimatum."

News reports out of Marikana said that the news was greeted with anger. The unsanctioned strike would continue unless the miners got the 300% pay hike they were demanding.

The ultimatum came at a time when many friends and family of injured or dead miners were still trying to deal with the fallout of the shooting.

"London-based Lonmin accounts for 12% of global platinum output. It is already struggling with low prices, weak demand and may miss its annual production target of 750,000 ounces as the quarter to the end of September is typically its best," Reuters said.

The ultimatum seems callous, and harkens back to the company's unflattering roots on the continent.

Lonmin has always battled with unions in South Africa, but this particular incident is a nightmare on a scale that it will never have seen before.

Roland 'Tiny' Rowland was a British man (born Walter Furhop in India to German parents) who came to southern Africa in the aftermath of World War II to escape the heavy tax regime in England and to enjoy the higher standard of living that European colonialists enjoyed in Rhodesia (present-day Zimbabwe). He soon ingratiated himself well with African politicians.

The Independent said, "He became a pillar of the social circuit in Salisbury, southern Rhodesia – now Harare, the capital of Zimbabwe – earning his living as an upmarket car dealer. He soon discovered that his undoubted charm and dazzling smile worked well on African politicians eager for respectability and access to Western capital and know-how."

In 1961 he was chosen to head the London and Rhodesian Mining Company (Lonrho) and quickly changed the way the company made money. He made the business depend heavily on his personal contacts and diversified swiftly. After that, he made some very risky calls on drawing up accounts, which spooked pension fund investors and led to a commission of inquiry. The company then appointed non-executive directors to try to keep Rowland in check. The certain fight came when he tried to hide certain financial information from the board and the directors tried to get the company shareholders to jettison the volcanic chairman. The decision went the other way instead. It cemented Rowland's reputation as something of an escape artist. The pension fund investors immediately dumped Lonrho's shares.

The British prime minister at the time, Edward Heath, disgustingly labelled Lonrho an "unpleasant and unacceptable face of capitalism". Rowland famously replied that he didn't want to be its acceptable face.

Lonrho's dealings in Africa were often viewed with suspicion. He was often accused of helping out less-than-savoury regimes in various ways, especially at times when the thrust of global opinion was not particularly favourable.

"In the 1980s he was accused of helping the Marxist government of Mozambique manage its agricultural resources, and he increased Lonrho's South African holdings while sanctions against the Apartheid government were still in place," the BBC said. "Then in 1992, Mr Rowland controversially sold a stake in some of Lonrho's hotels to the Libyan leader, Colonel Gaddafi, only three years after the Lockerbie bombing which was attributed to Libyan terrorists."

The board was especially stung by the Gaddafi revelation, and unseated him as chairman in October 1995. He was removed from the board of the company he had turned into a vast conglomerate the next year, and died in 1998.

At the news of his death, the eulogies from African leaders were extremely flattering. "He made an enormous contribution, not only to South Africa, but to the whole of Africa," said former president Nelson Mandela, who had bestowed upon him the Order of Good Hope in 1996.

Two months before Rowland's death, the company was split, and Lonrho Plc. was created to handle the non-African businesses and mining assets. In 1999 the company changed its name to Lonmin and narrowed its portfolio to the platinum metal group in the Bushveld Complex of South Africa.

The company struggled continuously with unions, both in its North West and Limpopo operations. In May last year, the company sacked more than 9,000 workers at its Karee mine near Rustenburg – then reinstated them afterwards. That particular call was made after a wildcat strike spurred by an internal union power struggle.

The company's current CEO, Ian Farmer, was appointed in 2008. According to Bloomberg Businessweek, the company paid him £1,220,629 (R15,860,000) in 2011. His pay that year was 293 times more than what rock drill operators working at Lonmin's Marikana mine earn.

The presidency issued a statement on Sunday saying that North West Premier Thandi Modise and the ministers of mineral resources Susan Shabangu, police Nathi Mthethwa, social development Bathabile Dlamini, co-operative governance Richard Baloyi, labour Mildred Oliphant, defence and military veterans Nosiviwe Mapisa-Nqakula, health Aaron Motsoaledi, state security Siyabonga Cwele, and home affairs Nkosazana Dlamini-Zuma would be deployed to Marikana to coordinate and lead support to the families and relatives of the dead or injured miners.

At that point, Lonmin's representatives still had not shown face at the Marikana squatter camp, where the majority of the strike action had been concentrated. And now Lonmin, the company that was at the centre of the great calamity, has issued new threats to the rock drillers. The fact that the dead and injured, more than hundred of them, are still not even identified, seems of little importance. Unacceptable face of capitalism indeed, Lonmin. DM

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Analysis: A tough future for both Lonmin and its metal

- Siphon Hlongwane
- South Africa
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- 21 August 2012 01:56 (South Africa)

Could the wildcat strike which led to the death of 44 people and the injury of almost 80 more at the Lonmin Marikana mine have been prevented by different actions on the part of the company? Perhaps. But as things stand, the confluence of both global and local events



ensured that there was only ever going to be one outcome. The last 10 days may have been a grim auger for the platinum industry's future. By SIPHO HLONGWANE.

In the aftermath of a bloody week at the Marikana shaft of Lonmin PLC, after it was made clear that some of the miners engaged in a wildcat strike action were happy to resort to violence to get their point across and that the police were equally happy to respond with heavy machine-gun fire at close quarters, an uneasy truce of sorts was reached. The police kept their distance from the squatter camp (the centre of all the action) outside the mine, and the miners, for their part, kept their protest actions limited to large community meetings. In the calm, politicians and the press could move in and out of the camp. In the towns nearby, there was a general busyness as politicians, the police and the public bustled about between hospital visits, meetings and the Ga-Rankuwa magistrate's court. The government laid on an impression of Doing Something and the grieving community did the same – whether it was morgue visits, protesting at the court or holding meetings back at Marikana.

All along, however, Lonmin was absent. There were press statements and some media appearances (especially in the early stages), but after the police killed 34 people and injured 78, the company's representatives physically disappeared from the scene.

There had been an ultimatum to workers. If they weren't at work by Friday, they would be fired. It got bumped back to Monday morning as President Jacob Zuma declared the next week one of mourning. A statement by Lonmin on Monday said that only about one in five miners had reported to work. The deadline was nudged back to Tuesday.

What was the rush to get platinum production back up, considering that the situation had not been adequately resolved, not to mention that the dead miners weren't all fully identified and buried?

The strike had hit Lonmin's financial standing immediately. The company shares plunged as the news of the shootings spread around the world, and it admitted that it would most likely miss its production target of 750,000 ounces of platinum due to the closure of the Marikana facility. There was also the possibility of the company having to swallow more debt. "In its third quarter production report published on July 26, 2012, Lonmin stated that net debt [remained] well within the limits and terms of its existing bank debt facilities. The Company continues to monitor the position closely regarding the additional pressure which the current disruption to production may put on its bank debt covenants when they are next tested on 30 September," it said in a statement.

Lonmin could have given its employees the 'work, or else' order because it just could not afford the delay.

But the global price and demand for platinum tells a different story. The metal is used mainly for expensive jewellery and as a catalyst in low-emission diesel vehicles. The global recession has resulted in a contraction in Europe, the biggest market for these cars.

According to the European Automobile Manufacturers' Association, new car sales in European Union countries dropped by 7.4% in the first half of the year.

“Platinum has dropped 18% in price since the end of February. On Wednesday, the front-month futures contract for August delivery inched down 20 cents to \$1,408.70 a troy ounce on CME Group's New York Mercantile Exchange. Prices had hit a seven-month low of \$1,382.30 on July 24,” the Wall Street Journal reported.

However, even as the platinum price dropped, production didn't immediately do so as well. Quite simply, platinum producers could not just close facilities in South Africa, where 75% of the world's platinum is mined. Politics and an inflexible labour market prevented it. When several platinum producers announced that they would be forced to close facilities and cut jobs, mineral resources minister Susan Shabangu called meetings and asked them not to cut jobs. She commissioned a report into the industry and was still pondering on it when the Marikana shootings happened.

In the meantime, Anglo American Platinum shut down one of its mines in Marikana and sacked 1,400 people. Business Day said, “...[A]nalysts hailed the move to shut Marikana, in Rustenburg, and urged other South African producers to consider a similar course of action in order to balance the oversupplied market. Platinum producers have long complained about a drop in demand and rising operational costs including labour, electricity, chemicals and water among others.”

Since last week, when the wildcat strike first started at Lonmin's facility, the price of platinum has risen. On Monday, the price hit a six-week high of \$1,477.50 an ounce. The strike provided a temporary balance to the global price of platinum, even though Lonmin was not in a position to benefit.

The shootings have generally been characterised as a union turf war between the established National Union of Mineworkers (NUM) and the new The Association of Mineworkers and Construction Union (AMCU). A former negotiator said that the problems were compounded by the fact that as far back as 2010 when NUM (already fast losing popularity and only sitting at about 50% representivity in the general workforce) colluded with Lonmin to make it more difficult for the newer union to get a foothold. The company operates on a basis of agreeing to grant collective bargaining rights to one union with more than 50% membership, and by combining several small bargaining units, it made it much harder for AMCU to get the 30% figure that would grant it limited rights, and the outright majority that could unseat NUM. At operations like the Marikana, where inequality between the employees was starker than other places, this move left many workers who were disenchanted with NUM out in the cold. This is why the strike was led by rock-drill operators, typically the least educated and poorest of all miners.

Since collective bargaining works on a winner-takes-all-principle, it can potentially result in the main union not representing a large number of workers on certain sites.

The problems at Marikana are also further compounded by the fact that it is not just the workers of one mine that live and work in the nearby squatter camp – the patterns of inequality and the resultant anger are even repeated among rock-drill operators who work for different mining companies. The pay-hike granted to Impala Platinum workers would have angered the workers who work for Lonmin.

Given the weak global market for platinum over an extended period, Lonmin was probably not in a position to offer big pay hikes in any case. The company did not respond to our calls for comment.

However, in the platinum industry, the relationship between the bargaining union and the employer is one set out in company rules and can differ, according to the executive director of The Esop Shop, Gavin Hartford. The extent to which Lonmin could ignore NUM and deal with outsiders like AMCU is set out by its own agreement with the big union.

Hartford, a former organiser and negotiator for the National Union of Metalworkers of South Africa, said a bargaining deal that lowered thresholds for new entrants would go a long way in diffusing worker dissatisfaction. “Facilitating the entry of new unions into bargaining agreements would introduce greater democracy and competition for members based on level of service,” he said.

The Lonmin debacle might be helping rival companies in the short term by raising the price of platinum, but someone else somewhere on the platinum mining belt will likely find themselves in a similar bind, and it does not look like European car buyers are going to be in a position to help out anytime soon.

A mining industry insider who spoke to Daily Maverick said that the whole industry was facing an extremely difficult time and the type of violence seen at Marikana could return at other facilities.

“If the workers agree to return to work, the correction to the supply of platinum will return, the price will slump and we will be back to square one once again,” he said. But that did not mean that there was no way out of the current situation from the beginning. The most important thing would have been to ensure that the company had an open channel of communication with people who had control over them, and then establish clear timelines towards some kind of a common goal.

“It has been done before. There have been strikes where the company has recognised that the shop stewards have lost control of the miners. It is possible to ask the stewards to step aside and tell the men to send through new representatives to negotiate on their behalf.

“After that, an independent mediator must be called in. These things take time, but there must be a clear timeline. The mediator can hear the demands, and then look at the books of the company and tell the men, ‘this is what they can afford to give you’. It works. In some cases, the men have agreed to go back to work while mediation takes place,” he said.

The worst thing that Lonmin could have done was to shut itself off from the disaffected miners all those months ago. It stopped them from realising that the anger was reaching a crescendo long before the first shots were fired. They might have been able to at least solve the labour crisis before the perfect storm of local and global events hit. It's too late for that now. DM

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Marikana: Where is the ANC?

Ranjeni Munusamy

South Africa

21 August 2012 02:07 (South Africa)

From demonstrations against racism at the University of the Free State to accidents, court cases, floods, fires and well-organised protests against paintings exposing the president's genitals, the ANC provides support to the victims. Not so at the scene of the massacre of 34 people five days ago, where levels of distress and misery are rising. Are the people of Marikana the wretched of the earth? By RANJENI MUNUSAMY.

If there is anyone who knows the pain of being abandoned by the ANC in his time of need it is, ironically, the man who is now its president. When Jacob Zuma was fired as deputy state president in 2005 and subsequently charged with corruption and later rape, he was abandoned by the ANC senior leadership and left to fight his legal battles on his own.

Thabo Mbeki was then ANC president, and apart from then-Secretary General Kgalema Motlanthe, who would occasionally visit him, ANC officials kept their distance. It hurt Zuma immensely that his former comrades turned their backs on him when he needed their support and advice the most.

Into the breach stepped his friends from KwaZulu-Natal, Cosatu, the ANC Youth League, the SACP and the Young Communist League. The Friends of Jacob Zuma was launched to mobilise support for him during the trials. But until the tide turned at the ANC's Polokwane conference and the national executive committee elected there rallied around him, Zuma felt the sting of being spurned by his organisation.

Five days after a wildcat strike at the Lonmin platinum mine resulted in police shooting at mineworkers, killing 34 and injuring 78, there has been no sign of the ANC in the area. The province is governed by the ANC and Marikana falls under the Rustenburg municipality, which the ANC controls through 55 of the 74 council seats. The workers in the platinum belt are a major ANC constituency.

As is the case when tragedy affects its communities, it was expected that the ANC would be on hand to offer humanitarian support and comfort to the families of those who died. No

ANC or alliance leaders appeared. They were further shown up by the arrival of a delegation of opposition party leaders on Monday to address residents at the Wonderkop informal settlement where many of the Lonmin mineworkers live.

The delegation was led by the Congress of the People President Mosiuoa Lekota. He was joined by Democratic Alliance MP and National Chairman Wilmot James, United Democratic Movement leader Bantu Holomisa and African Christian Democratic Party leader Kenneth Meshoe.

The ANC Chief Whip Mathole Motshekga announced that MPs from all political parties, together with church leaders, would hold a memorial service at Parliament Tuesday in honour of the victims of the violent protests. The National Assembly will also hold a special sitting later in the day to reflect on the tragedy.

But for some still unexplained reason, the ANC is keeping its distance from Marikana. Even the ANC Women's League, which usually turns up to support women and children affected by violence or in court cases, was nowhere to be seen at the Ga-Rankuwa Magistrate's Court where 259 of the Lonmin mineworkers appeared on charges of public violence.

Wives, mothers and sisters of the mineworkers had been highly distressed since Thursday's massacre as many of them had been unable to establish whether their missing loved ones were dead, in hospital or in jail. There was further anguish outside the court on Monday as the women were not allowed in to see their family members. They wailed and collapsed in frustration and grief, not knowing what to do next. There was no one there to comfort them.

While the inter-ministerial committee appointed by Zuma to offer assistance to the community was still dealing with logistical arrangements in Rustenburg, former ANC Youth League spokesman Floyd Shivambu was on hand at the court to assist the women.

"We came to pledge solidarity to the workers and the women because they have been struggling to get access to information on who's arrested in which police station and most can't allocate their relatives and spouses.

"We also came to give support to the legal team because we arranged for legal representation for all the arrested workers and we need to be here to give support," Shivambu told Daily Maverick.

Expelled ANC Youth League President Julius Malema's visit to Marikana on Saturday, when he addressed the mineworkers and demanded that Zuma and police minister Nathi Mthethwa step down, has been slammed in several quarters.

Presidential spokesman Mac Maharaj told the eNews Channel Africa last night that some people were using the massacre to "opportunistically raise temper and emotion". Maharaj said that "in desperation to regain credibility", these people were seeking to "stoke anger".

Cosatu also condemned Malema's "blatant opportunism", particularly his attack on its biggest affiliate, the National Union of Mineworkers (NUM).

"The former ANC Youth league leader is reported to have called on the striking mineworkers gathered at Wonderkop at the weekend to 'form a militant union that would represent their interests'. He claimed that NUM 'was no longer a union that represented the interests of the workers but interested in making more money. NUM is not a union, it's a company. They hold shares in mining companies, that is why when there are problems in the mines they are the first to sell out the workers'," Cosatu said in a statement.

The federation said this was a "scandalous insult" to the NUM. "We appeal to workers to listen to its true leaders and refuse to be dictated to by self-appointed leaders like Malema. The federation deplors Malema's blatant opportunism in seeking to exploit the understandable concerns of the Marikana workers to score cheap political points."

Asked why he and Malema intervened at Marikana, Shivambu said they were invited by "the leaders of the workers" to help, but had been planning to do so anyway. "Our approach is that we help all people who need assistance and are in need."

Shivambu said they had not held meetings with the Association of Mineworkers and Construction Union (AMCU), which is at the centre of the dispute between the workers and Lonmin.

"AMCU joined the protest after it had started by workers who were leading themselves. On many occasions the workers said the strike is not organised by any union and we found that to be true when we were there," Shivambu said.

He said the situation of the 259 workers who were arrested on Thursday and taken back to police stations until their case comes before the court again next Monday was "so sad".

It is a struggle to find anyone in the ANC who can speak with authority and knowledge of the situation at Marikana. It remains inexplicable why the ANC is surrendering Marikana to Malema and the opposition. Even for the week of national mourning declared by the president, the ANC has not yet announced any activity in remembrance of the victims of the violence.

The ANC's National Working Committee was meeting at the party's Johannesburg headquarters Luthuli House Monday afternoon, but ANC Secretary General Gwede Mantashe refused to confirm to the media whether the Marikana issue would be discussed.

ANC national spokesman Keith Khoza could also not say by yesterday evening whether the party would issue a statement after the meeting and if so, whether there would be any comment about the massacre.

Asked why the ANC had not gone to Marikana to offer humanitarian support, Khoza said: "Government is handling it. The inter-ministerial committee will determine what assistance is needed."

Khoza said he was not aware if local or regional ANC structures had been activated to assist the bereaved families. Asked if the party was aware that opposition parties were visiting the community, Khoza said the ANC did not plan visits around what the opposition does.

Khoza said the ANC was not prepared to respond to Malema's comments about Zuma. He said the party had not picked up any anti-ANC sentiment coming from the community at Marikana.

Malema is expected in the area again on Tuesday when he will accompany Lonmin workers to the Marikana police station to open a case against the police officers who shot dead the 34 workers on Thursday.

Expedient or not, Malema has found a new platform to operate on and it fits neatly with his campaign for the nationalisation of mines. He has the ANC to thank for unwittingly allowing him the space to provide leadership at Marikana, when the party itself failed to do so. DM

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(I gather that in addition to the protest by women at the jail cell, there was a good Joburg picket line of 70 progressive activists outside the regional police station on Empire Rd today. At Marikana, a quarter of workers returned to their shifts but the deadline of 'return or be fired' was extended by Lonmin until tomorrow. There is more info below on the state of play in Marikana, including the women's struggle and more critical analysis. First though, if anyone wanted to insult the main mineworkers union more decisively, it would be hard to top Business Day newspaper's flattery: "The NUM is the thoughtful, considered heart of the union movement here. Cyril Ramaphosa and Kgalema Motlanthe, for instance, come out of it. As a union it is a powerful voice of reason in an often loud and rash movement. It appreciates and values private capital and strong companies. Business everywhere should be hoping the union finds a way to defend itself effectively from Amcu's attacks.")

Business Day

A failure of our society on many levels

Editorial, Business Day, Johannesburg, 17 August 2012 (part)

If the chairman of platinum miner Lonmin, Roger Phillimore, was not on a plane to South Africa on Friday evening, he should be ashamed of himself.

In the wake of easily the worst state-on-citizen violence in South Africa since we became a democracy in 1994, protesting mineworkers at Lonmin's Marikana mine near Rustenburg have shattered the company's share price and sharply inflated the global price of platinum.

That is almost a sideshow to the nearly 50 deaths that the strike has triggered so far — 34, according to the most recent confirmed figures, in a hail of police bullets at the mine on Thursday afternoon.

Lonmin may not be directly responsible for the violence accompanying the strike, but it has wide and deep duties that it is spectacularly failing to fulfil. It has a duty to its shareholders, to its customers, to its staff, to the mining industry in South Africa generally and, ultimately, to all South Africans.

But it is nowhere to be seen. Its CEO, Ian Farmer, is ill in hospital. Its spokesman appears not to be available. The chairman resides in England. Is he on holiday along with the rest of Europe?

Lonmin needs to be a part of the solution to an intractable problem at the mine. It isn't new. The new Association of Mineworkers and Construction Union (Amcu) is slowly taking apart the venerable National Union of Mineworkers (NUM) in the platinum industry, mine after mine. That fact, on its own, should be enough to raise alarm bells throughout the South African body politic.

The NUM is the thoughtful, considered heart of the union movement here. Cyril Ramaphosa and Kgalema Motlanthe, for instance, come out of it. As a union it is a powerful voice of reason in an often loud and rash movement.

It appreciates and values private capital and strong companies. Business everywhere should be hoping the union finds a way to defend itself effectively from Amcu's attacks.

From: <http://www.bdlive.co.za/opinion/editorials/2012/08/17/editorial-a-failure-of-our-society-on-many-levels>

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Cops 'shouldn't be sorry' about Marikana shooting

20 AUG 2012 13:16 - SAPA

Police commissioner Riah Phiyega says officers shouldn't be sorry about the shooting near Lonmin in Marikana, which left 34 protesting miners dead.

"Safety of the public is not negotiable. Don't be sorry about what happened," Phiyega was quoted as saying by the Sowetan newspaper on Monday.

She was speaking at Warrant Officer Sello Ronnie Lepaku's funeral on Sunday, who was allegedly killed by protesting Lonmin miners last Monday.

On Thursday, 34 striking workers were shot dead in a clash with police near the North West mine in an attempt to disperse them from a hilltop where they had gathered.



Phiyega urged police officers to be cautious and vigilant and to wear bulletproof vests, shields and helmets at all times.

"We confront, every day, heartless criminals who are gunning for our lives," she said.

"You can put yourselves in danger a thousand times and come out unscathed or just once and not make it. You never know in advance how things will turn out and that is our line of work."

'Leave the weapons'

Lonmin Platinum called on striking workers on Monday to "leave the weapons" and return to their workplace to discuss their demands.

"We still are very optimistic that workers will show up," said Barnard Mokwena, executive vice president of human capital and external affairs.

"Only then can we sit down and review the situation and determine the next action," he said.

The illegal strike halted production at the world's third biggest platinum mine in Rustenburg.

Mokwena said the mine had never refused to talk to workers.

"We have asked workers through their structures to come through to engage management."

'Come down the mountain'

The mine's management would not go to the hilltop at Marikana to speak to miners.

"The mountain is not even on mine property ... come down the mountain, leave the weapons and just come to the workplace," said Mokwena.

He said the mine had still not received any formal memorandum of demands from striking workers.

"We actually don't have anything by way of a set of demands."

Lonmin has issued an ultimatum to the illegally striking workers to return to work on Monday or face possible dismissal.

The ultimatum applied only to illegally striking rock drill operators and assistant rock drill operators who began an unprotected action on August 10, the company said in a statement on Sunday.

Lonmin CFO Simon Scott said, "The safety and security of our employees is paramount and nobody will be asked to report for duty if the police consider them in danger of reprisals."

Traditional leaders visit families

Traditional leaders on Monday headed to Marikana to offer support to workers and families.

The Daily Dispatch reported that the Eastern Cape house of traditional leaders, their North West counterparts and a delegation from the Congress of Traditional Leaders of South Africa (Contralesa) would visit the community on Monday.

Contralesa president Chief Phathekile Holomisa told the paper the delegation planned to meet with mine management and miners in their attempt to restore peace.

"We need to bring calm and peace to the area. We can't have a situation where people just kill each other over salary grievances," Holomisa said.

AmaMpondo king, Ndamase Ndamase, flew from East London on Sunday to meet the AmaMpondo workers in the mines.

The protests were believed to be linked to rivalry between the National Union of Mineworkers (NUM) and the Association of Mineworkers and Construction Union (Amcu) over recognition agreements at the mine. Workers also wanted higher pay.

In court

Elsewhere, around 100 women arrived at the Ga-Rankuwa Magistrate's Court outside Pretoria where more than 250 protesters were expected to appear for public violence at Marikana.

One woman, Nombulelo Jali (37) wept hysterically. She said police did not know what happened to her husband Themba Khalo Jali (40), who she says was arrested on Thursday.

"I have come all the way from Harding in KwaZulu-Natal but we can't find him. We have frantically searched everywhere and we can't locate him. Police took him," said Jali.

Police officers approached the group of women and asked them to vacate the court premises. – Sapa-AFP

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Lonmin protesters remanded in custody

20 Aug 2012 16:02 - Nickolaus Bauer, Sapa

A total of 260 Marikana protesters have been remanded in custody at the Ga-Rankuwa Magistrate's Court, to allow for further investigations.

The 259 men arrested after a deadly police crackdown at Lonmin mine in Marikana heard charges on Monday ranging from murder to public violence, in the first court hearing from the tragedy.

All the men, except one who is hospitalised, were brought in groups before the court in the Pretoria township of Ga-Rankuwa to hear the charges. Their next hearing was set for August 27.

Magistrate Esau Bodigelo remanded all the men in custody. An exact breakdown of all the charges was not immediately available, with proceedings being translated into several languages.

On Thursday police opened fire on hundreds of workers during a strike at Lonmin's Marikana platinum mine, leaving 34 dead and 78 wounded in the bloodiest day of protest since apartheid.

Police convoys with armoured vehicles brought the accused from prisons across the region to the court, where a group of around 100 people cheered as they arrived.

The group of mostly women brandished placards with slogans such as "Release the innocent workers".

The accused appeared before a packed courtroom, with half the public gallery cordoned off with police tape and armed officers.

Special visit

Meanwhile, several opposition parties on Monday visited the site of the Lonmin shooting in Marikana ahead of a special parliamentary sitting that will debate the incident on Tuesday.

United Democratic Movement (UDM) president Bantu Holomisa told the Mail & Guardian opposition parties were requested to visit the scene of the shooting that claimed the lives of 34 miners last Thursday.

"We decided it would be prudent for a forum of opposition leaders to come here and form our own opinions on this matter," Holomisa told the M&G.

Holomisa was joined by Congress of the People president Mosiuoa Lekota, African Christian Democratic Party president Kenneth Meshoe, Pan African Congress president Letlapa Mphahlele, Democratic Alliance Federal chairperson Wilmot James and representatives from the Inkhatha Freedom Party on his trip to the mine.

"We have heard the workers concerns and we have familiarised ourselves with the situation. We will now be in a better position to ask the right questions in parliament," he said.

All chief whips representing political parties in parliament have been called to an urgent multiparty chief whips forum on Tuesday to discuss Parliament's reaction to the tragedy.

Members of Parliament from all political parties and leaders from various churches are also expected to hold a memorial service in Parliament's Old Assembly Chamber tomorrow at midday in honour of the victims of the violent protests.

Last week 34 people were killed and 78 were wounded in a shootout between police and miners in Marikana, Rustenburg.

#### Return to work

The majority of those killed are understood to have been involved in an illegal strike at the mine after rock drillers affiliated to the Association of Mineworkers and Construction Union (Amcu) demanded their monthly salary of R4 000 be increased to R12 500.

While the exact reasons behind the shooting remain unclear, Lonmin management have ordered all workers to return to work on Monday.

After workers still refused to return to work, a new deadline of 7am Tuesday was set by mine management for workers to return to their posts.

If they failed to do so, workers still undertaking industrial action would be immediately dismissed.

The ANC said they didn't join the opposition led visit to Marikana as the ruling party trusted the "competent constituencies" dealing with the matter.

"We are confident there are enough feet on the ground to deal with the matter," ANC spokesperson Keith Khoza told the M&G.

"The president has ordered a commission of enquiry, the police are investigating the incident, there is an inter-ministerial task team and the mineral resources department is also investigating."

Khoza added that opposition parties might be wasting their time.

"This is a matter between Lonmin and union affiliations and it must be sorted out within these guidelines," he said.

Holomisa said all political parties are entitled to be there.

"They are entitled to their own opinions. We are not here for politicking and were certainly couldn't just leave these people to rot – especially after they requested us to come and see them," Holomisa said.

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Women march for dead miners

Sapa | 20 August, 2012 11:24

Around 100 women arrived at the Ga-Rankuwa Magistrate's Court outside Pretoria today where more than 250 protesters were expected to appear for public violence at Lonmin mine in Marikana, North West.

One woman, Nombulelo Jali, 37, wept hysterically. She said police did not know what happened to her husband Themba Khalo Jali, 40, who she says was arrested last Thursday.

"I have come all the way from Harding in KwaZulu-Natal but we can't find him. We have frantically searched everywhere and we can't locate him. Police took him," said Jali.

Police officers approached the group of women and asked them to vacate the court premises.

Some police wore protective helmets and shields and carried batons.

Four Nyalas drove into the court premises.

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Miners choose death over 'wage slavery'

SIPHO MASOMBUKA and TJ STRYDOM | 20 August, 2012

Mail&Guardian

Police check the scene after the Lonmin Marikana mine shooting. "People have died already so we have nothing more to lose ... we are going to continue fighting for what we believe is a legitimate fight for living wages. We would rather die like our comrades than back down," said miner Kaizer Madiba.

As Lonmin yesterday re-issued its ultimatum to about 3000 striking rock-drillers at its Marikana mine to return to work or be fired, the miners insisted that they would "rather die" than return to "slavery".

Thirty-four striking miners were shot and killed at the mine, near Rustenburg, in North West, on Thursday when they stormed a police line.

"People have died already so we have nothing more to lose ... we are going to continue fighting for what we believe is a legitimate fight for living wages. We would rather die like our comrades than back down," said miner Kaizer Madiba.

President Jacob Zuma yesterday called for a week of mourning after the tragedy and set up an interministerial commission to deal with the crisis. He reiterated his call for a judicial inquiry.

Lonmin has refused to give in to the demands.

The JSE and London-listed company stood by the court order, obtained on August 10, that the miners return to work or be fired.

Madiba and his co-strikers watched 34 of their colleagues being shot and killed by police.

Armed with pistols, shotguns, pangas and traditional weapons, the miners stormed a line of police carrying semi-automatic rifles and pistols.

Yesterday, the miners vowed to fight to the death.

"The only thing that will end this strike is a positive response from management. I am still asking myself why management refuses to negotiate with us.

"We only want R12000 for rock-drill operators and a minimum wage of R7500 for everyone working underground," he said.

Madiba said the strikers would meet today to decide what to do next.

All they wanted, he said, was to be able to create a better future for their children back home.

Thursday's killings were against the backdrop of a week-long violent illegal strike by the Lonmin miners, in which 10 people were killed, including two policemen sent to bring calm to the situation, and two security guards, who were burned to death in their car.

Lonmin spokesman Barnard Mokwena yesterday defended the company's decision to re-issue the ultimatum, saying it applied only to rock-drill operators.

"There are many options on the table. It is not as if 'To fire or not to fire' is all we are considering."

Mokwena said it was not the company's decision to re-issue the ultimatum. Instead, he said, the wording was a consequence of the court order the company had obtained.

"The company is going through a mourning period and is focused on the needs of its employees and their families," he said.

But the ultimatum has angered the Association of Mineworkers and Construction Union (Amcu).

"It is too harsh of management to talk in this way," said Amcu treasurer Jimmy Gama, describing the ultimatum as "very unfair".

Frans Baleni, the secretary-general of the National Union of Mineworkers, said the situation was still very "sensitive" and it could not be expected that workers would take up their duties if they were threatened by more violence.

Zuma said yesterday: "We must avoid finger-pointing and recrimination. We must unite against violence from whatever quarter."

The inter-ministerial committee, which will be led by Minister in The Presidency Collins Chabane, is made up of North West Premier Thandi Modise and ministers including Mineral Resources' Susan Shabangu and Police's Nathi Mthethwa. They are due to visit Marikana today.

Zuma's spokesman, Mac Maharaj, yesterday said details of the judicial inquiry into the deaths of the miners would be made public this week.

The "Marikana massacre" has highlighted the problems affecting South Africa's mining industry.

Baleni pointed to "other hot spots in the platinum sector", hinting that there was a risk of a spillover of violence into other sectors.

Gideon du Plessis, general secretary of trade union Solidarity, said he knew of "early signs of the same conflict" in other places.

Chief executives - drawn from various mining sectors - met top government and trade union officials, as well as the Chamber of Mines, on Saturday to discuss the problems besetting the mining industry.

The meeting reportedly ended with the following goals defined:

Repair damage to the image of the mining industry;

Avoid a spillover of violence into other industries in the mining sector; and

Stabilise the industry to limit opportunities for what the meeting's participants described as "militant opportunists".

It is believed the last goal was in reference to expelled ANC Youth League president Julius Malema, who visited Marikana on Saturday.

He called for Zuma and Mthethwa's resignations because of the massacre.

The miners took a break from protests yesterday, sitting around in groups drinking, shaving and sharing memories of their dead comrades.

Though on Thursday hundreds of heavily armed police were patrolling Wonderkop, where the shooting took place, the only sign of a police presence yesterday was a roadblock set up for the police to search vehicles for weapons.

Police spokesman Captain Dennis Adriaio said that though the situation was quiet but tense, a strong police presence in the area will be maintained until everything was under control.

The 259 strikers arrested in connection with the violent protests will appear in the Rustenburg Magistrate's Court today.

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----- Original Message -----

Subject: Re: [Debate] Amandla editorial

Date: Mon, 20 Aug 2012 07:39:57 -0700 (PDT)

From: mhlobo gunguluzi <mhlobog@yahoo.com>

Comrades

We need to mourn our fallen working class heroes, and mobilise the working class and poor communities against the ANC capitalist regime. Just as apartheid used the police to defend the profits and exploitation, the ANC government is using the same tactics as apartheid regime used. We must therefore mobilise the masses to see the truth about this government. This government does not represent the interest of the working class, just as the Nationalist Party did. We need to unite the community struggles together with factory floor struggles. In this way the communities must also defend the striking workers at Lonmin and other factory floor struggles.



I am very disappointed by COSATU who allowed the workers to be divided to secure the interests of capitalists and their cronies like Cyril Ramaphosa who have shares in Lonmin. How did Cyril Ramaphosa got the shares in the first place while the surrounding communities have no shares in this platinum mine. Clearly, this is why Ramaphosa allowed the expulsion of Malema because Juju was threatening the vested interest of Cyril Ramaphosa in mining.

We cannot blame the AMCU and leave NUM because the striking workers are from both unions. Of course NUM wanted to protect the capitalists than the workers hence most workers who have been NUM members are leaving NUM. When union loses membership, its subscription will drop making the union earn less money. NUM was just protecting its subscriptions so that they can continue paying their General Secretary of NUM, Frans Baleni his more than R1.4m salary per annum.

Obviously NUM was losing membership because of lack of service delivery to union members. The workers will join a union that services them. In South Africa we have the right to freedom of association hence a worker has the right to choose the union he/she likes. We must also note that when workers are on strike, they will defend their jobs from scab labour not to take their jobs. Striking workers will carry knob-kiries and other traditional weapons to defend their jobs.

The SAPS worked with the management of Lonmin to defend the profit system of the mine owners and shareholders. They have used maximum force to threaten the workers so that they must go back to work without their demands being addressed. This is what the apartheid police were doing to us. I have said that the ANC is equal to Nationalist Party but with different colours. All what these parties want is to exploit the working class and further alienate them from the products produced by workers themselves. This platinum is mined by miners yet this government and the Lonmin managers wants further exploitation and alienation of mineworkers, and that must not be accepted.

It is time for us, members of the working class and the poor to force the police out of our townships and locations as their main aim is to shoot and kill the working class. Police are inhuman and must leave our human settlement areas by force if it needs be. The progressive former guerrillas must defend the working class again as they did during apartheid. We need the real defense units to defend the people against the police brutality.

Why POPCRU is quiet about this massacre, are they promoting it or not? Do we regard members of POPCRU who are police as comrades or traitors? Were there POPCRU members who slaughtered the mineworkers at Lonmin?

An injury to one mineworker is not an injury to one policeman!

Regards

Mhlobo

Revolution continues

From: Mzimasi <mzimasi@ilrig.org.za>

Comrades

I would total disagree with the statement that says AMCU was opportunistic during the strike. Infact AMCU 's political conduct during the strike has been progressive. The strike initiative was not done or decided by AMCU nor NUM, but by workers themselves from both unions as workers united for a single issue. AMCU has been invited by workers and informed of the workers decisions and AMCU supported the workers strike irrespective of their affiliation and represented workers in negotiations between workers and Lonmin bosses until the bosses took a sharp turn refusing to negotiate with AMCU and they could not be found. On the other hand you have an established big union, NUM who just had just conspitorially refused to support workers demands and called for workers to go back to work. This was a delibarate call, simply because AMCU, a rival union is onthe centre stage of supporting workers demands. It is politically incorrect to think that AMCU has been opportunistic while the union showed a great willingness stand by the demands of the workers at all cost.

I might be getting things wrong, but I believe NUM stand to be blamed as playing a big conspiratory role in discrediting AMCU and the striking workers. In fact the killing of Lonmin workers marks a turning point in the current South African Political Landscape. The ANC government has shown the working class in our country, that in defense of the capitalist bosses they will order police to shoot to kill in the name of Law and Order.

We don't need to be swallowed by the conspiracies against the working class by the ANC, COSATU, SACP if we are build a revolutionary socialist project in our country. The Lonmin workers massacre is just a politica statement that tells you that the Zuma ANC Regime is thuggerist and hearing to be a police state as it continue to use brute force to suppress the working class.

Mobilise and advance

Regards

Mzi

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<http://www.rollingstone.co.za/opinion/item/1351-senzeni-na>

Senzeni Na?

POSTED: Monday, 20 August 2012 13:16 | By Chris Rodrigues

"No wonder these (Marikana) strikers then entrusted the magic realism of a sangoma, for nothing today needs to be more urgently remedied than 'reality'."

By the time you read these words, the miners of Marikana will have long crossed the river Styx. Contemplate dear reader: These men with dirt in their pockets, their ears ringing with the noise of exploding lead, the holes through their bodies.

Imagine some nocturnal body of water. And a boat, with such passengers, steered by a ferryman with a sure stroke. In this version, Charon, as the Greeks knew him, doesn't require silver coins. And even if he did, he wouldn't ask anything of these rock-drill operators who, long before they were mown down, had already begun sacrificing limbs and lungs.

Perhaps this river guide, as he places a blanket over their shoulders, quotes passages from Bertolt Brecht:

"You who will emerge from the flood/ In which we have gone under/ Remember/ When you speak of our failings/ The dark time too/ Which you have escaped".

"And yet we know: Hatred, even of meanness/ Contorts the features./ Anger, even against injustice/ Makes the voice hoarse. Oh, we/ Who wanted to prepare the ground for friendliness/ Could not ourselves be friendly".

These men are aware that they trouble so many more people now than when living with asbestos and bilharzia – they were faceless and unregarded. They are informed that the same company that point-blank refused to meet them has since offered - via one its shareholders – to pay for their funerals. When they were alive they knew that a sweetheart union had sent them up shit creek and at this moment in time - travelling down another wretched river - they couldn't care less about future promises.

In this expanse these illiterate subterranean figures are, in the phraseology of Abahlali baseMjondolo, "professors of their own suffering". They can draft PhD's on the political economy of death. They can riff better than any broker about the price of platinum. They can wax like lawyers about police statements.

But what still embitters them is their understanding that they would have to be reincarnated many times over to earn what the CEO of Lonmin did in one single year. Comparing their salary of R48 000 per annum with Ian Farmer's (2011) earnings of R20, 358, 620 amounts to an, approximately, 424 years discrepancy. Taking a recent estimate of average male life expectancy in South Africa (49.81) and deducting just 18 childhood years from that would mean even if they worked every day of their adult life - they would have to do so over 13 unlucky lifetimes!

Such is the normalisation of this capitalist metaphysics that the rival union has been universally rebuked for wanting to reduce it to a ratio of 1 year: 4.26 life spans. No wonder

these strikers then entrusted the magic realism of a sangoma, for nothing today needs to be more urgently remedied than "reality".

In the old myth, Charon takes our souls to the kingdom of Hades where we appear before three tribunes who decide whether we are worthy of entry into the Elysian Fields – an altogether middle-class sounding quietus.

Instead, picture a black-sooted boatman accompanying these men to a hill on which is gathered – from across time - hundreds of thousands of spectres just like them - an infernal rabble. They are mostly young because the poor die first. Amongst them are French peasants and Haitian slaves. There are Russians with pitchforks and Spaniards with rifles. There are Naxalites and whole generations of South Africans. Yes, some with knobkerries, machetes and spears!

They are all reciting Brecht's words in the hope that they reach the ears of the living:

"But you, when the time comes at last/ And man is a helper to man/ Think of us/ With forbearance".

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Tan Q. Ngamala

#### A DAY OF INFAMY - Marikana Massacre

Sharpeville 1960 is a day that we commemorate and remember when our mothers and fathers burnt their dompas' and took a stand on the 'freedom of movement' and died for it. June 16 is a day when we commemorate and remember our youth taking a stand in righteous indignation on language instruction and quality of education, dying in the streets of Soweto. Marikana Massacre will be a day that we will commemorate and remember as the day that black mine workers died challenging the system of capitalism and imperialism in pursuit of a living wage. The 16th August 2012 will be a day remembered for generations to come. It was after all the day that the African National Congress government slaughtered some 50 protesting Black mine workers, seriously injuring another 100 in a hail of military issue R5 assault rifle fire. The devastated community of Marikana as of the 19th August could not yet account for several missing individuals, whom they believe have been arrested and moved to undisclosed detention centres.

A visit to Marikana cannot but boggle the mind at the stark contrast between the modernistic infrastructure of the mines themselves and the squalid living conditions of the black miners as one drives through the sprawling squatter camps that festoon the landscape. Eskom infrastructure – power lines carrying 100's if not 1000's of gigawatts of

electricity into the mines and smelter plants of multi-nation corporations, yet not one kilowatt is spare for the slums built along the route of the pylons. Toilet facilities are shared one toilet to some 30 families. Water, the same thing, one tap to every 30 families. This is the halcyon dream promised by the ANC in 1994 – this is the outcome of the “Freedom Charter” as it so proudly proclaimed that “an injury to one is an injury to all” – this is after all the country with a Constitution “to die for”. And indeed you shall die in order to protect the rights of capitalism, so deeply imbedded into the South African Constitution.

In order to get a job as a miner, one has to firstly sign a declaration that states that you, the signatory, indemnify the company of all responsibility and obligations in the event that you die in the mines, or if you are seriously injured in a manner that permanently prevents you from working again – the COMPANY is blameless. If you show hesitation in signing such a declaration, you are told in no uncertain terms that you are welcome to go look for greener pastures elsewhere. Needless to say, everybody signs the instrument of their own exploitation. The average monthly wage is somewhere in the order of R4000/month. Accommodations provided – pick a squatter camp and build your own shack and settle in, you start at Shaft No: ? first thing in the morning. Welcome to Marikana – Where Capitalism Wins.

As always, the aftermath of horrifying events that shatter the lives of the poorest of the poor and the exploited black working class, produces deftly managed mainstream media positions that in the final analysis blames the desperately poor and hard pressed masses for daring to demand that which they so desperately need in order to survive. AMCU members have been blamed for breaking away from NUM – yet no reference is made to the treachery of NUM and how it was that Cyril Ramaphosa as the leader of NUM that engineered the entire CODESA sell-out, in particular the Lockout Clause imposed in 1994.

Thus, when AMCU members demand a living wage, the mine bosses, that would include Cyril Ramaphosa no less, arrogantly declare that that particular union has no legitimate representivity and consequently they would not negotiate with it. Ramaphosa the Insidious – from union boss of NUM to capitalist owner of the very mining operations that now instruct the police on how to respond to fundamental living wage demands.

Mainstream media effectively plays out the words and instructions of the capitalist multi-nationals and their instruments within the ANC Government, by positing the view that the striking miners were heavily armed with weapons of mass destruction. They paint a picture of blood thirsty savages who have no legitimate grievances, who did not want to negotiate with the mine management. Interestingly, they say nothing of the fact that Bishop Joe Seoka had been requested by AMCU to urgently come through on Thursday, 16th August to assist in negotiating a meeting between the various parties, that is mine management, AMCU and NUM. They also do not tell us that the Honourable Bishop was turned away by the arrogant mine bosses and that within the hour of that rebuff, the slaughter started.

We have journalists and commentators (at least those that desire health lashings of butter on both side of their bread) opining in fatted tones:

“...re-establishment of investor confidence...”

“...establish a judicial commission of enquiry...”

“...this is not the same as Sharpeville and June 16...”

“...we must avoid finger-pointing and recrimination...”

“...avoid opportunities for militant opportunists...”

This is standard refrain that is pumped out by the media, all in defence of Capital with the ANC leading the charge. What seems to be forgotten here is that the platitudes uttered in defense of capitalism, in no way alter the expanding conditions of hopelessness and helplessness, which will soon give way to raging anger and rectitude of the beleaguered black working class. Nothing you say will stop them when they come marching over the hill seeking bread and justice in a land that you have sold off to the multi-national corporations to satisfy your own personal glutinousness lifestyle.

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(Sorry for x-posting but this is shaping up as an extraordinary time with tensions still very high and a growing need for international solidarity, as a small local progressive movement gets its act together with various activities coming up this week - hopefully without the distractions that the hypocrite Julius Malema provides. Warning: reading what's below is informative but not for those with a high degree of intolerance regarding the Massacre. In several places I could feel my heart race with fury, and some of the more interesting bold material below is appalling, some revealing, some true... but as for Rhodes University economist Keeton's attempt to debunk the Resource Curse argument, well this shows the bankruptcy of capital's organic intelligentsia, eh. For an antidote, so far the most appropriate BS-detection has been provided by SA's churches, before the killings: [http://www.benchmarks.org.za/research/rustenburg\\_review\\_policy\\_gap\\_final\\_aug\\_2012.pdf](http://www.benchmarks.org.za/research/rustenburg_review_policy_gap_final_aug_2012.pdf) ... and it's reported that Lonmin has again given a back-to-work ultimatum for today, so it seems their pocket-police have reloaded and the NUM is regaining the upper hand after Saturday's meeting of state, capital and 'organised labour' [known as the stakeholders thanks to their menu preference]. As far as I know, Lonmin's collaborators at 18th and H St NW, Washington, at the World Bank, are keeping their heads down, but Jim Yong Kim has been asked to rethink alliances: [http://ciel.org/Law\\_Communities/Lonmin\\_17Aug2012.html](http://ciel.org/Law_Communities/Lonmin_17Aug2012.html) . Tragically, in a way, this is the most revealing point of all: "What's scary about Marikana is that, for the first time, for me, the fact that the ANC and its government do not have the handle they once did on the African majority has come home. The party is already losing the middle classes. If they are now also losing the marginal and the dispossessed, what is left? Ah yes, Cosatu and the communists — Zuma's creditors." - Peter Bruce, Business Day editor.)

## The Thick End of the Wedge: The Editor's Notebook

by Peter Bruce, 20 August 2012

SO, Julius Malema strides confidently into the midst of what we are told is a 7,000-strong band of armed and angry miners, and calms them down. "Malema takes charge!" exclaimed the front page headline of one of the better Sunday papers. Before him all power — the president, the police, the owners of the Marikana mine, Lonmin, and the great National Union of Mineworkers (NUM), the very heart and soul of Cosatu — is swept away, scurrying to attend meetings and make declarations in safe Joburg.

Malema tells the crowd the reason police shot 34 people dead there last Thursday was because they were protecting Cyril Ramaphosa's equity in Lonmin. It is a perfectly weighted attack. Ramaphosa is a former NUM leader. He is also head of the ANC disciplinary appeals committee that expelled Malema earlier this year. Has revenge ever been sweeter? Or easier? President Jacob Zuma, he tells the cheering crowd, protects the interests of English businessmen. Not the same businessmen he, Malema, has just been consorting with in London, but the bad kind.

Of course, it helps Malema that some of the men listening to him were convinced by a sangoma a few days earlier that if they let him smear some black powder into cuts on their foreheads they would become invincible. This is not necessarily a demanding audience.

Someone tweeted me yesterday, suggesting that at least one good thing about Zuma getting a second term as president would be that Malema would be kept out of the ANC. Maybe, but I reckon another five or seven years of a hapless Zuma at the helm is the very thing Malema needs to thrive politically, even outside the ANC. He even has his own union movement now. It's called the Association of Mineworkers and Construction Union (Amcu), the slow but determined destroyer of the NUM.

In any normal democracy, a massacre by police of 34 people would occasion a political watershed. At the very least, the government of the day would fall. Not here. Here there'll be an inquiry, the results of which may (subject to the proximity of internal ANC elections or general elections) be subject to presidential edit or "study", applications for access to information and some sort of court action by the Democratic Alliance, which will trigger new executive threats to interfere with the judiciary. The enduring strength of the ANC has been its legitimacy. The majority trusted it to be there for them. It is why Thabo Mbeki was able to rule as conservatively as he did — pro-business even though his core constituency was poor.

What's scary about Marikana is that, for the first time, for me, the fact that the ANC and its government do not have the handle they once did on the African majority has come home. The party is already losing the middle classes. If they are now also losing the marginal and the dispossessed, what is left? Ah yes, Cosatu and the communists — Zuma's creditors. To misquote Winston Churchill: it's not just the beginning of the end. It's the end of the beginning of the end.

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## Bid to limit strikes in aftermath of Marikana

by Monde Maoto , 20 August 2012

Striking miners react as they are addressed by former African National Congress Youth League president Julius Malema at Marikana mine at the weekend. The miners downed tools demanding that their pay be increased from R4,000 to R12,500. Picture: REUTERS

THE government and the mining industry have taken the first steps to limit illegal strike action in the platinum sector and to refine wage negotiating processes, both seen to be key factors behind the violence at Lonmin last week.

Meanwhile, the stage is set for possibly more drama today at Lonmin's troubled Marikana mine where up to 3,000 striking workers have until close of business to abandon their wage strike and return to work.

At a marathon meeting in Johannesburg on Saturday, Mineral Resources Minister Susan Shabangu oversaw the setting up of a task team, consisting of the Chamber of Mines, government and labour, to look into the possibility of forming a central bargaining council for the platinum industry.

The lack of central bargaining in the industry is regarded as a source of tension between mining companies and unions and between unions themselves.

Rivalry between the National Union of Mineworkers (NUM) and the Association of Mineworkers and Construction Union (Amcu) at mines owned by Impala Platinum and Lonmin has led to violence in the past seven months and was identified as an underlying cause of the attacks that led to the deaths of 10 people at Lonmin near Rustenburg before Thursday's shootings.

While this attempt to resolve the crisis has been welcomed by the NUM, Amcu was conspicuous by its absence from the 10-hour "stakeholder" meeting that was also attended by the Solidarity and Uasa unions. Labour Minister Mildred Oliphant was present too.

Ms Shabangu said Amcu had not been invited, but she denied the government was being partisan by excluding it.

"We hear about Amcu through the newspapers, we have never engaged with Amcu ... it was never our intention to marginalise them," Ms Shabangu said.

"We thought that through this forum the companies will engage with Amcu, and we will include the union in the discussion process."



Amcu secretary-general Jeff Mphahlele told Business Day while the union was "disappointed" at being excluded from Saturday's meeting, it was "willing to ... participate".

Amcu president Joseph Mathunjwa said in order for the union to take part in the process that began on Saturday it would have to "understand the objectives of the meeting and the reasons why it was excluded given the vicious allegations that were levelled against us". "I think it's just a smokescreen," he said.

The Department of Mineral Resources has mandated the mining industry growth and development task team (Midgett), and the new team, which is yet to be named, to look into labour-related issues in platinum mining.

Midgett was tasked in June to look into interventions to assist the platinum industry, which is weighed down by weak global demand for platinum group metals, and rising operating costs.

The NUM, which recently lambasted "unilateral" pay agreements offered by mining companies to selective employees, welcomed the formation of the task team. The NUM has been pushing for central bargaining in platinum for some time.

"We agreed that the Midgett group will ensure that a task team is formed. That task team should feed, of course, into the work of the commission," NUM president Senzeni Zokwana said.

Mark Cutifani, vice-president of the Chamber of Mines and CEO of AngloGold Ashanti, said the resolutions adopted at the meeting were "a step in the right direction for the industry".

Lonmin's chief financial officer Simon Scott said the company would not be able to recover the 15,000oz in production lost since the strike began last Friday.

In a separate statement, Mr Scott defended the company's efforts to build "effective labour relations", but admitted that those efforts had been dealt a blow by Thursday's shootings.

The company has set up a fund to pay for the education of children whose fathers had died in the violence. A Lonmin media relations officer who declined to be named denied a report in the Sunday Times of London that the company was mulling a \$1bn rights issue to recapitalise the Marikana mine.

The Lonmin workers who are still on strike at the mine, most of them rock drill operators, face being dismissed if they do not return to work by the end of today.

Lonmin had placed Marikana under maintenance during the week of the strike. Bernard Mokwena, vice-president for human capital and external affairs, said there were signs that drill operators not part of the strike were starting to return to work at Eastern Platinum, one of the three shafts at Marikana.

He urged the drill operators still on strike to return to work.

Mr Mokwena said "the company will assess the situation by the close of business today, to decide on what steps to take".

Some workers appeared resolute in their wage demands and are reported to have described the return to work order as "an insult" to their colleagues who were gunned down after police failed to disperse strikers on Thursday.

"Expecting us to go back is like an insult. Many of our friends and colleagues are dead, then they expect us to resume work. Never," said worker Zachariah Mbewu.

"Some are in prison and hospitals. Tomorrow we are going back to the mountain (protest site), not underground, unless management gives us what we want."

Others said they were not sure what to do about the ultimatum.

"Because we work as a majority, if the majority goes back to work tomorrow I'm going too," said miner Vuyisile Mchiza.

The miners downed tools demanding that their salaries be raised from R4,000 to R12,500.

An initial ultimatum was issued last Monday, with the deadline set for Friday. It was extended after the shootings.

Last year, after a similar dispute over labour representation stopped work at its nearby Karee mine, Lonmin fired all 9,000 workers. Then it asked them to reapply for their jobs and most were rehired. Lonmin employs a total of 35,000 people at its operations in SA.

Hundreds of strikers turned out at a rally near the mine on Saturday to see former African National Congress Youth League leader Julius Malema. The expelled youth leader used his visit to the area to call for the resignation of President Jacob Zuma and Police Minister Nathi Mthethwa.

With Sapa and Sapa-AP.

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Anger driven by stereotypes of Scrooge-like bosses

by Tim Cohen, 20 August 2012

THE violent deaths of more than 40 people over the past week at Lonmin's Marikana mine is one of those traumatic events that has the capacity to shift the flow of politics. Like most South Africans, I have been staggered and horrified by the level of violence, and the events leave me gasping for answers and explanations.

Many answers, explanations, predictions and, frankly, mudslinging, have been pouring out over the past few days. Much of it has been insightful and I'll endeavour not to cover that ground again, including the issue of the appropriateness of the police action. Somewhat cautiously and certainly respectfully, here are a few perspectives I think have not yet been aired, or may not have been aired sufficiently.

I don't think it would be correct to cast aspersions or to try and assign blame at this early stage. But we do need to know, at least in broad terms, what it is that needs to be better understood.

The first issue has to do with the state of the platinum industry. I suspect many are appalled at what they see as terribly poor wages paid to the rock-drill operators who downed tools at Lonmin and other platinum mines. Managers of mining companies are not unlike managers everywhere; they tend to try and pay what they think they can get away with.

But in this case, the issue is a bit more complicated. One problem is that platinum, as opposed to palladium, is used predominantly in the exhausts of diesel engines, and diesel engines are used to a greater extent in Europe than in the rest of the world. Because the European economy is in such a dire state, the platinum industry is taking a knock.

In addition, the advent of platinum exchange-traded funds (ETFs) over the past five years or so has tended to falsely increase demand, and that has helped to boost production. Platinum ETFs now contain almost a year's worth of platinum supply, and this mini-bubble created by the illusory increase in demand is busy deflating.

The third problem for the industry has been an extraordinary increase in overall costs, led by the electricity price rises that everybody knows about. Among these costs are wages of platinum industry workers increasing at about five points higher than inflation for the past five years. This has been possible precisely because of the demand increase that has led to a fairly high platinum price in historic terms.

The point is that the notion of cruel and thoughtless Scrooge bosses from Europe exploiting South Africans labourers is a cheap stereotype. The fact is, as anyone with the slightest knowledge of the platinum industry would know, margins are extremely tight at the moment. This is evidenced by the fact that mines are being closed, the largest player has just announced a loss and its CEO has been given the boot.

Lonmin's gross margins are currently at about 10%, about a third of those in, for example, the cellphone industry. Trebling wages in these circumstances would be suicidal for the industry.

The second issue that has perhaps not been canvassed sufficiently is the contributory role that SA's labour legislation has played in this crisis. I have written about this before, and it's a deep and intractable problem that potentially has some serious political consequences.

The problem is not just that S A's labour legislation is heavily weighted towards labour, although of course it is. The problem is in the way this tilt has been given effect.

When it was first passed, SA's Labour Relations Act was intended to do two things: strengthen the hand of the Congress of South African Trade Unions (Cosatu) in order to solidify the relationship between the African National Congress (ANC) and the union movement, and to tip the balance in favour of workers to try to force business to improve wages and thereby deliver on the ANC's political mandate of a better life for all.

Unfortunately, it is now becoming apparent that this effort has put the cart before the horse. My guess is that this miscalculation was caused by the same kind of stereotype of Scrooge-like bosses holding out on workers just for the hell of it. In fact, workers' wages are largely a function of what the business can carry, and that is a function of the state of the economy, not necessarily the whims of greedy employers.

In any event, in order to effect these two aims, The Labour Relations Act contains a plethora of provisions that allow — actually encourage — features such as the closed-shop arrangements, where workers are forced to belong to a single union in order to be employed.

Closed-shop arrangements are now illegal in many countries, although in others they are permitted, but often on a restricted basis. The legislation also allows agency-shop arrangements, where workers have to pay union fees to the recognised union even if they don't belong to that union. And so on.

At the time the act was passed, shortly after the first democratic elections in 1994, these changes were justified on the basis that although they favoured labour, the solidification of the union movement would tend to reduce workplace conflict. The Marikana massacre has grotesquely put paid to that notion.

The root of the problem is that by legislatively encouraging a single union in a single industry, it tends to complicate situations as in the platinum industry at the moment, where there is a shop-floor battle for support, and workers belong to two different unions.

The idea of majoritarianism seemed so attractive to the ANC because it strengthened its political partner. But it also seemed so logical at the time, since the NUM, for example, was dominant among the vast majority of black mineworkers. But what has happened over the past decade is that the nature of society has changed, and big social differences are developing in the ranks of black miners. All the old restrictions on the higher job categories that were once closed to black miners opened up, and the government has been putting extreme pressure on mining companies to ensure all rungs of the ladder better reflect SA's racial profile. At the same time, mining houses were also pressured to reduce migrant labour.

At the moment, about 20% of miners in the platinum industry are migrants. This is hugely down on the 60% levels of a decade ago.

Over time, the NUM shop stewards have tended to come out of higher-paid categories, and, assisted by the fact that so many leaders have moved on to political posts, the union does seem to have lost touch with its base. The NUM's lapse has allowed the Association of Mineworkers and Construction Union (Amcu) to creep in, but not only does Amcu tend to disregard labour laws, it has no incentive to support them, since the laws currently work against it.

I'm sure this will become one of the main narratives of the new era: the NUM will try to paint Amcu as dangerous, violent, volatile and clumsy. Amcu will try to paint NUM as a sweetheart union, out of touch, political and careless about shop-floor issues. Both might have a nub of truth. The image of NUM's leaders trying to address workers from inside a police car plays right into that narrative. Neither does it help that at the recent NUM conference it was revealed it now pays its leaders more than a million rand a year.

Yet, the way each side chooses to characterise each other should not influence the way they are treated by the legal system or by the government. But I have a horrible feeling that this is the way it is going to play out. Perhaps the most dangerous thing I have read about the Marikana situation is that Amcu was excluded from discussions at the weekend because it is not a recognised union at the mine. It may also not be allowed to play a part in the judicial hearing for the same reason.

The dangers of the NUM trying to use the massacre to try to defeat and marginalise Amcu are looming large, and here it obviously does not help that Cosatu and the ANC are aligned politically.

The future will be determined by the answer to my initial question, which has been pivotal to the massacre: why is the platinum industry in a state of overproduction? Workers do not believe or appear to understand just how tentative the state of the industry is.

One option for mine management would be to reduce production to correct the oversupply and improve, from their perspective, the platinum price. The problem is that in order to achieve this decline, the mines would have to take out about 20% of platinum production or more. That would have two very harsh consequences: it would mean putting something like 20,000 workers or more on the street.

Another problem is that many of the mines which ought by rights to be closed are really joint ventures with local communities. Some of the mines also have a further problem in that their shaft structures are designed for a certain output. Reducing output tends to increase costs per ton produced.

With the ability to reduce production circumscribed, the only other option is to improve efficiency. But with rates of literacy pretty low, the ability of mine managers to do so is extremely limited. I'm sure they could do more, but it is telling how much better the safety records are at Zimbabwean platinum mines, where mineworkers are almost all literate.

It seems inevitable that there will be a political dimension, and President Jacob Zuma's enemies will try to hang this disaster around his neck. But factually, this is a pivotal moment. With Julius Malema and that tendency nipping at his heels, the president needs to somehow surmount his usual instincts towards an easy, hands-off leadership style.

The sense of rudderlessness that will spread if he does not grasp this nettle firmly will come back to bite him. South Africans need to feel the country is not sliding towards anarchy, and only a vocal, communicative, present and firm leader can supply that sense. He really needs to stand up and be counted now.

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Marikana shows dangers of populist leaders

by Carol Paton, 20 August 2012

'OPPORTUNISTIC': Expelled African National Congress Youth League leader Julius Malema addresses striking Lonmin miners in Rustenburg, North West on Saturday . Picture: REUTERS

JOSEPH Mathunjwa, leader of the Association of Mining and Construction Union, and Julius Malema, the expelled leader of the African National Congress Youth League, have several things in common.

Like Mr Malema, Mr Mathunjwa was expelled from the National Union of Mineworkers (NUM) in 1998. Both Mr Mathunjwa and Mr Malema were removed from powerful organisations with strong traditions and procedures that had been established over decades. Both were divisive and pushed the limits until the cost to the organisation became too great and they were forced out. Most significantly, both are populist and opportunistic leaders who use demagogic forms of mobilisation to build support behind goals they know are not realisable.

There is much to learn from the tragedy at Marikana. For the industry it has brought home the anger and frustration that mining communities have towards it and the urgent need to find ways to spread the benefits of mining. To express concerns over the damage to the "image" of the industry, about which mining bosses and the government are now fretting, is to miss the point. Ways must be found to give communities a vested interest in the success of the mining enterprise.

For the NUM and other Congress of South African Trade Unions affiliates, the lesson must be that the social distance that has developed even between the NUM shaft stewards and first-level leadership with ordinary workers is not tenable.

Here the NUM is in a difficult position: its shaft and branch-level leadership naturally tends to be the more accomplished of the workforce. As they advance in skill levels due to union work, they are more easily identified for promotion. And along with union positions come

privileges and influence, such as cars, time off and kickbacks from service providers. Many NUM first-level leaders are no longer underground workers. Although the union does not pay them, they have negotiated "salaries" and cars from service providers keen to gain access to their influence over members.

The union's role, once wage negotiations are complete, is to transmit the decision to the rest of the workforce. In an environment where there is anger over income inequality, these are usually not popular decisions to convey and the NUM has unwittingly become part of the establishment.

The result is that ordinary workers believe "the NUM leaders negotiate for themselves, only".

For the rest of SA, the lesson from Marikana is one of the real and present danger of populist leadership, which is finding fertile ground in workplaces and in communities, easily wound up to protest against "poor service delivery" often at the behest of individuals with their own motives.

Income inequality and the sense of injustice is at the root of the problem. Add to this the opportunism of Mr Malema, Mr Mathunjwa and others fighting for their fiefdoms and it is little wonder the country is burning.

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Violence could have been foreseen

by Stuart Theobald, 20 August 2012

SIX weeks ago I went on a tour of Lonmin's operations in the Bushveld Complex near Rustenburg. It was a PR exercise. I was shown the Marikana clinic where the company had invested millions in impressive facilities.

With a group of journalists, we saw schools it supported, where textbooks arrive and teachers are trained. We walked through one of the many informal settlements that lack any formal infrastructure, meeting AIDS sufferers whom the company supports to ensure they receive antiretrovirals and nutrition. We met enthusiastic members of the company's community action team who work hard to get the most out of the limited budgets the company gives them.

We also went into the heart of the operations. Down the Saffy shaft, 300m underground, we crawled in the 150cm gap along the ore seam.

With your way illuminated only by the lamp on your hard hat, you feel glad for the steel-capped boots and safety overalls you are required to wear, as well as the weighty emergency oxygen unit attached to your belt.

The engineering feats are impressive — the liquid concrete pumped around the mine into canvas sacks that inflate to become rock-solid pillars to hold back tons of rock over your head. The giant ventilation fans that ensure the air is breathable.

At the stope face I drilled into the wall, for a few seconds experiencing what it is like for workers on an eight-hour shift. Crouched with a small team, drilling hole after hole in the dark, later to be filled with explosives to blast away the next load of ore. Knowing that your team is one of hundreds drilling at the ore in the warren of tunnels running for kilometres around you. It is a difficult and dangerous job.

I also saw the obsession with safety. How the whole mine takes "safety breaks" every few hours, stopping work and checking the environment. Any worker who feels there is a safety risk has the right to stop work. Workers are drilled on safety constantly.

As we entered the Saffy shaft we passed a large display showing how one fatality at the mine had happened that year. The worker had not fixed the cogs properly for a pulley mechanism. It is at the top of the shaft for a reason, a reminder you are entering territory where people die.

We were shown the hostels with eight beds squashed together in a dormitory. In the 1980s and early 1990s these would have been bunk beds, holding 16 men per dirty, foetid room, adding up to thousands in the hostels that were run with prison-like discipline. But now the rooms are steadily being converted into pleasant family and bachelor units. Children kicked balls around on the grass.

Women hung out washing. The mine has for some years given workers the option to receive a housing allowance rather than stay in the hostels.

We could see painfully that the demand for housing and public facilities this resulted in was being inadequately met by the local government.

But on all our minds was the labour dispute between the National Union of Mineworkers (NUM) and the Association of Mineworkers and Construction Union (Amcu) that had months earlier become so apparent with the strike at neighbouring Impala. We interrogated management about it. We interrogated the NUM shop steward who joined us for part of the tour.

While in the informal settlement, we stopped a wary worker on the street. We asked him which union he supported and, somewhat nervously with journalists jockeying to hear him, he told us he supported Amcu because it represented his interests.

We heard from management how it had departed from the strategy of other large miners and given Amcu certain rights of access and seats at some meetings. But we heard also how the NUM would refuse to attend those meetings if Amcu was present. We heard how the NUM was facing losing its closed-shop agreement which allowed it to be the exclusive negotiator, and that it now had three months to recruit new members to take it back above



its 50%-plus-one threshold. This meant tension in the ranks. Yet management spoke of its cautious optimism, claiming to have a much better relationship with Amcu than the other mines.

But in the end it was not the relationship with management that mattered. It came down to the standoff between the unions, with both desperate to recruit members to entrench their power on the mine. Using any management action to whip workers into a frenzy, Amcu's strategy was effective: promise workers the completely undeliverable, such as a 300% wage increase for rock drillers, and then pin the blame for nondelivery on the NUM and management. The NUM could do little in response.

Perhaps the violence could have been anticipated. Union rivalry built out of the Labour Relations Act, local delivery failure, political rivalry, a loss-making company, an armed and poorly trained police force. How did we not see it coming?

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Lonmin toll tells us all about SA's lived reality

by Aubrey Matshiqi, 20 August 2012

AS IS always the case under these circumstances, there is no shortage of explanations — "scientific", "academic" or otherwise — for the conflict that led to the deaths of 44 people at the Lonmin platinum mine in Marikana, in North West.

Given the plethora of pet theories, mine included, about what happened, I welcome the decision of President Jacob Zuma — despite his tardiness when it came to his return from his Southern African Development Community mediation responsibilities — to institute an inquiry in the hope that the high-level investigation will both rely on and look beyond these pet theories. This must happen because not one of the explanations we have heard so far will, on its own, suffice to tell us why so many men, miners and police officers, died in Marikana.

If anything, the deaths of so many people during a work-related dispute, in so violent and gruesome a manner, should send a strong message to the leadership and membership of the Congress of South African Trade Unions (Cosatu) and the African National Congress (ANC), as they prepare for their respective elective congresses in September and December, that these congresses should not be about leadership contests and personal interests. Cosatu and the ANC, the ruling party of this country in particular, must bear in mind that the miners of Marikana died because, among other things, there is still a disjuncture between the amount of wealth beneath our soil and the lived reality of too many South Africans.

In turn, those of us who come to economic, political and social debates armed only with a shareholder's perspective must remember that no matter how they arrange the facts to suit their argument, these preferred arrangements are not going to change this lived reality.

And the reception that Julius Malema received in Marikana on Saturday suggests that his views on mine nationalisation still resonate with those who regard themselves as the manifestation of the gap between mineral wealth and their socioeconomic conditions. Despite this, politicians must stand side by side with the people of Marikana without exploiting their pain in pursuit of narrow political gains.

The same goes for the leadership of the National Union of Mineworkers (NUM) and the Association of Mineworkers and Construction Union (Amcu), to the extent that the NUM is alleging that Amcu was formed by the Chamber of Mines to weaken it, and Amcu insists that the miners were massacred by the police, NUM and Lonmin — the dead bodies of Marikana must not become the platform from which leaders of the two opposing unions launch attacks on one another.

But the rest of us need to be more cognisant than ever of the fact that the grass in our country is very dry and is, therefore, very fertile ground for social, political and economic veld fires. What happened in Marikana happened in a country that is suffering from the three plagues of inequality, poverty and unemployment. Therefore, Marikana is about our political culture, relations in the workplace and our history of dispossession. It is about power and powerlessness and how, even within the powerless, some can rise to a position of power and dominance over others. However, it is the means by which, in the context of Marikana, some sought to exercise their power over others that concerns me.

It also concerns me that, because we do not see others in terms that are as human as the way in which we see ourselves and those like us, we seek to remove that which is unlike our desires and interests. It is for this reason that a few weeks ago I asked whether it matters, or matters not, that we murder by the gun, pen or word. This question I asked because I am convinced that unless we work towards a social and political culture that embraces another, and the dissenting views of another, there will be other Marikanas, because when it comes to dealing with difference, the line between the word, panga and bullet may, with disastrous consequences, disappear completely.

This we must do to honour the dead and living of Marikana.

- Matshiqi is a research fellow at the Helen Suzman Foundation.

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Mining remains important to Africa's growth

by Gavin Keeton, August 20 2012

Picture: REUTERS

MINING has made headlines for all the wrong reasons. Last week's tragic shootings must not obscure good news of the important contribution mining makes to Africa's improving economic performance.

Over the past decade, the economy of sub-Saharan Africa grew by 5.8% a year. The International Monetary Fund projects 5.5% annual growth from this year to 2017, making sub-Saharan Africa the second-fastest growing region in the world after Asia.

There are many reasons for sub-Saharan Africa's robust economic performance. These include increased democratisation, better governance and better economic policies. Important, too, has been the dramatic increase in commodity prices since 2003. Commodity output has also grown, mainly as a result of substantial foreign investment in infrastructure.

Surprisingly, the benefits for Africa of higher commodity prices are often not recognised by commentators. This is because many economists continue to view natural resources as a "curse" for developing economies. This stems from the 1997 work of Harvard University's Jeffrey Sachs and Andrew Warner, comparing economic growth of countries in the 1970s and 1980s with their natural resource endowment. Countries with high resource endowment generally grew more slowly than countries that lacked resources.

Several reasons explain this finding. Mining and oil production require concentrated sites of economic value, which corrupt politicians often plundered for personal gain. Because natural resources are mainly exported, they can drive up exchange rates. This, the so-called Dutch disease, harmed the development of other sectors. Foreign-owned natural resource firms often paid better wages than local industries, making high-level jobs in other areas less attractive for skilled and entrepreneurial locals.

The fact that commodity prices fell in real terms by 40% during the period of the study was largely ignored. Confronted by such a dramatic fall in the prices of their major products, it was inevitable that major commodity-producing countries would experience poor economic growth.

Nonetheless, the Sachs and Warner findings triggered important policy responses. Special investment guidelines applying exclusively to extractive industries were put in place by development agencies such as the World Bank. Heightened scrutiny around the developing world prompted global natural resources companies to co-operate with global nongovernmental organisations. Increased transparency on the part of major foreign operators made it more difficult for corrupt politicians to plunder tax revenue, allowing the benefits to accrue more fully to the population.

Policy makers in resource-rich countries also learnt from past mistakes and took steps to prevent exchange rates from becoming overvalued. One mechanism to achieve this was the establishment of sovereign wealth funds to house foreign currency earnings during periods of high commodity prices. This reduced upward pressures on exchange rates and provided

sources of funds for governments to buffer the effects of future commodity prices falls or declining production.

From 2003, commodity prices started to rise strongly, mainly because of increased demand from China. Rising prices, as well as the improved policy and institutional frameworks in commodity-producing countries, changed the previously negative relationship between growth and natural resource endowment. Using the same countries as Sachs and Warner, Rhodes University student Jasi Kassami found that from 2000 to 2007, there was a positive relationship between economic growth and natural resource endowment. Instead of a curse, natural resource endowment is now a blessing.

It is this positive relationship that accounts for much of sub-Saharan Africa's improved economic performance. Recent findings of large oil deposits in Uganda and gas in Mozambique have dramatically improved their growth prospects. Foreign direct investment is again flowing into Africa as Chinese, Indian and Brazilian companies vie to participate in unlocking its resources.

Unfortunately, South Africa has largely excluded itself from this boom. The benefits that lifted sub-Saharan Africa have largely passed us by. Falling gold production is the major reason, while policies poorly designed to achieve the objective of more equitable ownership complicated matters further. Mining output is therefore falling at a time of high prices.

As a result, overall growth in sub-Saharan Africa is now being held back by the sluggish growth performance of its largest economy, South Africa. We are not poised to share in our neighbours' bonanza and South Africa's share of economic activity in Africa is falling fast. It is not too late to reverse this decline. But there is little evidence of the political will to do so.

- Keeton is with the economics department at Rhodes University.

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<http://soundcloud.com/gareth-smit/marikana>

Marikana – Gareth Smit

What would you say if I said

they left thirty-four dead?

Say: I haven't got an answer

why we shoot one another.

They promised us freedom,

they promised us grace.

All we got was a reason

to repeat past mistakes.

A sister lost a brother, and a mother lost a son.

Marikana, please remember how your metal's won.

Children lost a father, further down the road.

Father please forgive us, we know not what is owed.

I didn't feel the deadweight

but I heard the noise made.

I didn't feel the dirt-road

but I saw how the blood stains.

It's written on the headlines,

repeated: "Hold your fire"

I didn't hear the outcry – did you even feel it pass you by?

The miners dug the same ground

upon which dead they were later found.

The gunman shot the rattle rounds

Count the shells on the same ground.

Today we saw the outcome

of fear being outrun.

Tomorrow we'll realise, and history will criticize.

After Nelson I remember,

before, I can't recall.

But if it was anything like this

I'd rather never been born.

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Snippets from the excellent contextual report - [http://www.benchmarks.org.za/research/rustenburg\\_review\\_policy\\_gap\\_final\\_aug\\_2012.pdf](http://www.benchmarks.org.za/research/rustenburg_review_policy_gap_final_aug_2012.pdf) - on Rustenberg's platinum belt by David van Wyk - and see more below: Regarding Lonmin's operations some of the key problems highlighted by the report include a high level of fatalities, very poor living conditions for workers, community demands for employment opportunities and the impacts of mining on commercial farming in the area. Almost a third of Lonmin's workforce is contracted labour, and community demands for employment have led to protests and unrest. The company was also in a union dispute, after which Lonmin dismissed 9 000 workers at the Marikana operations.

PR-BENCHMARKS-MARIKANA

SAPA PR -- VOLATILE SITUATION IN MARIKANA NEEDS A MORAL AND ETHICAL A...

Aug 16, 2012 at 05:49 PM

Issued by: Quo Vadis Communications

Attention: News Editors

For immediate release:

16 August 2012

Volatile situation in Marikana needs a moral and ethical approach

In an attempt to help diffuse the volatile situation at the Lonmin mine in Marikana in the North West Province of South Africa, a high level church delegation led by Bishop Jo Seoka, Chairperson of the Bench Marks Foundation and president of the South African Council of Churches (SACC) are meeting with those involved today.

Bishop Jo Seoka, the SACC's general secretary, Reverend Mautji Pataki and other members of the executive committee of SACC, have met with striking mine workers around the mine's operations.

Workers have told Bishop Seoka that despite what media are reporting, mine management refuses to meet them over their complaints.

"I cannot understand that in such a volatile situation, that Lonmin's management are not earnestly talking to these workers," says Bishop Seoka. "Last year May, Lonmin dismissed

9,000 workers for an alleged illegal strike, and now they allow the situation to become uncontrollable.”

Seoka says that although South Africa has laws that govern labour relations and they are meant to ensure good industrial relations, sticking to legalities no matter the cost on human life is unacceptable.

“When workers strike and put their lives and jobs at risk, we need to go beyond legalities and to a more ethical approach. We need to deal with the underlying issues.”

Seoka and the delegation are currently trying to meet with management of Lonmins in order to discuss the various issues raised by the workers.

“We hope that our moral voice will be heard. We can only hope that our intervention will lead to a calming of the situation and that Lonmins management will find it in themselves to humanely deal with the situation before more people lose their lives”.

Bench Marks and the SACC condemns the deaths of the 10 people and the injuries sustained by so many others and the brutality, police and otherwise and recognises that the discontent in and around Lonmin operations is reflective of a wider discontent around mining.

The Bench Marks Foundation just this week launched a report on the situation of communities in the North West Province and many of the issues the workers are raising, were highlighted in this report.

#### Notes to Editors

Bench Marks Foundation is an independent non-governmental organisation mandated by churches to monitor the practices of multi-national corporations to ensure they respect human rights; protect the environment; ensure that profit-making is not done at the expense of other interest groups; and ensure that those most negatively impacted upon are heard, protected and accommodated within the business plans of the corporations.

Archbishop Desmond Tutu launched the Foundation in 2001 and the Rt Rev Dr Jo Seoka chairs the organisation.

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Executive summary

In 2007 the Bench Marks Foundation published Policy Gap 1, looking at the impacts on local communities from platinum mining in the North West province. The findings showed that despite the great value extracted from platinum mining, there are harmful social, economic and environmental impacts on local communities, and the mining companies have yet to assume their responsibility for the negative consequences of their mining activities. This report revisits the initial one to look at what changes have taken place, and further aims to investigate the perceptions that local communities have of mining companies to evaluate the corporate personalities of these companies. In order to increase the participation of local communities, participatory action research was chosen as a methodology.

The corporations surveyed in Policy Gap 6 include Anglo Platinum, Impala Platinum, Lonmin, Xstrata, Aquarius and Royal Bafokeng Platinum Limited. Although they all have corporate social responsibility programmes in place, the overall findings of this study show that they all fail to meet the standards of the Principles for Global Corporate Responsibility - Bench Marks for Measuring Business Performance.

For Anglo Platinum, the study finds that despite making headways in achieving the goals set by the MPRDA related to the employment of historically disadvantaged South Africans (HDSAs), the employment of women and increasing HDSA procurement, significant challenges remain. While it is positive that Anglo Platinum has improved the number of HSDAs in management positions, the company still needs to do a lot more for its employment profile to be reflective of South African demographics. The increase in the number of employed women is also positive, but must be accompanied by a transformation of the workplace culture to accommodate female workers and provide them with a safe working environment. The study also expresses concerns around Anglo Platinum's two CSR-projects to provide employees with houses and for communities to buy shares in Anglo Platinum.



When it comes to environmental impacts, Anglo Platinum itself admits to exceeding permitted emission levels of sulphur dioxide (SO<sub>2</sub>) and harmful impacts on water resources in the area. The Bench Marks Foundation is concerned that the corporation reports only a 63% compliance with 688 conditions requiring legal compliance. Anglo Platinum must take immediate steps to comply with legal requirements and set emission limits.

The main issues concerning Impala Platinum (Implat) include high levels of fatalities at its operations, extensive use of sub-contracted labour, and damaging environmental impacts. The levels of fatalities are unacceptably high, and must be seen in connection with the push for cost containment, the use of subcontracting and the low levels of worker literacy. Impala Platinum has increased the number of sub-contractors it employs, and subcontracted labour is often poorly paid and poorly accommodated. Further, the lack of employment opportunities given to local youth is creating tension with the surrounding communities. Impala Platinum should further show greater concern for public safety in the communities surrounding the mine, by

vii

immediately setting up proper booms and bridges at the rail crossings that are now unguarded.

In terms of environmental impacts, emission levels of SO<sub>2</sub> and CO<sub>2</sub> are too high at Impala Platinum's Rustenburg operations. For CO<sub>2</sub> emissions, the Rustenburg operations account for over 70% of all of Implat's CO<sub>2</sub> emissions. This means that the communities of the Bojanala District are bearing the heaviest burden of air pollution of all of Implat's operations in Southern Africa.

Regarding Lonmin's operations some of the key problems highlighted by the report include a high level of fatalities, very poor living conditions for workers, community demands for employment opportunities and the impacts of mining on commercial farming in the area. Almost a third of Lonmin's workforce is contracted labour, and community demands for employment have led to protests and unrest. The company was also in a union dispute, after which Lonmin dismissed 9 000 workers at the Marikana operations.

Commercial farming in the Marikana area has been negatively impacted upon by the mining activities here. As the mines buy more land, the farms that remain become isolated, and suffer under the environmental impacts of mining on the quality of the water sources in the area.

One of the key challenges when assessing Xstrata's CSR-programmes is that the company's sustainable development report covers all its operations across the world, without breaking down the report to specific country levels. This makes it very difficult to obtain a clear picture of Xstrata's CSR programme in the Bojanala District of the North West Province specifically.

However, some major concerns were raised by local communities regarding how Xstrata deals with HIV/AIDS and local employment. In February 2011 the National Union of Mineworkers (NUM) alleged that Xstrata was firing workers on the grounds of their HIV/AIDS status from one of its South African collieries. This is despite Xstrata's claims of providing extensive HIV/AIDS programmes for its workers. This incident led to Xstrata employees fearing to be tested and treated at the mine's health facilities, and instead going to government facilities. These government facilities have then become overstrained, leading to tensions with local residents over access to health facilities.

Another source of tension between the local community and Xstrata is the perception among local residents that Xstrata is heavily reliant on contract workers from outside the local communities. This is despite Xstrata's claim to employ most of its workforce locally.

Policy Gap 1 in 2007 found poor environmental management of water and waste behind Xstrata's operations, but the current report shows a significant improvement on this point.

viii

For Aquarius the issue of local employment is also a source of tension with the local communities. Aquarius claims to have a minimum of 51% employed from the local communities, defined as people living within 50km radius of the mine's operations. However, such a definition includes migrant labourers who are living in local communities, and so continues to be a source of tension. Further, Aquarius has a very heavy reliance on sub-contracting, employing 9 434 workers as subcontracted labour out of a total of 11 072 employees. The living-out allowance given to workers is linked to increases in informal settlements, a problem raised in the report in relation to most of the companies surveyed. Finally, the report highlighted some of the problematic issues relating to Savannah Resources Consortium's shares in Aquarius, given the links of this BEE consortium to people with high-level political connections.

Royal Bafokeng Platinum Limited is the final company surveyed in Policy Gap 6. One of the key issues raised, especially in Luka and Chaneng, is the contested ownership of land. The Bafokeng Land Buyers Association was established to contest the claim of the Royal Bafokeng Authority that all the land was purchased by it as a single entity. Not only are the people of Chaneng contesting the land question, but they are also demanding a 30% ownership state in the Styldrift mine as compensation for having given up their land for its development. More tension is created by the lack of employment opportunities for local youth, as workers are sourced from outside of the local communities. Another issue that can lead to increased tension with the surrounding communities is the illegal desecration of graves in the prospecting for the new Styldrift mine.

In conclusion, the companies surveyed in Policy Gap 6 have a long way to go to deal with the negative impacts of their operations on local communities in the Bojanala District and to meet the standards of the Principles for Global Corporate Responsibility - Bench Marks for Measuring Business Performance.

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MORE ON LONMIN AT MARIKANA:

in the months September to November 2011, there have been outbursts of community protests in Marikana (against Lonmin)

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Lonmin Platinum in its own words

We are Lonmin, a primary producer of Platinum Group Metals. We create value by the discovery, acquisition, development and marketing of minerals and metals.

We respect the communities and nations that host our operations and conduct business in a sustainable, socially and environmentally responsible way.

We have Mines in South Africa from which ore mined and concentrated before being processed through smelter and refineries to deliver finished metals to the market.

Our mission:

To grow and build our portfolio of high quality assets;

To deliver the requirements of the South African broad-based socioeconomic Mining Charter and we welcome the opportunity to transform our business; and

To build a value-based culture, which is founded on safe work, continuous improvement, common standards and procedures, community involvement and one that rewards employees for high performance.

Our Values:

Zero Harm: We are committed to zero harm to people and the environment;

Integrity, Honesty & Trust: We are committed ethical people who do what we say we will do;

Transparency: Open, honest communication and free sharing of information;

Respect For Each Other: Embracing our diversity enriched by openness, sharing, trust, teamwork and involvement;

High Performance: Stretching our individual and team capabilities to achieve innovative and superior outcomes; and

Employee Self-Worth: To enhance the quality of life for our employees and their families and promote self esteem.

Source: <http://www.careerjunction.co.za/companies/lonmin-platinum-26410>

...

Lonmin's opening statement to its Sustainable Development Report for 2010 reads: "We respect the communities and nations that host our operations and conduct business in a sustainable, socially and environmentally responsible way" (LonminPLC, 2010).

This leads into the corporation's mission statement (LonminPLC, 2010, p. 1) which is:

to grow and build its portfolio in high quality assets;

Lonmin Platinum in its own words

We are Lonmin, a primary producer of Platinum Group Metals. We create value by the discovery, acquisition, development and marketing of minerals and metals.

We respect the communities and nations that host our operations and conduct business in a sustainable, socially and environmentally responsible way.

We have Mines in South Africa from which ore mined and concentrated before being processed through smelter and refineries to deliver finished metals to the market.

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To grow and build our portfolio of high quality assets;

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Source: <http://www.careerjunction.co.za/companies/lonmin-platinum-26410>

71

to deliver the requirements of the South African broad-based Mining Charter and it welcomes the opportunity to transform our business; and

to build a value based culture, which is founded on safe work, continuous improvement, common standards and procedures, community involvement and one that rewards employees for high performance.

Lonmin states (LonminPLC, 2010, p. 1) that it will be successful when:

Its employees live and work safely and experience the personal satisfaction that comes with high performance and recognition;

Its shareholders are realising a superior total return on their investment and support its corporate sustainability values;

the communities in which they operate value their relationships; and

Lonmin is meeting its commitments to all business partners, suppliers and contractors; and

Partners and customers support the Lonmin Charter.

The Lonmin report then identifies the following values: zero harm, integrity, honesty and trust, transparency, high performance and employee self worth (LonminPLC, 2010, p. 1).

This is the self image that Lonmin has, and its actions out there seek to convince the public that it lives up to this vision and these objectives and values.

The report summarises the achievements and challenges of the corporation for 2010 as follows.

Table 6: Lonmin's achievements and challenges

#### Achievements

#### Challenges

Development of an integrated Safety Strategy reflecting a shift to a more proactive approach

Failure to eliminate fatal accidents: the company had three mine accident fatalities during 2010; in its latest 2010 Interim report the company reports six fatalities already since the start of 2011 (LonminPLC, 2011, p. 2)

Development of a revised housing model including earmarking accommodation for women in mining

Delays on the housing project slowed down the delivery of Lonmin's Social and Labour Plan commitments

Developing an integrated real time water balance system to measure and monitor

To secure an adequate supply of water to sustain and expand Lonmin's operations

72

#### Achievements

#### Challenges

water flow throughout the Company

School attendance and performance in the Greater Lonmin Community (GLC) have improved partly as a result of Lonmin investments in education and nutrition programmes

Targeting the GLC with tertiary education bursaries

43.3% of Lonmin managers are from designated groups, exceeding Lonmin targets for 2010

The effectiveness of Lonmin's training and development initiatives

Lonmin has reduced its total fresh water intake, per unit of production, by 25% compared to the 2007 baseline

Lonmin is managing its risks associated with HIV/AIDS

Lonmin's governance of sustainability has focussed on making informed decisions based on improved data collection and reporting

Promoting awareness of energy efficiency

Lonmin has refined its approach to identifying and prioritising its principle sustainability risks

To reduce the amount of ground level fugitive SO<sub>2</sub> emissions by 40% by 30 September 2014

Source: LonminPLC, 2010, p. 23

### 5.3.2 Lonmin's experienced personality

Lonmin experienced violent community protests at its Marikana operations in 2011, an indication of communities frustrated and angry with the mining company. The following issues can specifically be highlighted:

#### 5.3.2.1 WORKER HEALTH AND SAFETY

The Bench Marks Foundation finds the levels of fatal accidents at Lonmin unacceptable and the fact that the number of fatalities have doubled since January 2011 is worrisome. The Foundation notes the high reliance on contract workers, and as for our comments concerning fatalities at Impala Platinum, we consider this a cause of poor safety in mines. Lonmin employs 23 915 employees permanently, the majority of them at Marikana. In addition, Lonmin has 9 131 full time contractors which represent a drop of slightly more than 1 000 from the 10 497 contractors employed in 2009. Thus, roughly one third of employees are sub-contractors (or contractors as Lonmin refers to them).

Lonmin outlines extensive steps to reduce fatalities and injuries at its operations (LonminPLC, 2010, pp. 23-26). However, none of these steps refer to the

73

contribution of the living conditions of workers and how these conditions impact on worker health and safety (the Bench Marks Foundation's comments on Impala Platinum above are also applicable here).

The visits by the Bench Marks Foundation research team to Marikana convince us that the residential conditions under which Lonmin and other mine company employees live are

appalling. This can be seen in the proliferation of shacks and informal settlements, the rapid deterioration of formal infra-structure and housing in Marikana itself, and the fact that a section of the township constructed by Lonmin did not have electricity for more than a month during the time of our last visit. At the RDP Township we found broken down drainage systems spilling directly into the river at three different points. Residents informed the Bench Marks Foundation team that they have been reporting the matter to both the Local Government and Lonmin for five years now, and it still remains unaddressed. The Bench Marks Foundation team interviewed residents living next to the spills and found that children showed symptoms of chronic illnesses associated with such spills.

Photo 10: One of several sewage spills in the RDP village next to Lonmin Karee mine, Marikana

74

Photo 11: Case history file for child chronically ill from sewage spill next to her house, Marikana

The Bench Marks Foundation is also concerned about the appearance of bilharzia warning signs appearing next to surface water streams in Marikana. The presence of bilharzia in the surface water in the Bojanala District is a direct consequence of informal settlements, a major cause of which is the housing policies of mining companies, and failure to maintain and repair sewage and drainage systems by Local Government. Until mining corporations realise that the physical, spiritual, mental and recreational needs of their employees are important to mine safety, zero harm and zero fatality objectives will remain unrealised.

At the local Lonmin supported school in Marikana, the research team found several blocks of old asbestos class rooms still in existence. A major rail crossing in the centre of Marikana remains unguarded (the Bench Marks Foundation found several similar unguarded rail crossings in other villages and in Rustenburg town itself). These crossings are reportedly high accident zones and are mainly used by the mining companies operating in Bojanala District.

### 5.3.2.2 LONMIN AND LOCAL EMPLOYMENT IN MARIKANA

Production at two shafts of Lonmin's Marikana platinum mine was halted by protests from nearby community members who demanded that the company employ its residents (Wessels, 2011). On May 24 2011, Lonmin dismissed 9 000 workers at its Marikana operation in South Africa after a union dispute prompted unsanctioned walk-offs. Lonmin reported that the „unprotected industrial action“ has disrupted output at the platinum operations since the night shift of May 17 (Reuters, 2011). The implication of this mass dismissal is that workers who participated in the housing scheme of the mine also lost their houses. After the researcher's interaction with the local community, we are also not surprised that violent protests broke out in Marikana directed against Lonmin with the major demand being employment for local people.



### 5.3.2.3 LONMIN CSR PROJECT IN MARIKANA

The Bench Marks Foundation is also concerned about the poorly planned and executed multi-million rand Lonmin hydroponics project near Marikana. The project provided work for about 120 people from Marikana, but it is claimed by the community that an alleged dispute between the company and the sub-contractor who managed the project, led to its collapse. The research team visited the abandoned project and found, despite the state of the art equipment installed, that it was in wrack and ruin.

77

Photo 16: Abandoned multi-million CSR project in ruins

Photo 17: Ruined Lonmin CSR project

### 5.3.2.4 THE IMPACT OF MINING ON COMMERCIAL AGRICULTURE IN THE MARIKANA AREA

This specific research setting for the review of the impact of mining on commercial farming is adjacent to the mining operations of Lonmin, Aquarius and Theresa Minerals (near Mooiooi). The area has more or less 90% white and 10% black farmers on both sides of the N4 and Old Pretoria Road (most of the remaining farming activities are to the north of the N4). There are also four black communities in the area, namely Maumong, Rankelentjane, Thlapa and Wonderkop.

A summary of the main findings will consequently be given, categorised according to the impact of mining on the three main dimensions of development.

78

#### Economic dimension

The most important economic impact is – as already indicated - that the mine buys more and more property and productive land. One problem in the area is that some of these bought-up properties are now unproductive units and some just serve as a breeding ground to social problems, for example squatters. On the other hand, the mining company now also isolates and alienates farmers from a broader united and consolidated farming unit; one farmer states that “[t]hey [the mine] buy everything around you, and you then become like an island...”. Such an isolated farm now very easily becomes the concentrated target of people (and birds!) that „steal“/pick the crop, especially in the case of sunflower. Farmers also mentioned the disturbing issue of people hunting with dogs in such areas.

In relation to the above-mentioned matters, more than one farmer informed the research team about the inevitable „undermining“ and devaluation of your property due to this „isolation strategy“. A respondent argues: “Who is going to buy your farm when there is a

mine dump on the one side and a slime dam on the other side...?" In the long run, farmers do not have any other option than to sell to the mining company.

Although hesitant and careful, participants were strongly of the opinion that „dodgy deals“, corruption and nepotism on the side of mining companies in the area are the order of the day regarding certain transactions.

#### Environmental dimension

Environmental degradation goes like a golden thread in the area; in fact, the situation seems even worse than more than five years ago.

With the expansion, more and more slime dams are being built adjacent to the farmers, and even on their properties. This situation has of course an influence on the quality of surface water. Regarding water responsibility, it just seems as if mining companies are passing the buck. Lonmin, Aquarius and Theresa Minerals own basically 90% of the Buffelspoort Dam; this water is earmarked for agricultural use. Farmers are of the opinion that – in the long run – it would be better if the mines buy out the last small farmers adjacent to the dam and then utilise the water for industrial

79

(mining) purposes. Mines are currently getting water from other sources (bore holes and Rand Water) that might also be questionable in terms of water licences. The Sterkstroom River is as a consequence of poor water management and responsibility, especially from Lonmin, in a terribly polluted state and farmers downstream cannot use the water any more. Slime dams, sewerage from the squatter camps and non-functional sewerage systems from RDP houses and even the police station exacerbate the problem.

A black farmer complained about the extremely poor condition of the gravel roads that lead to his crops, due to the usage of those primitive roads by the heavy machinery of the mines. According to Klaas (not his real name), it is merely impossible to use the roads with your normal „bakkie“ (researchers saw the damage to his „bakkie“). Up to now, the mine shows no intention to fix the roads. Air pollution remains a huge problem; this problem is more evident during certain periods of the year when it is more dry, dusty and windy, especially when the wind blows from a southerly direction.

Photo 18: Ruins of farms are plentiful around Marikana as agriculture retreats before mining

#### Social dimension

One of the major social „illnesses“ of the area, except for other social problems going with the isolation-effect (for example safety, deteriorating community dynamics, etc.), is the establishing of squatter camps on unproductive land (now owned by the mine) and even on

the property of farmers. From a demographic point of view, the population is increasing at a rapid pace and there is literally on a daily basis an influx

80

of people, many of course immigrants (documented as well as undocumented). Social problems that stem from a situation like this are numerous and inevitable (Cronjé & Chenga, 2007); respondents in the interviews and focus groups confirmed crime (theft, robbery and murder), rape and prostitution, social disintegration (in terms of family structures, other institutionalised structures, for example schools and churches, unemployment, poverty, etc.) and communicable diseases like TB and HIV/AIDS.

The so-called sleeping-out allowance (where the mine pays workers an amount for „supposedly“ decent housing instead of the hostel system) was also highlighted by key informants as hugely problematic. Workers take the bare minimum of the allowance, stay in shacks and now have more money, either to send home as remittance or simply for local entertainment in the form of alcohol and women.

The consultation process that the mine is supposed to follow regarding important issues (for example to explore on a farmer's land) is very poor and mostly actually non-existent. The mine will need to go a long way to substantiate and give real meaning to the issue of Free, Prior and Informed Consent (FPIC). The traditional tendency of the mine to make use of „sophisticated“ consultants regarding Social and Labour Plans (SLP"s), Environmental Impact Assessments (EIA"s) and Feasibility Studies is continuing.

Some of these reports and assessments are highly questionable, and some others are being kept as a secret. One farmer revealed that the sustainability/feasibility report of a mining company in the area describes his farm and the productive and sound farming practice thereof as "...a few dilapidated buildings with no meaningful economic activities going on..." The specific report was compiled by a consultancy agency from Johannesburg, Golder Associates in 2011 (Golder Associates, 2011).

Regarding social projects, the concept of sustainability is unfortunately the missing link in the equation. Efforts in this regard are characterised by hidden agendas, untransparency, corruption, poor management and false promises. Research subjects specifically pointed out the cases of the infamous Israeli „Gilli“ project, as well as the Affordable Life Solution for Africa (ALSA) project in the area under

81

discussion. ALSA is an investment initiative from the Netherlands for housing, but the project does not seem to get off the ground, although the land is already paid for. Some respondents made allegations that Lonmin is resisting the EIA of the project. Participants also brought up the issue of training in the area; more trained and educated people can logically lead to a more developed and sustainable environment.

Lastly, the question of poor infra-structure in the vicinity of the mine was echoed by most respondents. In this regard they refer specifically to poor roads (already mentioned), electricity problems and no telephone lines in certain areas.

What struck the research team after having dealt with the farming communities is that not much has changed since the 2004/5 investigation in the area or the Policy Gap Research in 2006/7. Even more alarming, is the huge amounts being reflected by companies for corporate social investment (CSI) and corporate CSR; unfortunately, very little of that expenditure could be picked up from this survey.

It thus seems that corporate citizenship (CC) and sustainability are currently still illusions on a far horizon and that companies – despite good business – unfortunately cannot claim to have the very important and priceless „Social Licence to Operate“. In addition, it must be stressed categorically that government services in the area are in general appalling; to make sustainability a reality to some extent, they (government) must also „come to the party“ and act as socially responsible citizens.

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(... then you get men of low politco-moral fibre like liberal ideologue Bill Johnson - last seen comparing Somali victims of CT xenophobia to baboons in the /London Review of Books/ - able to remark, /'Dominic Tweedie of the Communist University, Johannesburg, commented "This was no massacre, this was a battle. The police used their weapons in exactly the way they were supposed to. That's what they have them for. The people they shot didn't look like workers to me. We should be happy. The police were admirable." The Communist Party's North West section demanded the arrest of AMCWU's Muthunjwa and his deputy, James Kholelile./' I've asked Dominic to tell me this is a misquote, and I surely hope he does. But given the character of the Alliance's degeneration and the SACP's pull towards the power of Jacob Zuma, I fear this quote may be genuine.)

<http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page72308?oid=320136&sn=Marketingweb+detail&pid=90389>

Massacre at Marikana

RW Johnson

19 August 2012

RW Johnson on the political context of, and reaction to, the killings

The leader of the breakaway Associated Mine and Construction Workers Union, Joseph Mathunjwa, was in tears as he related how he had pleaded with the thousands of striking miners who had been squatting on the Wonderkop hill for a week at Lonmin's Marikana mine in South Africa's dry North West. "I pleaded with them - (I told them) the writing is on the wall, they are going to kill you." For there was no doubt that the police meant business.

Earlier in the week two policemen had been slashed to death, another hospitalized and seven other people killed. The police were in a grim mood, wore bulletproof vests and metal helmets, were armed to the teeth with automatic weapons and had brought a whole fleet of Nyala armoured cars with them. They had announced that Thursday was D-day, that whatever happened the protest would be forcibly ended that day. In the end about 200 of the men rushed down at the police who fired indiscriminately at them, killing 34, injuring 78. Another 259 were arrested.

The director of the South African Institute of Race Relations, John Kane-Burman immediately compared the event to the Sharpeville massacre in 1960. There was, he said, "clear evidence that policemen shot randomly into the crowd. There is also clear evidence of their continuing to shoot after a number of bodies can be seen dropping and others turning to run." But this time the Left was in favour of the massacre.

Dominic Tweedie of the Communist University, Johannesburg, commented "This was no massacre, this was a battle. The police used their weapons in exactly the way they were supposed to. That's what they have them for. The people they shot didn't look like workers to me. We should be happy. The police were admirable." The Communist Party's North West section demanded the arrest of AMCWU's Muthunjwa and his deputy, James Kholelile.

"The troubles at the mine have their root in the ongoing disintegration of the National Union of Mineworkers", says Charles Van Onselen, a leading labour historian. "The NUM is the biggest union and its leaders provide the labour federation, Cosatu, the Communist Party and the African National Congress with many of their leaders. So this is the entire spinal column of the ANC alliance which is fragmenting. The police have been quite routinely tolerant of violence - as during the xenophobic riots when over 60 were killed - but this time they drew a line in the sand because that is what the NUM and the ANC wanted. You'll note the complete absence of modern police methods of riot control."

The last time an NUM leader attempted to address the Marikana workers he was stoned and lost an eye. Thus this time the NUM leader was only willing to speak through a megaphone from the safety of a police armoured car. He spoke somewhat disparagingly of the workers, saying they were mainly uneducated and backward tribesmen from Lesotho and the Transkei because "township boys" were unwilling to do the dreadfully hard and dangerous work of rock-diggers miles beneath the ground.

"The fact that the locals don't want the mine jobs mean the mines depend on migrant workers", says Van Onselen. "That means mining hostels, which greatly reinforce the system of age cohorts and impi-like tribal behaviour. It's also very striking that they were demanding an increase of over 300% - a clearly millenarian demand. And there were a lot of sangomas (witchdoctors) up there on that hill for the last few days and you can see on film that many of the workers were wearing muti (magic charms) of one kind or another. Typically, the idea behind such muti is that it makes you invincible against your enemies."

South Africa's President Jacob Zuma cut short his visit to Mozambique to fly back to face the crisis. The clear similarity of Thursday's events to the notorious Sharpeville massacre is hugely embarrassing to the ANC. The furious attempts by the Left to suggest that the striking workers were themselves the villains of the piece will, moreover, merely strengthen the impression that this was a massacre carried out at the Left's behest.

The North West SACP claimed that "the chaos and anarchy we see is being used as the entry point for recruitment for AMCWU" and argued that the AMCWU leaders were "the planners and leaders of this anarchic and worker to worker violence", thus echoing almost word for word the rationalisations once used by Afrikaner Nationalists for the similar actions of the apartheid police.

The Solidarity trade union organizer Gideon Du Plessis, speaking from Marikana, told the Sunday Times "The ironic thing is that the NUM and the ANC would clearly like to see Lonmin sack all 3,000 of the strikers and recruit a whole new labour force because that would smash AMCWU at the mine. That would mean closing down one of the world's biggest platinum mines for quite a while, but it's probably what will happen."

President Zuma's statement that he was "saddened and dismayed" by the Marikana deaths (the police and government are very touchy at any use of the word "massacre") is echoed by most opinion-leaders here. There is a palpable sense of shock that South Africa has not escaped its history: after the abandonment of apartheid, the introduction of democracy, a Truth and Reconciliation Commission to deal with the crimes of the bad old days, after all Mandela's grace and forgiveness, the country finds itself back in a situation where armed police mow down protesting Africans - on camera.

The most striking thing about the reaction is the lack of it. The day after the shootings neither the ANC, the trade union federation Cosatu nor the Communist Party had any comment at all in their daily bulletins. The state broadcaster, the SABC, is equally reserved and even the private e-TV station is extremely guarded and careful. A number of NGOs have issued statements deploring the shootings and calling for an enquiry, as has the opposition Democratic Alliance. Press editorials are also extremely cautious.

The problem is simply that to denounce the police is to say in effect that the government are murderers, while to say that the police were justified is tantamount to saying that some of one's fellow countrymen deserved to get shot en masse. The Star (Johannesburg) publishes an opinion piece applauding the police - "A very powerful message has been sent out and it is about time a little discipline was restored into the mind-set of South Africans", which echoes some right-wing white opinion which feels that the apartheid police were perhaps unjustly criticised for their forceful implementation of law and order. For such thoughts become thinkable again now.

There is a strong popular sense that Zuma's South Africa is effectively leaderless. Zuma is widely viewed as a do-nothing President, anxious only to keep his balance among the ANC factions and more interested in his harem of wives and accumulating vast wealth for his family. When Trevor Manuel, the Planning Minister, introduced his Plan to Parliament last

week he warned that if it was not forcefully implemented the country "could slide backwards", which many took to mean that he thought that was already happening. When an Opposition leader stood up and said "This is a fine Plan but who exactly is going to implement it?" there was simply a roar of laughter from the whole assembly.

Reuel Khoza, the black head of Nedbank, has criticised South Africa's "strange breed of leaders" who are, he says, completely incapable of managing a modern state. He has also warned that under Zuma the criminalization of the state is proceeding apace. The influential Afrikaans daily Die Burger suggests that the mine shootings are another example of how the Zuma government is merely blundering about and is "losing its grip".

The Afrikaner historian Hermann Giliomee says "The ANC has created its own culture of violence and impunity. It allows all manner of violent behaviour within its own ranks. The assassination of ANC leaders by their rivals within the party has become a commonplace. Almost never is anyone punished. So it's hardly surprising that other people feel free to take up arms. The whole country is not very far from anarchy."

The official commission of enquiry will face all these conundrums. It is in the highest degree unlikely that it will conclude that the Marikana miners were shot because the National Union of Mineworkers is desperate to prevent the further erosion of the labour movement on which the ANC depends.

It is also most unlikely to denounce the police. But even if the commission confines itself to technical issues about police tactics it will not be able to contain the immense shock wave caused by the shootings. Julius Malema, the expelled ANC youth leader, was quickly on the scene at Marikana yesterday and he will only be the first to begin translating this shock into a political dynamic which will, inevitably, be aimed at toppling Jacob Zuma.

RW Johnson

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The guns of Marikana

2012-08-19

Lucas Ledwaba

Secret rituals may have led striking miners to believe they were invincible, writes Lucas Ledwaba

Every morning, a group of men gathered on a hill on the outskirts of Nkaneng informal settlement near the Karee mine in Wonderkop.

There, under the instructions of a medicine man who allegedly hails from Eastern Cape, they stripped naked, stood in single file and waited for their turn to be sprinkled with herbs.

The medicine man used a razor blade on some of the men, making small incisions on their foreheads before smearing a black, gel-like potion on them.

These procedures, it is believed, were part of a process to prepare for battle: to make the men invincible

against the enemy.

There were stories doing the rounds that on Monday, mine security guards had tried to fire on the striking workers, only for their guns to jam as a result of the rituals conducted on the hill.

“That man over there is unbelievable,” said a young man in Setswana, referring to the medicine man behind the rituals on the hill.

“There are men who sleep on that hill at night. They never go back to the hostel or their homes. They say at night you can’t see anything there because that man has made the hill to be invisible at night.”

We stood at the entrance to the Nkaneng informal settlement on Tuesday afternoon.

A crowd had gathered there, opposite the Wonderkop stadium, to watch a huge, intimidating convoy of armoured police cars make its way into the area towards the hill where the body of a man had been found a few hours earlier.

Police identified the man as a senior mine supervisor. Pangas were used to hack his face and head, and he was left for dead on a footpath.

A picture taken by the police shows the man’s mangled body lying face up,

one eye wide in death, and a cow’s skull on his chest.

People, including children walking from school, walked past the man’s body throughout most of Tuesday.

The strikers apparently sought the services of the medicine man to prepare for battle against any and all enemies: foremost their employer Lonmin, the third-biggest platinum producer in the world; what they termed “hit men” from the National Union of Mineworkers (NUM); and, it seems, against anyone else they deemed a hindrance to their goal of a monthly salary of R12 500.



It is not clear how and when the decision to go on strike was taken, but last Friday, more than 3 000 rock drillers – the men who earn just R4 000 a month digging for platinum underground for eight hours every working day – downed their tools.

By late Monday, two mine security guards, two police officers and four mine workers who apparently refused to join the strike had been hacked to death with pangas, stabbed with spears, shot and – in the case of the two security guards – their bodies set alight.

Three of the striking miners were killed as police dispersed the armed strikers, who had managed to infiltrate operational areas and intimidate workers.

The battle lines were drawn. It was now a case of being either with or against the armed men.

There were already thousands gathered on and around the hill when we arrived in Wonderkop, a settlement near the town of Marikana, on Tuesday afternoon.

There seemed to be a hierarchy of some sort in the sitting arrangement.

The seemingly more militant group that numbered a few hundred sat at the bottom of the hill, flanked by thousands of others on the hill to their right and thousands more to their left.

The militant group, under the command of a tall, dark man draped in a green cape, looked like disciplined warriors.

They were armed with pangas, spears, clubs and sharpened steel rods, and were clearly in control of proceedings.

We learnt that there were strict rules governing this gathering: no hats, no jewellery, no mobile phones, no cameras and, above all, strictly no women.

And the workers were warned not to be seen to be speaking to strangers (meaning the media), which explained the stoic silence and nasty looks from some of the men walking to the hill when approached

for interviews.

An elderly man walking past the informal settlement of Nkaneng towards the hill said in a hushed tone that he was merely joining the group because if he did not do so he could be harmed.

“This is the life here. There is no other way. A man must think about his children,” he said.

Police had warned journalists that the strikers were hostile, armed and dangerous.

So when a group of us approached the hill on Tuesday afternoon, we were met by a man in a green cape who signalled for us to stop a distance away and walked calmly towards us.

He spoke in a calm but firm voice, demanding to know our intentions and emphasising that the group was “not fighting anyone” – they were merely fighting for their rights.

As we spoke, a younger man who looked to be on a high of some sort charged at us, demanding to know why we were there.

The man in the green cape, who seemed to occupy a position of authority, calmed him down and he walked away.

A deal was made that three volunteers would be made available for interviews, which were carried out in full view of the thousands gathered there, with the strikers speaking through a loudspeaker.

All three men were from Eastern Cape and spoke in a combination of isiXhosa and Fanakalo.

They made it clear it was R12 500 a month or nothing.

By midday on Thursday, it was becoming clear that the strikers were not going to leave the hill after numerous attempts by police and union officials from both the Association of Mineworkers and Construction Union (Amcu) and the NUM to negotiate a truce.

Amcu was at least given an ear by the strikers, but NUM officials were heckled away and forced to retreat.

It was becoming clear, too, that the gathering was not going to end peacefully.

“If they want to kill us they may as well do so,” said a man addressing the strikers as more police reinforcements arrived on the scene.

“But if these men kill us, they must know that in this life someone in their family will also wear a mourning dress at some stage,” said another, as it became even clearer that a peaceful solution was becoming a distant dream.

“No one is going to die for someone else. We will only leave this hill if we get R12 500. Management must come and talk to us, then we will go underground,” said the man to loud applause, with some rising to do impromptu war dances, brandishing weapons.

“We must not be afraid of death because everyone who works underground is as good as dead. The mine is

just a grave that can bury you at any time.

“It’s not Amcu or NUM that said we shouldn’t go to work – it’s us, the workers, not the unions, so they are not going to tell us what to do. We want money, that’s all.”

### Marikana Shooting

As the clock approached 4pm on Thursday, the man in the green cape walked towards a police Nyala with hands raised.

He stepped on to the front of the vehicle and spoke to a police officer through an opening in the window.

It was not clear what was being discussed, but soon a police Nyala began rushing northwards, dropping barbed wire in its wake to prevent the workers from advancing towards the police.

The men on the hill scattered towards the west, while the warriors, led by the man in the green cape, marched alongside the police Nyala, chanting war slogans.

The police tried to channel the crowd towards an open field away from the police cars and dozens of journalists eager to capture the commotion.

But just then, the warriors, led by the man in the green cape, turned towards the police near a cattle kraal, charging with spears, pangas and sticks.

One man was seen firing at the police. Police officers returned fire with rubber bullets at the advancing men.

But the men kept coming, charging, sending the men in blue running into a Nyala nearby.

Then it happened. “Papapapapapa!” A staccato of shots burst from police R5 rifles into the advancing army.

The force of the bullets sent men flying into the air, their bodies landing in the dust to leave spreading pools of blood on the ground at Wonderkop.

It took only a few minutes, but when it was over 34 men lay dead.

As night fell, huge crowds gathered in disbelief in the dusty streets of Nkaneng, wondering if their loved

ones had made it out alive.

Journalists sat in shock, wondering if what they had just witnessed had really happened.

Some of the men still lay writhing in pain in the dust, their limbs moving slowly as they clung to life.

But it was the actions of the men who charged at the police with spears and pangas that had surprised many.

Why, when they were seemingly no match for the police with their weapons and armoured vehicles?

Why?

Perhaps the answer lies in the statement made by Lieutenant General Elias Mawela at a media briefing on Friday.

"We were dealing with people who looked possessed, or believed the bullets would not work on them."

- City Press

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Cops ignore 'don't shoot' directive

2012-08-19

Jacques Dommissie

Only two weeks ago, Police Minister Nathi Mthethwa said he preferred the police to use water cannons to control protesters –instead of rubber bullets.

This week Mthethwa and national police commissioner General Riah Phiyega defended the violent reaction of police at Lonmin's –Marikana mine in North West.

Police used live ammunition, rubber bullets, tear gas and stun grenades against thousands of striking Lonmin employees.

In the massacre, 34 workers were killed.

But a police memo dated December 2011 prohibits police from –using even rubber bullets.

"Less lethal methods to manage crowds must be implemented. Negotiations are still the first resort. A gradual response such as the use of pyrotechnics, water cannons and the 40mm launcher must then be used," the document reads.

"The purpose of offensive actions must be to de-escalate conflict with the minimum level of force to accomplish the goal. The degree of force must be proportional to the seriousness of the situation and the threat posed in terms of situational appropriateness," says the memo.

“The use of force must always be reasonable in the circumstances and force must be discontinued once the objective has been achieved.”

Johan Burger from the Institute for Security Studies said as far as he was aware, these instructions still stood.

“What I do know is that something must have changed –because the police have been using rubber bullets and shotguns again for some time.”

Burger referred to Mthethwa’s statement of two weeks ago recommending the use of water cannons.

“Unfortunately, the minister did not take into account the fact that there are only 10 water cannons in the country and each year more than 10 000 incidents of crowdcontrol occur,” he said.

“I support the use of rubber bullets because the police then have more options regarding non-lethal violence, of course if it is used correctly, and not like in Ficksburg,” he said.

The Institute for Democracy in Africa’s Paul Graham said after 1994 there was an emphasis on training the police to control crowds using less lethal methods.

“This seems all to have gone out the window. There is a real problem with training and procedures. Even the special task force of the police which was present at the shooting seems to lack specific procedures,” he said.

“The order you are referring to implies there is still a huge amount of confusion in the police on crowdcontrol issues,” Graham said.

Police ministry spokespersonZweli Mnisi said the ministry had reviewed public order policing to ensure that public protests were “effectively managed, with clear guidelines to the police”.

“This should not be misunderstood to imply that armed people should attack police and that –police would not defend themselves. As much as it is the responsibility of police to manage such protests within the framework of the law, the responsibility of protesters is equally important.

“That is what our Constitution speaks of; the rights of citizens to express their grievances in an orderly, peaceful and mature manner.

“Nowhere in the Constitution does it stipulate that people must burn property, intimidate those citizens who wish not to partake in a protest, and even kill police and innocent citizens, yet disguise and justify such actions behind a banner of protesting.”

He declined to comment further on the Marikana incident, saying they would respect the commission of inquiry announced by President Jacob Zuma on Friday.

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Lonmin: Questions for Zuma

2012-08-19 10:00

Jacques Dommissie, Jan de Lange, Mandy Rossouw and Carien du Plessis

Why did cops act against their own orders and mine bosses refuse to talk?

President Jacob Zuma's commission of inquiry into Thursday's Lonmin massacre should answer these five questions:

- » Why did police use live ammunition after an order was issued last year forbidding the use of even rubber bullets during public protests?
- » Why did Lonmin bosses refuse to negotiate with representatives of the Associated Mining and Construction Union (Amcu) after initially agreeing to?
- » Why didn't the country's intelligence services pick up on the brewing tension at the mine and take the appropriate action?
- » Who supplied the newly made traditional weapons carried by thousands of angry miners?
- » Do platinum mines discriminate in favour of certain categories of workers when it comes to wage negotiations?

These are the main questions emerging in the aftermath of the blood bath that left 34 workers dead and 78 injured at Lonmin's Marikana mine in North West.

City Press asked workers, police officers, mining bosses and politicians what key questions Zuma's probe should answer.

On Friday, the president announced the establishment of a commission of inquiry "to uncover the truth about what happened here".

Zuma suggested a sinister motive behind the shootings, saying he didn't expect such incidents in a country with a "high level" of labour organisation.

City Press can reveal that police officers were ordered in an official memo late last year not even to use rubber bullets, except as a “last resort”, during efforts to control public protests – in stark contrast to the live rounds used by officers at Lonmin.

Two weeks ago Police Minister Nathi Mthethwa asked cops to use only water cannons against protesters.

On December 20 2011, Lieutenant General Elias Mawela, divisional commissioner for operational response services (responsible for maintaining public order), issued a memo clearly aimed at reducing the potential for violence in the police response to public protests.

The order, in the possession of City Press, was circulated to all provincial police bosses.

The document made a clear reference to the outcry following the death of community activist Andries Tatane, who was shot with rubber bullets during a service delivery protest in Ficksburg in April 2011.

“The use of rubber rounds and shotguns must be stopped with immediate effect,” the memo states.

Water cannons should be used, but according to the Institute for Security Studies’ Johan Burger, there are only 10 water cannons in the country.

It has further emerged that the group of 3 000 rock-drill operators at Lonmin had been willing to lay down their weapons and leave the hill if the mine had been willing to reopen wage negotiations.

The workers gave this undertaking on Wednesday night to the president of Amcu, Joseph Mathunjwa.

Together with two of the union bosses, Mathunjwa visited the hill three times to tell workers that their employers would not give them any undertakings and that they should lay down their weapons and leave the hill.

Once he got the go-ahead from the workers on Wednesday night that they were willing to talk, he gave the message to the police and it was agreed that Lonmin’s managers would give him feedback at 8am on Thursday.

But the next morning, Lonmin’s bosses were nowhere to be found, and when Mathunjwa spoke to them hours later they were not willing to start negotiations.

Mathunjwa left the hill after he could not convince workers to leave.

Frans Baleni, general secretary of the rival National Union of Mineworkers, said Zuma’s commission should determine who organised the march.

“I went to see those weapons that were being carried and they are scary. They were manufactured. I was told there was a workshop they went to in order to get metal into certain shapes. They were made to

kill with.”

Intelligence spokesperson Brian Dube said: “We refuse to be drawn into a blame game.”

- City Press

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Juju: Zuma also has a spear

2012-08-19

Carien du Plessis, Charl du Plessis, Sabelo Ndlangisa and Austil Mathebula

Malema calls for president to step down after the tragedy on his watch

Supporters of President Jacob Zuma are expected to defend the president when they visit Marikana today.

Young Communist League national secretary Buti Manamela and Umkhonto weSizwe general secretary Ayanda Dlodlo, are expected to counter expelled ANC Youth League leader Julius Malema’s calls for Zuma to resign.

Yesterday Malema told a crowd of over 3 000 striking Lonmin miners Zuma had “presided over the killing of our people, therefore he must step down”.

Malema said it was Zuma who told police “You must use maximum force.”

“Not even the apartheid government killed so many people,” said Malema.

Meanwhile Mineral Resources Minister Susan Shabangu and Labour Minister Mildred Oliphant yesterday led a high-level meeting with representatives of Lonmin, the Chamber of Mines, and trade unions the National Union of Mineworkers, Solidarity and Uasa.

The meeting resolved to set up a task team that will look into challenges in the mining sector.

Shabangu expressed fears that the Lonmin mine conflict could exacerbate the crisis faced by the platinum industry, which has recently been facing dwindling returns.



She denied that government had been slow in responding to the Lonmin crisis, saying there had been a lot of efforts behind the scenes to resolve the dispute.

Amid concerns that this week's violence might have a negative impact on foreign investment, Shabangu said the mining sector would take steps to reassure investors.

"We will take various trips to various parts of the world ... we have to work towards making sure that we bring confidence towards the mining sector," she said.

"We will be going out and engaging with them to assure them that South Africa will continue to secure their investments," she said.

Shabangu said her department would keep on engaging with mining communities as the government could not afford to have those communities living in poor conditions.

The Association of Mineworkers and Construction Union, the other union representing Lonmin miners, was excluded from the meeting.

Malema yesterday called on Zuma and Police Minister Nathi Mthethwa to resign.

He said that Zuma, who cut short his attendance of the Southern African Development Community summit in Mozambique on Thursday to visit the scene, "lacked the courage" to come and address the miners.

Zuma announced a commission of inquiry to investigate the cause of the violence.

Referring to businessman Cyril Ramaphosa, who is a shareholder and non-executive director of Lonmin, Malema said "there was a highly connected political figure in this mine".

"They are only fighting you because they are protecting Cyril Ramaphosa's shares," said Malema.

He called on the miners not to retreat until their demands had been met, "even in the face of death".

Malema poured scorn on the police claim that they had fired in self-defence.

"Why are (police) shooting them when they march with spears, while Zuma holds a spear every December when he marries," said Malema.

The ANC earlier called on the community and unions not to allow themselves to be used by "agents provocateurs".

Zuma's spokesperson Mac Maharaj yesterday said Malema's remarks "do not warrant a response".

ANC secretary-general Gwede Mantashe refused to say whether the party's office-bearers would discuss the Marikana violence.

He also refused to say whether ANC leaders would meet with the NUM bosses, but admitted they did meet "from time to time".

- City Press

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'Our men work hard but they are hungry'

2012-08-19

Lucas Ledwaba

Busiwe Faló says sometimes her husband comes back home so tired he doesn't even have the energy to eat.

He is one of the striking mineworkers at Lonmin who are demanding that their salaries be increased from R4 000 a month to R12 500.

"Our men are hungrymen. They are dying underground and they are sick from this work. They must be paid what is fair," said Faló, who hails from Idutywa in the Eastern Cape.

Her husband earns R4 000 a month.

They live in a shack in Nkaneng, for which they pay R600 rent a month.

She says that despite her husband's back-breaking toil, life remains an uphill battle.

"Our menworkhard but they are hungry. We are also hungry. As I speak to you now, we have no

paraffin, no food in our home. That is why I came out here to show support for our men," she said as a group of women marched and sang, carrying placards to throw their weight behind the strike.

Palesa Kgwarela said her father had worked on the mines in Rustenburg for the past 34 years – and still earned just R6 500 a month.

She is the first-born of seven children and said life was so hard that she struggled to get even the most basic of things, such as school shoes.

“We live in a two-roomed shack, all nine of us. My father is coughing a lot because of this work. If

things remain like this it means I will not be able to get a good education.”

Most of the women interviewed said their husbands suffered from back pains and respiratory ailments as a result of their work underground.

It is only fair, they said, that their hard work be rewarded accordingly.

But it seems the physical problems run deeper.

Said a woman who refused to be named: “They come back home so tired they don’t even want us to touch them at night.”

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## CIVIL SOCIETY TO LAUNCH ITS OWN INDEPENDENT INQUIRY INTO THE MARIKANA MASSACRE

Press Release: Sunday 19 August 2012

Released by: Justice Now for the Marikana Strikers and Communities – ad hoc support group

On Wednesday 22 August, civil society organisations - faith-based, non-governmental and community-based organisations, social movements and trade unions - will initiate an independent civil society-led inquiry into the massacre of more than 34 mineworkers at Marikana.

The launch will take place at a public meeting to be held this Wednesday. The meeting will hear testimony from Marikana workers, affected women and leaders of community organisations. We will hear their account of developments leading up to the massacre and a description of how the police slaughtered their loved ones and comrades. This version of events differs from those that have prevailed in the media. It offers the perspective of those who were attacked without mercy, rather than the one provided by TV cameras located behind police lines and from interviews with police and union officials

Speakers will also bear witness to the conditions of work on the mines, and the grinding poverty of the communities of Wonderkop and Marikana. These are communities whose lands have been taken, whose labour feeds the mines, and whose basic needs for water, housing, energy and health services have not been met by government or the mines. These are the stories to be told, and these are the stories that will help us understand the desperate struggles of the striking mineworkers for a better life that has been promised by democratic government and never honoured.

On Monday 20 August at 12.00 civil society organisations will protest outside Gauteng SAPS Regional Command. This will provide an opportunity to express the outrage about the police killings that is widely felt in South Africa and around the world.

We call on all interested organisations , individuals and members of the press to participate in both events.

MONDAY 20 AUGUST, 12 PM: Picket outside Gauteng SAPS Regional Command, assemble at corner of Victoria Ave and Empire Road, Braamfontein. Bring banners and placards

WEDNESDAY, 22 AUGUST, 5:30PM: Public meeting and launch of civil society led inquiry into the massacre. Conference Room 1 and 2 at the School of Hospitality and Tourism, Bunting Road Campus, University of Johannesburg.

A press briefing is planned for Tuesday 21 August. Further details to follow.

The Marikana Massacre – Never Again!

Issued by Justice Now For Marikana Strikers ad group Many CBO, CSOs, Human Rights and Social Justice Groupings including the Benchmarks Foundations have pledged their support for this meeting and the initiative it seeks to launch.

Contact Numbers of spokespersons

Samantha Hargreaves 083 384 0088, Jayshree Pather 082 413 3652 , Rehad Desai 083 997 9204

Email: (samyhargreaves@gmail.com) rehad@icon.co.za Peter Alexander (palexander@uj.ac.za)

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(This massacre will go down in history as one of the most brutal and most divisive actions by capital/cops against labour, ever, anywhere. It really has made explicit the line between the Alliance left and independent left.)

GENERAL INDUSTRIES WORKERS UNION OF SA

MELODY CENTRE PO BOX 1713

`2ND FLOOR GERMISTON

ROOM 201 & 202 1400

159 MEYER STREET TEL: 873-4804/5/6

GERMISTON FAX – 873-6289

1400

PRESS STATEMENT PRESS STATEMENT

The General Industries Workers Union of South Africa (GIWUSA) and its members are outraged at the massacre of the Marikane Miners and condemn it in the strongest possible terms. This brutal massacre of the Marikane Miners in Rustenburg yesterday was orchestrated and planned by the state in collaboration with mining bosses. Today the death toll now stands at 35 and more than 70 injured.

The South African government deemed it necessary to massacre the Marikane miners in order to protect the interests and profits of the capitalists of Lonmin. The firing of semi-automatic rifles at the miners had but one aim in mind and that was to sow mayhem and death amongst these miners.

The police by entering the area with semi-automatic rifles were out to kill the miners to satisfy the past week's hysterical calls for law and order from many different quarters. Law and order had to be restored to re-assure the mining bosses and international capitalists that the South African government can control its workforce and ensure the conditions for profit making are in place. The killing was meant to subdue, intimidate and force the miners to surrender their struggle for a wage increase. This massacre is an unambiguous attack on the rights of the Marikane Miners to organise themselves, to protest and choose the organisation of their choice and demand a living wage.

We are not surprised or shocked that the state was prepared to orchestrate this massacre. Over the past decade the government has been unleashing its repressive police force against struggling communities. The killing of Tatane and others are stark reminders of these attacks. However, what distinguishes this massacre from the killings of community protestors is that the state used semi-automatic rifles, set out to kill the miners and this it was done in collaboration with the higher echelons of the state. This killing is watershed in the history of the country in that the democratic government has shown more than ever that it is now prepared to slaughter workers to protect the interest of capital.

We pledge our complete solidarity and support with the Marikane Miners, their families and organisations. The Union also expresses its condolences to the families of the fallen miners.

We call on all progressive forces to come and out and condemn this state brutality, to engage in public action and to demand that all those behind the massacre be charged. There must be a public control investigation into the massacre.

An injury to one is an injury to all!!

Defend the Lonmin Workers!!

Phantsi State Brutality!!

For more information contact GIWUSA at (011) 873-4804

President – Charles Phahla

General Secretary – Edson Ntsimande

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SACP Press Statement, 19 August 2012

Central Committee

Following the South African Communist Party's highly successful July national congress, the newly elected SACP Central Committee met for the first time in Johannesburg over the weekend of August 17th to 19th.

The CC began its meeting by observing a moment of silence and expressing condolences to all those who have lost family members and colleagues in the tragic events at Marikana this past week, and our well wishes to those who have been injured, workers and police. The CC welcomes President Zuma's announcement of a commission of inquiry. It is important that the mandate of the inquiry should be broad in scope. It is impossible to understand the tragedy without understanding the underlying factors.

The inquiry should, amongst other things, build on the 167-page report from the church-sponsored Bench Marks Foundation, "Communities in the Platinum Minefields", which was coincidentally released last week. The report paints a grim picture of how all the major platinum mining corporations have made billions of rands out of the world's richest platinum deposits in the Bojanala District of the North West province, while leaving a trail of misery, death, poverty, illness, and environmental pollution in the surrounding communities. The report finds that Lonmin's operations at Marikana, for instance, "include high levels of fatalities" and that the "residential conditions under which Lonmin... employees live are appalling." The report further attributes the high level of fatalities at Lonmin and other platinum company mines in the district to the extensive use of sub-contracted labour (nearly one-third of the work-force in the case of Lonmin's Marikana operations). "Sub-contracted labour is usually poorly paid, poorly trained and educated, and poorly accommodated", the report notes, and adds: "Therefore sub-contracted workers compromise the health and safety of other workers."

Our own SACP members from the district, most of them mine-workers, have of course been telling the Party about these realities for many years and we have been raising them publicly, but we refer to the Bench Marks Foundation to avoid the allegation of partisanship. Importantly, the report points out that the practice of sub-contracting by the mining houses dates back to the immediate post-1994 period as a cost-cutting measure and

an attempt to “break the power of NUM” (p.36), to undercut the collective bargaining rights that the organized working class had finally achieved after decades of struggle.

Furthermore, the report notes that the expanded use of sub-contracted labourers from other localities, including from the Eastern Cape, has created community tensions between “insiders” and “outsiders”. Last year, for instance, there were violent protests from local community, unemployed youth in Marikana, angry that jobs on the mines were being provided to “outsiders”.

The Presidential Commission of Inquiry must also consider the pattern of violence associated with the pseudo-trade union AMCU wherever it seeks to implant itself. Launched in Witbank by two former NUM members, expelled for anarchic behaviour, AMCU was funded by BHP Billiton in a deliberate attempt to undermine NUM. The Commission should, in particular, investigate its leader Joseph Mathunjwa.

The violence associated with AMCU spread to the Rustenburg platinum mines last year when the management of Impala Platinum deliberately undercut collective bargaining agreements reached with NUM by opportunistically seeking to attract, with higher wages, mineworkers with blasting certificates from other companies – this naturally created a grievance among the less-skilled rock-drillers. It was a grievance demagogically exploited by AMCU which ultimately led to the dismissal of thousands of workers.

At Marikana, last week, AMCU leadership was once more exploiting the credulity and desperation of the most marginalized sectors of the Lonmin work-force, “outsiders”, contracted-workers many from Eastern Pondoland. SACP members from the area confirm newspaper reports today that the armed workers who gathered on the hill were misled into believing they would be invulnerable to police bullets because they had used ‘intelezi’, and provided they isolated themselves from women, and provided that did not turn their backs on the police.

In short, it is impossible to understand the tragedy of last week without an appreciation of how the major platinum mining corporations, sitting on top of over 80% of the world’s platinum resources, have created desperate community poverty, divisive tensions, and a fatalistic attitude towards danger and death. It is also not possible to understand the tragedy without understanding how profit-maximising corporate greed has deliberately sought to undercut an established trade union and collective bargaining by conniving with demagogic forces. This strategy has now back-fired on the platinum companies’ profits themselves.

For all of these reasons the SACP firmly rejects the attempt to portray the events of last week as being essentially rooted in trade union rivalry. This narrative is no different to that developed during the final years of apartheid, when armed vigilantes, fomented, trained and escorted by the apartheid regime, were unleashed on our UDF, COSATU and ANC-supporting communities and this was portrayed as “black on black violence”.

There are many lessons to be learnt from this tragedy. A proper understanding of its underlying causes should shame all of those who seek to undermine our current collective

bargaining dispensation by calling for a “more flexible labour market”, by defending labour-brokering and the extensive use of other forms of “a-typical” labour, and by seeking to portray COSATU and its affiliates as the source of all evil.

#### The DA’s “Growth Plan”

These are, however, precisely the central themes of the DA’s recently released, “Growth Plan”. Although it enjoyed a momentary splash in most of the commercial print media, interestingly it was generally dismissed by mainstream neo-liberal economists as “eclectic” and its 8% growth claim as “political posturing”. But that is exactly the point. This is not an “economic” plan, and the DA neither has the power nor the intention of actually implementing it. It is a political intervention. It is designed, like their one-trick-pony “youth wage subsidy” call, to futilely seek to stir tensions between the ANC government and COSATU, and to demonise the union movement.

“Eighteen years after the end of apartheid”, the DA “Growth Plan” document tells us, “SA remains a country of insiders and outsiders with Big Government, Big Unions, and some [!!!] anti-competitive Big Businesses on one side, and millions of ordinary South Africans on the other.”

Clearly, the DA is trying to position itself as the voice of the millions of “outsiders”, those who are not part of the supposed “Three Bigs”. This conveniently fudges the profound difference between its core electoral base (middle class strata in the suburbs) and the mass of impoverished and unemployed in our townships and rural areas – as if they were all “outsiders”. It is precisely this rhetorical fudging that underpinned the reckless use of suburbanites to mobilise alienated youth in townships to march on the COSATU headquarters earlier this year.

But, of course where they are in power in the Western Cape and in the City of Cape Town there is no bashfulness about wanting to be “Big Government” or to call in “Big Government” when faced with the desperation of the real outsiders in Khayelitsha, Mitchells Plain, Philippi and Nyanga. Premier Zille called on national government to deploy the army onto the Cape Flats to solve a social problem, and Premier Zille and Mayor De Lille have invoked legislation from the mostkragdadige epoch of the apartheid regime, the Sedition Act, in order to deal with reckless statements by the ANCYL in the province. This is a DA attempt to distract from the real issues behind the protest actions in Cape Town – bad sanitation, poor housing, and flooded squatter camps, in the midst of a cold and wet Cape winter. The CC calls on communities in the Western Cape and elsewhere, however, not to resort to acts of vandalism and violence while expressing legitimate anger and frustration.

#### Forward to a successful and united COSATU Congress

It is in the context of this offensive against the working class in general, and against COSATU in particular, that the SACP once more pledges its unwavering support to our ally COSATU. We look forward to a highly successful and united COSATU Congress next month. It is absolutely critical at this time that we close ranks and that jointly as the SACP and



COSATU, together with our alliance partner the ANC, we take forward an active programme of action that helps to organize and unite the working class on the shop-floor, and that unites and organizes our communities.

Such a programme of action must raise the issues that unite the organized and the unorganized; the employed, the under-employed and the unemployed; old and young; the working class and the urban and rural poor regardless of ethnic background or country of origin. Where we ourselves are poorly organized, where we leave gaps because of our own inwardly focused issues, or seduction into tenderpreneurship or business unionism, then we create a space that is readily exploited by all manner of opportunists, demagogues and reactionaries.

The SACP congratulates government and the public sector trade unions on the recent collective bargaining settlement. This must now set the scene for government and workers in the public sector to work together to build the capacity of the state to play a more active developmental role in the service of the public.

#### Planning for the Red October Campaign

In the coming weeks the CC will convene a Party Building Commission workshop to consolidate our plans for this year's Red October Campaign. The Campaign will focus on the struggle for basic services to our communities, on building the inherent capacity of the state itself, overcoming the plague of outsourcing and tenderization, defeating corruption associated with this plague, and, above all, building on popular local mobilization and capacity. In the course of the campaign, the Party will seek to actively introduce environmental concerns as central to the struggle to transform the conditions of working class communities. Uncollected waste, poor sanitation, industrial pollution and unsafe water are typical realities in most working class townships. We need to mobilise both state and community activism to address these environmental challenges, including through the expanded public works and community works programmes.

#### Congratulations

The Central Committee extended its congratulations to cde Nkosazana Dlamini-Zuma for her recent election as the Chairperson of the AU. We are sure that she will help to steer the AU, now celebrating its 10th anniversary, onto a more coherent, developmental role that defends the sovereignty of the states of our continent against external manipulation. The CC also congratulates South Africa's Olympic team for their excellent performances, and the important role they have in encouraging the youth of our country. The CC further congratulated our SACP comrades, Lulama Nare and Zukiswa Ncitha, for their election to the steering committee of the Progressive Women's Movement, as well as Cde Zungiswa Losi, COSATU second deputy president, who is the co-convenor.

#### Political Bureau

The following members of the CC were elected to serve on the Political Bureau together with the six officials elected at the 13th Congress:

Political Bureau, additional members

1. Sheila Barsel 7. Ben Dikobe Martins
2. Yunus Carrim 8. Chris Mathlako
3. Sidumo Dlamini 9. Grace Pampiri
4. Lindelwa Djunwa 10. Nomonde Rasmeni
5. Fikile Majola 11. Jenny Schreiner
- 6 Gwede Mantashe

Issued by the SACP Central Committee

Contact:

Malesela Maleka

SACP Spokesperson – 082 226 1802

Follow us on twitter: 2SACP

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Justice now for Marikana Strikers! We condemn the police massacre of 45 strikers!

Public Event • By Jared Sacks, Afrikah Anele and 4 others

We call on Nathi Mthethwa to resign. He must face the Marikana strikers and they must judge him as he is responsible for this massacre!

Thursday the 16th of August 2012 will go down in South African history as the new Sharpeville. 45 dead because police and the South African government cannot handle an independent union movement.

We are in solidarity with the workers of Marikana against the bosses and the police and those who support the bosses and police.

To protest this massacre and all other forms of police violence, we will gather at parliament on Friday the 17th of August at 3pm. Please bring signs.

Proof of massacre: <https://www.youtube.com/watch?v=ImqAVon92VM>

This is a non-political party rally. Politicians and police are not welcome!

\* Remember Hector Peterson!

\* Remember Andries Tatane!

\* Remember Hangberg!

\* Remember Occupy Rondebosch Common!

\* Remember the miners of Aurora killed by security!

From Khayelitsha to Marikana, hands of our right to protest!

From Aurora to Implats to Lonmin, bosses and their police must keep their hands off our people!

Down with police brutality everywhere!

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ANC Throws Off Its Mask! Workers Murdered!

Sunday August 19, 2012 20:29 by ZACF/ TAC/ IWAC zacf at riseup dot net

South African anarchist statement on the Marikana Massacre

Joint statement on the Marikana Massacre issued by the Tokologo Anarchist Collective, Zabalaza Anarchist Communist Front and Inkululeko Wits Anarchist Collective.

The Constitution promises political rights and equality. It is quite clear that the bosses and politicians do exactly as they wish. They walk on the faces of the people. This is shown by the police killings of strikers at Lonmin's Marikana mine.

ANC THROWS OFF ITS MASK! WORKERS MURDERED!

Capitalists and politicians guilty! Stop police brutality.

No justice, no peace. No Zuma, no Malema, no LONMIN!

The Constitution promises political rights and equality. It is quite clear that the bosses and politicians do exactly as they wish. They walk on the faces of the people. This is shown by the police killings of strikers at Lonmin's Marikana mine.

#### WHOSE RIGHTS?

People! We must face the facts. The ANC government and the big capitalists run the show. The system makes the rich and powerful richer and more powerful.

The workers and the poor suffer. We have no protection. You work, but you do not survive. Food prices are going up. ESKOM is going up. We must pay? With what? But when we struggle, we get shot.

ANC/ STATE + BOSSES/ CORPORATIONS = ALLIES

The state uses brutal force against the majority. We are marching, raising our grievances. This is our right. We must struggle to live. So, we fight against all elites: those who control government and those who control companies (like Lonmin).

But our voices are silenced with bullets.

While we do not agree uncritically with all the actions of the workers at Marikana, we are always with the working class and poor against the state and capitalists.

ANCYL = ANC = MARIKANA MASSACRE

The ANC promised to change the system. Instead, it became part of the system. Complaining against the National Party's (NP's) oppression, the ANC took office. The NP murdered workers. But now the ANC murders workers.

The ANCYL has no grounds to pretend to condemn the police killings (see its Statement 17 August 2012). The ANCYL is part and parcel of the ruling ANC regime.

Malema and other expelled ANCYL leaders also want to use these events to get reinstated into the ANC – to get rich or lie trying. But the ANC's hands are dripping with blood.

The past and present ANCYL leaders (like all ANC leaders) want more money, not more freedom for the people.

CAPITALISM NO THANKS!

Capitalism is a system of brutality and exploitation, of suffering. The black, Coloured and Indian working class suffers from the legacy of apartheid national oppression and from daily capitalist and police repression. (And even the white working class is exploited and oppressed).

## COLLECTIVISE, NOT NATIONALISE

ANCYL uses the ANC murders to bang the drum again for "the nationalisation of mines and other strategic sectors of the economy." But Marikana shows the true nature of the state/ government, no matter what party: a bloodthirsty killing machine for the rich black and white ruling class.

Real workers' control of the economy does not mean private corporations (privatisation) or state corporations (nationalisation). It must mean real people's democratic control of the economy through worker and community committees, serving people's needs.

## POLICE CANNOT BE CHANGED

The role of the police is to repress and silence the working class and poor. This problem cannot be fixed by commissions or enquiries – as some people think. Ask the family of Andries Tatane. It cannot be changed by elections. Remember: Sharpeville 1960, Soweto 1976, Uitenhague 1985, Michael Makhabane in 2000, SAMWU workers in 2009, Andries Tatane in 2011 ... Marikana 2012. At least 25 protestors and strikers were killed from 2000, before Marikana.

## PEOPLES POWER NOT ELECTIONS & PARTIES

Look at Marikana. Elections do not change the system. Joining the government and becoming a politician is no solution. Replacing Jacob Zuma with another ANC leader is no solution. A new political party – even a "left" or "workers" party – is no solution. All the political parties are no solution.

## UNIONS: WAKE UP!

The Marikana unions, NUM and AMCU, have fallen into the trap set by the ruling class politicians and bosses. They fought each other, instead of fighting the real enemy. Unity is strength: do not be divided and ruled. Workers of the world unite! Working class of all countries and races unite! End the alliance! COSATU should have no links with the bloodstained ANC.

## ANARCHISM = COUNTER POWER

It is time to replace the capitalist / state system with Counter Power by the people. This means that we want workers' / community control of the economy, from below. We want democratic and direct self-management of industry by the workers in the workplaces; we want self- government of communities by those living in them. We want to collectively decide on how we run our lives. We refuse to live according to the rules determined by bosses and politicians, who use the police to shoot us like dogs when we disobey.

## ONE SOLUTION: WORKING CLASS DEMOCRACY !

WE NEED YOU! DON'T VOTE, MOBILISE!

IF YOU AGREE WITH THESE IDEAS OR WANT TO KNOW MORE ABOUT ANARCHISM: 072 399-0912 OR 079 281-2560 OR [zacf@riseup.net](mailto:zacf@riseup.net)

Issued by:

Tokologo Anarchist Collective

Zabalaza Anarchist Communist Front

Inkululeko Wits Anarchist Collective

Related Link: <http://zabalaza.net>

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(Sorry, I don't know this initiative, but it's interesting and feels like it has integrity; anyone know the crew?)

<http://rustenburgmonitors.blogspot.com/2012/08/demand-r12.html?spref=fb>

Sunday, 19 August 2012

WE DEMAND R12.500 AFTER DEDUCTION

With 34 dead, 259 arrested and about 87 injured on the 16th August the Lonmin are no where near backing down "sifuna R12-500" meet. Suspended ANC youth league leader Julius Malema came to address the workers at their secret, spiritual venue, and as you enter this venue women were all requested to take off anything on their heads, jewellery and loose change as it's disrespectful to enter with those. Police left the place because workers were not feeling safe with them around.

This all transpired on the 18th AUGUST :

"Hospitals and mortuaries are full with our brothers bodies killed by policemen – workers shouted" and soldiers too. We didn't commit any crime except demand a reasonable living wage. Our lips are dry, we fear going to our homes because we might be arrested so we sleep here and wake here, we will die for R12-500 just like our brothers and we won't leave this place until our brothers are buried, discharged at hospitals and realised from jail and our demands meet. Bernard Mokwena ( from Lonmin management) and Zokwana senzeni (president of NUM) sold us out, they gave the go ahead for us to be shot because we are non-NUM members and were not in premises of the mine, I plead with you my fellow black people stop selling us out you just like us. Impala workers are with us in solidarity" - Xolani

“Qina msembezi, long live the sprit of Chris Hani, Peter Mokaba, and Oliver Tambo long live. O tla wa mmosho wa digatamarukhuwana. Down with Jacob Zuma, down with Nathi Mthethwa down. The media is failing workers because they don't report that Cereal Ramaphosa has shares in Lonmin mine that's why police shot to kill because he suffers loss of profits, in Impala there was no shooting because Cereal has no shares there, and he bought an R18 million buffalo where as you just asking for R12-500. Spears are symbols of manhood in African culture, they used life not rubber bullets and used water cannons after to smoke screen their actions. Zuma came here yesterday and had tea with white people and sees no problem with the action of the police, this Politian's are not here today they will only appear when they want your votes and you will never see them again, Zuma's government killed people and will still do. Other mine workers should go on strike in solidarity. – Julius Malema

I managed to have a short interview with two men

1. Xolani very vocal man and he told me that he 'doesn't feel safe, he fears for his life because the police are hunting him down but he will never back, "am doing this for my dead brothers" we wont leave this place until they buried our brothers, we not on the mine property'

2. Tholakele Dlunga told me that their boss (Bernard Mokwena) gave the police permission to shot so now they are afraid to go back to work, all we want is a living wage and our brothers to be laid to rest and those in jail or hospitals back home. And some of my friends are now calling me informing me that they are still alive but hiding in the bush because they fear being killed too.

Workers and residents of Marikana came in numbers, wives cried out for their husbands and the future of their children. "we lost husbands because of Lonmin" Julius Malema left the venue to go see this di-one (Middlekrag) place which is Lonmin's property where there are allegations that some of workers are being imprisoned there due to lack of space in local police stations cells and was sent to Marikana police station were we found out that the is no prisoners at di-one and the name list of those arrested and in hospital is at the Lonmin hospital information desk and that they will give Xolane copies to distribute so that families can know whether their loved ones are in jail, hospital and if not on the list consider possibility of death, was also informed that 18 of the 34 dead are unidentifiable, the arrested workers will appear in court on Monday.

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Interesting to recall original police reaction, so full of Dennis Adriaio's untruths... the man will be remembered in history for a line issued a few hours earlier on behalf the SA Police Service in turn working for Lonmin's interests: "Today, unfortunately, is D-Day":

Police viciously attacked at Lonmin mine - SAPS

Captain Dennis Adriaio

17 August 2012

Officers forced to engage with force to protect their own lives, acted in self defence

Unrest at Lonmin Mine

Following extensive and unsuccessful negotiations by SAPS members to disarm and disperse a heavily armed group of illegal gatherers at a hilltop close to Lonmin Mine, near Rustenburg in the North West Province, the South African Police Service was viciously attacked by the group, using a variety of weapons, including firearms. The Police, in order to protect their own lives and in self-defence, were forced to engage the group with force.

This resulted in several individuals being fatally wounded, and others injured. The crime scene, which covers a vast area, is currently being managed by senior officials from the Independent Police Investigative Directorate and supported by an expert team of detectives and forensic experts.

The National Commissioner of the South African Police Service, General Riah Phiyega, and members of her top management are currently at the scene, appraising themselves of the situation, which is still unfolding.

Accordingly, in order to allow the investigators to manage the crime scene, and to stabilise the situation, the National Commissioner will be holding a media briefing at 11:30am tomorrow morning (Friday 17 August 2012) at Lonmin Training Centre (on the R27 just off the Mooiooi / Marikana off-ramp on the N4).

Statement issued by Captain Dennis Adriaio, SAPS National Spokesperson, August 17 2012

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From Ficksburg to Marikana: South Africa's post-apartheid democracy on trial!

Khanya Journal Editorial Statement on the Marikana Massacre

The murder of more than 35 miners by the South African police at Marikana on Thursday 16th August marks a watershed in South Africa's post-apartheid history. Attempts by the media, the state, the ANC other established political parties, and the established trade unions including Cosatu, to portray the massacre and the strike by Lonmin workers as caused by inter-trade union rivalry cannot hide the fact that the massacre put the South Africa's democracy on trial.

A strike driven by deepening poverty and inequality

The strike at Lonmin, one of the world's largest platinum producers, is driven by deep and systemic poverty of the workers and their communities in South Africa today. While a few



rich bosses and their BEE hangers-on flaunt their wealth, the working class continues to endure poverty wages, lack of housing and other social services, lack of education, and a deteriorating food security. The Marikana workers' refusal to end the strike was primarily driven by the need for survival and to defend living standards.

#### The ANC government defends the platinum bosses

Today the platinum bosses occupy the same position that had been occupied by the gold mining bosses throughout the history of capitalism in South Africa. With Gold mining on the decline, and with South African capitalism set to continue on its road of being an extractive economy, the future of South African capitalism is now linked to the future of platinum groups metals mining. It is this industry that will settle the future of the black capitalist class and its ANC connections, the role of the state, its political parties and its economic policy. What is done with platinum wealth will also determine whether South African capitalism can be tamed to provide a decent if basic standard of living for the majority black working class. Over the last few months the platinum bosses have been calling on the state to 'rescue' them from the effects of the global economic crisis. Workers in the platinum mines have refused to shoulder the burden of the crisis, and have mounted ongoing battles to defend their living standards. A mining lekgotla, signs by the state that it is prepared to lower safety standards on the mines, and signals by the state it is considering support to the mining bosses are part of the responses by the ANC government. The intervention of the SAPS to break the strike by Marikana workers by force is the latest in these responses to the pleas of the mining bosses. All that was left was to find a pretext to move in and break the strike by heavy forces. On the 15 August the ANC issued a statement commending SAPS for deploying "3000 heavily armed police" in Marikana.

#### The ANC government takes the road of violence against the working class

The massacre in Marikana marks an important moment in the growing brutality of the post-apartheid state against working class communities. The road from Ficksburg to Marikana is littered with bullets and armoured cars that have been used to suppress struggles of communities and workers for social justice and a decent life. With the massacre at Marikana the ANC government has finally abandoned any attempt or pretence to respect the rights of the working class to struggle, and has embraced the philosophy of the old apartheid state of 'shoot first and set up a commission later'. With Marikana the ANC government has placed itself in a long line of massacres of the working class from Bulhoek in 1921, the masscres of miners in 1946, Sharpville in 1960, Soweto in 1976, Langa in 1985, and Boipatong in 1990. South African capitalism was built on the massacres of the black working class : the ANC government has now placed itself as an inheritor of this tradition of massacres.

#### The end of the anti-apartheid democratic labour movement

The Marikana massacre also marked a watershed moment in the history of the labour movement that was born out of the Durban strikes of 1973. For Cosatu, the slogan of "an

injury to one is an injury to all' has now lost any meaning; working class solidarity and struggle no longer concerns the federation. At its CEC convened after the massacre, Cosatu said not a word about the demands of the workers, not a word about the mining bosses, not a line of criticism of SAPS, and not a word about the appalling living conditions of the miners. Cosatu focused on condemning 'breakaway unions' and made arrangement to convene an urgent CEC on 'breakaways'. For Cosatu the road to Marikana began over a decade ago, with the old labour movement consistently refusing to support and linkup with communities struggling for a better life. With the Marikana massacre the old labour movement completed its delinking from the working class and its struggle.

#### A weak working class movement and a culture of political violence

The Marikana massacre, the workers' refusal to end the strike and their preparedness to face state machine guns speaks to a deep preparedness to struggle. The levels and strategies of organising by the workers also reveal a weak and divided working class. As a new labour movement emerges out of the factories and mines, and as a new working class movement emerges out of the townships, universities and schools, all of us who are committed to a socially just world need to dedicate ourselves to overcoming deep organisational, political and strategic weaknesses of this new movement. A major challenge facing a new cadre of struggle is to overcome the culture of political violence that has been inherited from the previous cycle of struggle (against apartheid). A new working class cadre needs to learn that violence within the working class is not a method of organising, and that the terrain of political and organisational violence is a terrain of the ruling class.

#### Mobilise! Don't Mourn!

The spirit of the workers who died at Marikana will not be defeated by attempts to turn the massacre into an instance of 'black on black violence'. The apartheid state tried this and failed. It will not be defeated by turning it into 'union faction fights'. The apartheid state tried this and failed. With Marikana its not enough to condemn the state, the bosses and all those who support and defend capitalism. The spirit of the Marikana workers can only be honoured by an intensification of the struggle to build and strengthen a new, organised and militant anti-capitalist working class movement.

#### Arm yourself with Knowledge! Organising and Fight!

Khanya Journal Editorial Collective

18 August 2012

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18 August 2012

The Marikana Mine Worker's Massacre – a Massive Escalation in the War on the Poor

It's now two days after the brutal, heartless and merciless cold blood bath of 45 Marikana mine workers by the South African Police Services. This was a massacre!

South Africa is the most unequal country in the world. The amount of poverty is excessive. In every township there are shacks with no sanitation and electricity. Unemployment is hovering around 40%. Economic inequality is matched with political inequality. Everywhere activists are facing serious repression from the police and from local party structures.

Mining has been central to the history of repression in South Africa. Mining made Sandton to be Sandton and the Bantustans of the Eastern Cape to be the desolate places that they still are. Mining in South Africa also made the elites in England rich by exploiting workers in South Africa. You cannot understand why the rural Eastern Cape is poor without understanding why Sandton and the City of London are rich.

Mining has been in the news in South Africa recently. Malema, a corrupt and authoritarian demagogue who represents a faction of the BEE elite, has been demanding nationalisation. Progressive forces inside and outside of the alliance oppose Malema because he represents the most predatory faction of the elite and is looking for a massive bail out for his friends who own unprofitable mines. What we stand for is the socialisation, under workers' control, of the mines. We also stand for reparations for the hundred years of exploitation.

Things are starting to change but not for the better. Khulubuse Zuma, the president's nephew and Zondwa Mandela, the former president's grandchild, and many others with close family ties to politicians have become mining tycoons overnight. China has joined the bandwagon as well, plundering our resources.

Frans Baleni, the General of the National Union of Mineworkers (NUM) earns R105 000 a month. NUM has become a route into high office in government and even to places on the boards of the mining companies. The union is rapidly losing all credibility on the mines. It is clear that it is now co-opted into the system and is part of the structures of control. It is the police that take NUM to address the workers. Baleni's betrayal of the workers has made him a very rich man – a rich man who condemns and tries to suppress the struggles of the poor. It is no surprise that workers are rejecting NUM, trying to build an alternative union or acting on their own without any union representing them. The workers are right to chase the NUM leaders away from their strikes.

The Marikana Mine is the richest platinum mine in the world and yet its workers live in shacks. Most of the slain workers are rock drillers, the most difficult and dangerous work in the mine. They do the most dangerous work in the mine and yet they earn only R4 000 a month. Through the blood and sweat in the mines they do not only produce wealth that is alienated from them, they also produce the fat cats, which wine and dine on naked bodies and call that sushi.

The workers who occupied the hill came from many places including Swaziland and Mozambique. But most of them came from the rural Eastern Cape, from the former

Bantustans where people live their lives as a living death under the chiefs, without work, without land and without hope. Every Rand that they win back from the capitalists is another rand coming to the poorest part of the country. The part of the country that has been most devastated by the mines over the last century. We celebrate every Rand that the workers have taken back from the capitalists and fully support their demand of a salary of R12 500 a month. Will Baleni or Nzimande or Zuma accept R4 000 a month? If not why should anyone else?

The strikers see the NUM leaders as traitors. They delinked from the NUM because they saw that they needed to delink from the alliance of capitalists and tendepreners that run the ANC. The decision to delink was very courageous! We will have to delink in every sector if we are going to build a real movement for change.

Workers under the tripartite alliance are being sundered from socialism; they are only being encouraged to vote for the ruling party. Nothing is being done to fuse social consciousness in their struggle. They are encouraged to participate in sensational politics, the politics of who should lead and who should be removed. They are encouraged to see communities and workers that organise independently as their enemies.

It is easy to decide not to decide. It is much harder to make a decision pregnant with risk and promise. For miners to delink from the likes of Baleni and tripartite alliance was a courageous decision. They understand that courage is an important element of all struggles. They understand that there is no quick fix in the struggle for a just society, a society that will respect and uphold the rights of workers and nature, a society that will be ruled on the principle of each according to his needs. This society is based on each according to his political connections with the elite that has captured the ANC and its alliance partners.

If the strikers were protesting under the banner of the tripartite alliance they wouldn't have been slaughtered. COSATU strikes have often been violent but their members are not shot like animals. In fact the campaigns to support Zuma in his rape and corruption trials were full of threats of violence and yet Zuma supporters were not gunned down.

Before the miners occupied the hill they made a vow that no bullet will deter them. They were willing to fight and die to get a far share of the wealth of this mine for themselves and their families. What this demonstrates is that these were people who were aware of the risks that their decisions entailed, who thought about such risks carefully, guided by their conscience and concluded that they were willing to face the consequences that could arise.

Hellen Keller's words ring true "There is no such thing as a complete security, and if there was what fun would life be. Character cannot be developed in ease and quiet. Only through experience of trial and suffering can the soul be strengthened, ambition inspired, and success". She adds "To keep our faces toward change and behave like free spirits in the presence of fate and adversity is strength undefeatable."

The immense courage of the miners that gathered on Nkaneng hill was tremendous. They were prepared to take a real stand. They were prepared to face real risks. We do not see this courage amongst the left. In fact most of the left has abandoned real struggle in real communities for meetings and conferences and emails. The left has become something that NGOs run. It is about bussing poor black people into meetings that they have no control over and that are very very removed from the realities of our real struggles. It is about educating the poor and not about fighting with the poor. When real struggles happen in places like the shack settlements of Zakheleni, eTwatwa or Kennedy Road most of the left is not there. But when there is a big conference they are all there.

The ANC government has killed workers for demanding a salary increment from a notoriously exploitative and very, very rich company. The workers earn only R4000, per month, doing the most dangerous work. The ANC president and cabinet ministers earns not less that R2 million per year. And on top of that there is corruption everywhere. Our politicians are part of the global elite. The lowest ANC deployee earns not less than R20 000 excluding benefits.

The Marikana mine workers lived in shacks with their families. The president of the ANC has recently built a mansion in his homestead, a mansion that cost tax payers not less than R200 million.

It is the ANC government that shoot sand kill protesters when they are fighting for the assertion of their humanity. They recently killed Andries Tatane. They have killed at least 25 others on protests since 2000. If you are poor and black your lives counts for nothing to the ANC.

What lesson can be learnt from the Marikana mine workers 'massacre? The ruthlessness of this government does not diminish but on contrary increases with the number of workers and unemployed who starve. They are criminalising our struggles and militarising their police. It is clear that anyone who organises outside of the ANC, in communities or in the workplace, will face serious and violent repression from the party and the police.

The NUM and the SACP have made it very clear which side that they are on. By supporting the massacre and calling for further repression against the workers they have made it quite clear that they are on the side of the ruthless alliance between capital and the politicians. They have declared, very clearly, that they support the war on the poor. Their reactions to the massacre are a total disgrace. No credible left formation in South Africa or anywhere in the world can work with the NUM or SACP again. The decision of the miners at Marikana to delink from the corrupt and ruthless politics of the alliance has been vindicated.

Things will not get better but will get worse. When the elite's power is threatened they will respond with more and more violence. War has been declared on the poor and on anyone organising outside of the control of the ANC. We are our own liberators. We must organise and continue to build outside the ANC. We must face the realities of the situation that we confront clearly and courageously. Many more of us will be jailed and killed in the years to come.

What they have done can never be forgotten nor forgiven.

Ayanda Kota

078 825 6462

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Gordimer distressed at Lonmin mine 'massacre'

Sapa-AFP | 18 August, 2012 13:41

Nobel literature prize winner Nadine Gordimer, a powerful critic of apartheid, told AFP she never imagined the police violence that killed 34 miners could ever happen in the new South Africa.

In scenes that drew comparisons to the infamous 1960 Sharpeville massacre, when apartheid police fired into a crowd of blacks, police on Thursday opened fire into group of striking miners demanding a tripling of their salaries.

"I am absolutely devastated. I can't believe this terrible massacre between our own people, our own black people," she said in an interview. "Ghastly, completely unacceptable."

"If you ask me when we celebrated our victory in the struggle, when Umkonto weSizwe (the ANC armed wing) won against the South African army, and especially those of us around, as I was in the ANC, we could never have believed this would ever happen," she said.

Police said they acted in self defence against the armed protestors.

Gordimer said South African police lacked crowd control skills, despite the recurring protests against poor living conditions across the country.

"I don't understand why, since we have had so many protests over the living conditions of people living in shacks, why the police do not have sophisticated, more competent methods of dealing with people who become violent in a crowd.

"Why would you simply pick up your gun and shoot back?"

Gordimer, who had several works banned by the apartheid regime, said in the dawn of democracy euphoria, a host of inequalities were overlooked and no plans were put in place to deal with them.

"There were many factors we didn't take into account. All we were absolutely interested about was getting rid of apartheid. We didn't realise that the financial inequality along with all the other inequalities, were sure going to be with us."

"And unfortunately we seem to have quite wrongly not talked about this before, and how we were going to deal with this situation."

The 88-year-old writer and political activist said as a young white girl she was made to believe that black miners were dangerous.

But as she grew up and became politically aware, she got to understand the deplorable living conditions of black mine workers, who were kept far away in so-called compounds.

As co-author of the book *On The Mines*, she went in to understand first-hand the mine workers' living conditions, which she believes have not improved much.

"The compounds, the sleeping quarters, were concrete bunks, one above the other, concrete. And I don't know what the conditions are like now (but) I am sure they are not particularly comfortable.

She said the "incredible" compound system continued "until I am sure, very recently."

"These people are really the most important working factor in bringing out the wealth that we have, our wealth, our platinum, our gold and uranium underground. They have always been underpaid and under-cared for."

Many of them have suffered from mining-related illnesses such as tuberculosis, she said.

She was also annoyed that President Jacob Zuma did not return home immediately in the thick of the violence.

"President Zuma was on some mission in Mozambique. Why didn't he get on one of his private jets and come back immediately to deal with the trouble?"

She does not spare mine owners from blame.

"I want to see them brought into the public domain to (explain) what they intend to do to change the conditions of these workers."

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Justice organisation blames Zuma for Marikana shooting

Sapa | 18 August, 2012 15:07

A New Zealand-based organisation has blamed President Jacob Zuma and the ANC-led government for a shootout at the Lonmin mine in Marikana, in the North West, that left 34 workers dead.

Spokesman for the Global Peace and Justice Auckland (GPJA) John Minto wrote in an open letter to Zuma that the government had "blood on their hands".

"Just as we held the apartheid regime responsible for the massacres in the 70's and 80's, we now hold the ANC government responsible for the massacre of striking mineworkers."

Minto said members of the organisation had watched with growing alarm at the direction the ANC leadership had taken South Africa since the first democratic election in 1994.

"Under the ANC we have seen South Africa change seamlessly from race-based apartheid to economic apartheid".

He said the strike came as a result of the ANC's choice to follow free-market economic policies.

"Such policies had always transferred wealth from the poor to the rich and stripped hope from the majority" he said.

He said the struggle for liberation was not aimed at placing a few black faces at the top table in South Africa.

New Zealand-based media outlet 3 News reported on Saturday that GPJA protesters attacked the South African consulate building in Auckland in response to the shooting.

They used red paint bombs to splatter the walls and windows and stuck the open letter on the door.

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<http://archive.org/details/MassacreOfStrikingMineworkersInMarikanaSouthAfrica>

Massacre of Striking Mineworkers in Marikana, South Africa

- 20:211 Marikana Massacre

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20:21

On August 16th, heavily armed police in Marikana, South Africa opened fire on striking mineworkers, reportedly killing over 34 workers in an action reminiscent of the worst days of the apartheid regime. The platinum miners were demanding increases in pay and



improved living and working conditions in a nation where poverty, unemployment and inequality persist 18 years after the end of the apartheid system of white rule. The governing African National Congress (ANC), which once represented the hope of equality for all South Africans, obliquely condemned the violence but refrained from criticizing the police.

With Patrick Bond, political economist and senior professor at the University of KwaZulu-Natal School of Development Studies in Durban, South Africa. Radio interview by Amy Grunder, first aired live on Sounds of Dissent on WZBC 90.3 FM Boston on 2012-08-18. --- Sounds of Dissent has aired since 1998 on WZBC 90.3 FM in Greater Boston. Catch us every Saturday from 11 a.m. to 1 p.m. Eastern Time. Live streams & archive links at [wzbc.org](http://wzbc.org).

This audio is part of the collection: Community Audio

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Keywords: South Africa; Marikana; ANC; African National Congress; Lonmin; mine workers; apartheid; National Union of Mineworkers; NUM; Association of Mine Workers and Construction Union; AMCU

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Individual Files

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Marikana Massacre 18.6 MB

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Some Marikana miners say they will fight to the death

Sapa-AP | 18 August, 2012 08:31

Striking mineworkers brandish spears and sticks near Lonmin Platinum Mines' Marikana mine at Rustenburg in South Africa's North West Province on Thursday, shortly before police opened fire with live ammunition.

Image by: KEVIN SUTHERLAND

Frantic wives searched for missing loved ones, President Jacob Zuma rushed home from a regional summit and some miners vowed a fight to the death as police announced a shocking casualty toll from the previous day's shooting by officers of striking miners: 34 dead and 78 wounded.

Other media put this figure at 44 dead.

Wives of miners at the Lonmin Marikana platinum mine, northwest of Johannesburg, took the place of dead and wounded husbands on Friday in staging a protest.

But this time instead of asking for higher wages as the miners had done, the women demanded to know why police had opened fire Thursday with automatic rifles, pistols and shotguns on the strikers, many of whom had been armed with spears, machetes and clubs, as they rushed toward the officers.

Police said at a news conference that it was in self-defence, noting that strikers even possessed a pistol taken from a police officer they had beaten to death on Monday. But video footage indicates the miners may have simply been trying to flee tear gas that police had fired at them moments earlier.

As the miners rushed away from a hill they had occupied and that was being tear-gassed, police opened fire, including with automatic rifles. Police were perhaps jumpy, knowing that the strikers were armed and that two officers had already died earlier in the week.

"Police stop shooting our husbands and sons," read a banner carried by the women on Friday. They kneeled before shotgun-toting police and sang a protest song, saying "What have we done?" in the Xhosa language.

National police Chief Mangwashi Victoria Phiyega told a packed news conference that Thursday was a dark day for South Africa and that it was no time for pointing fingers, even as people compared the shootings to apartheid-era state violence and political parties and labour unions demanded an investigation.

Zuma returned home from a summit in Mozambique and announced an official inquiry into the killings, which he called shocking and tragic. The president headed directly to the mine, 70 kilometres northwest of Johannesburg, where his office said he would visit injured miners in the hospital.

At least 10 other people were killed during the week-old strike, including the two police officers battered to death by strikers and two mine security guards burned alive when strikers set their vehicle ablaze.

Makhosi Mbongane, a 32-year-old winch operator, said mine managers should have come to the striking workers rather than send police. Strikers were demanding monthly salary raises from R4 000 to R12 500. Mbongane vowed that he was not going back to work and would not allow anyone else to do so either.

"They can beat us, kill us and kick and trample on us with their feet, do whatever they want to do, we aren't going to go back to work," he told The Associated Press. "If they employ other people they won't be able to work either. We will stay here and kill them."

Research released by the Bench Marks Foundation, a non-governmental organisation monitoring the practices of multinational mining corporations, found that Lonmin had a bad track record with high levels of fatalities and keeping workers in "very poor living conditions".

According to the report released Tuesday, workers often live in deteriorating shacks without electricity. Some children suffer from chronic illnesses due to sewage spills caused by broken drainage.

The mining company said earlier that it would withhold comment on the report until the conflict situation cooled down.

Myriad problems are facing South Africa 18 years after white racist rule ended, including growing inequality between a white minority joined by a small black elite while most blacks endure high unemployment and inadequate housing, health care and education.

The shootings "awaken us to the reality of the time bomb that has stopped ticking - it has exploded," The Sowetan newspaper said in a front-page editorial Friday. "Africans are pitted against each other... They are fighting for a bigger slice of the mineral wealth of the country."

The youth wing of the ruling African National Congress party argues that nationalization of the nation's mines and farms is the only way to redress the evils of the apartheid past. Zuma's government has played down those demands.

Lonmin PLC chairman Roger Phillimore issued a statement Friday saying the deaths were deeply regretted.

At hospitals in the area, people gathered, hoping to find missing family members among the wounded. At the scrubland scene of the killings, a woman carrying a baby on her back said she was looking for a missing miner.

"My husband left yesterday morning at 7am to come to the protest and he never came back," said Nobantu Mkhuzo.

Shares in Lonmin PLC fell as much as 8% Friday. Since violence broke out last weekend at the Marikana mine, shares have fallen by as much as 20%, wiping some R5 billion off the company's market value.

The company, the world's third-largest platinum miner, has also been hit by Thursday's announcement that chief executive Ian Farmer is hospitalised with a serious illness.

Meanwhile Friday, police investigators and forensic experts watched by about 100 people combed the scene of the shooting, planting multicoloured cones and numbered placards to

mark evidence amid the dirt and bushes where the shooting took place. Police also searched the rocky outcropping where thousands of miners had gathered daily to strike.

The South African Police Service defended officers' actions, saying in a statement that they were "viciously attacked by the [strikers], using a variety of weapons, including firearms. The police, in order to protect their own lives and in self-defence, were forced to engage the group with force."

Poor South Africans protest daily across the country for basic services like running water, housing and better health and education. Protests often turn violent, with people charging that ANC leaders have joined the white minority that continues to enrich itself while life becomes ever harder for the black majority.

The Law Society of South Africa said the miners "have been the victims of an escalating breakdown in conflict resolution, particularly in the mining industry."

"This breakdown is symptomatic of our society and body politic in South Africa," the society added.

While the initial walkout and protest focused on wages, violence has been fueled by the struggles between the dominant National Union of Mineworkers and the upstart and more radical Association of Mineworkers and Construction Union.

NUM secretary-general Frans Baleni has said that some of his union members were on a hit list, including a shop steward killed Tuesday by strikers.

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<http://www.citypress.co.za/Multimedia/South-Africa/Watch-Its-the-police-who-started-firing-20120818>

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Cops distance themselves as Lonmin miners welcome Malema

18 Aug 2012 13:36 - Sapa

Former ANC Youth League President, Julius Malema asked police to distance themselves from the crowds at the Wonderkop village near Rustenburg.

The negotiations between Malema and the police on Saturday came after complaints from Lonmin workers and residents that they felt uncomfortable engaging with Malema with the police the

Around three police nyalas were parked in the area.

Police heeded Malema's call and moved their vehicles about a kilometre away from the gathering.

Malema arrived in Wonderkop a short while ago.

He was given a warm welcome by the residents and mineworkers when he arrived.

Women ululated while men, who had been seated, stood up and clapped their hands.

Some of the women were waving placards reading: "Julius Malema, Boeremag, please stand up".

One woman who held a placard with that message explained that she meant to send a message to Malema that the boer (white men) have killed their husbands.

She said they wanted Malema to help them.

Shot in the back

Another woman carried a placard reading "R500 reward for killing police, Musina to Cape Town do your best."

She explained that her placard meant that anyone who could kill police officers from the start of the country in Limpopo to the tip of it in the Western Cape would receive a R500 reward.

For the first time, women and men were seated in one gathering since the start of the unrest.

The women were still however, separated from the men by a fence.

Former African National Congress Youth League (ANCYL) Spokesperson, Floyd Shivambu and suspended league secretary, Sindiso Magaqa were also present.

Earlier, Shivambu said he understood the pleas of the miners and said the police were wrong to utilise maximum force to disperse them.

"Most of the people were shot at the back, indicating that they were running away so police actions were not justified," he said.

A total of 34 people were killed in a shootout that erupted near the mine on Thursday when police tried to disperse striking miners.

More than 78 people were injured. Another 10 people had by then been killed in the violent protests at the mine over the past week.

President Jacob Zuma visited Lonmin yesterday where he condemned the violence. He called for an inquiry into the incident. &ndash; Sapa.

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Malema: Miners were killed to protect Cyril Ramaphosa shares

18 Aug 2012 15:56 - Sapa

Addressing Lonmin miners, Malema has called for Zuma and Mthethwa to resign, and claimed police were protecting the interests of Cyril Ramaphosa.

President Jacob Zuma and Police Minister Nathi Mthethwa must resign following the death of mineworkers at Lonmin's Marikana operations, in the North West, expelled ANC Youth League President Julius Malema said on Saturday

"President Zuma decided over the massacre of our people, he must step down."

Malema was speaking in Wonderkop where around 34 people were killed in a clash between police on Thursday.

He said Mthethwa must also resign because the police shot people under his command.

"He must resign because he failed in executing his duties."

Malema told the crowd that the police were supposed to protect them and not kill them.

"It has never happened before that so many people were killed in a single day and it became normal," he said.

Malema, who pledged his support for the striking mineworkers urged them not to retreat and to stand firm on their demand for a R12 500 salary.

Not a president

He said the reason the police shot at the people was because they were protecting the interest of ANC National Executive Committee (NEC) member, Cyril Ramaphosa, who, he alleged, owned shares in Lonmin.

"Lonmin had a high political connection that is why our people were killed. They were killed to protect the shares of Cyril Ramaphosa," he said.

He told the gathering that it was amazing that Ramaphosa was able to buy a buffalo for R18-million but could not pay them the R12 500 they were demanding.

Earlier today, the Shanduka Group, which was formed by Cyril Ramaphosa, pledged R2-million for the burial of scores of people killed in the Lonmin clashes.

Malema said one reason why he called for the resignation of President Zuma was that he failed in his duty to protect the citizens of the country.

"When you were killed, Zuma was still in the country. He decided to go to Maputo, Mozambique and once he was there he was advised that he made a wrong decision. That is why he returned to the country yesterday [Friday]."

He told the crowd that if they were asked who is the president of the country, they should say they do not have a president.

"I don't have a president. Zuma is not a president."

He called on the mineworkers to form a militant union that would represent their interests.

He said that the National Union of Mineworkers (NUM) was no longer a union that represented the interests of the workers but was interested in making more money.

"NUM is not a union, it's a company. They hold shares in mining companies, that is why when there are problems in the mines they are the first to sell out the workers."

The crowd dispersed peacefully after Malema's address.

A total of 34 people were killed in a shootout that erupted near the mine when police tried to disperse striking miners.

More than 78 people were injured. Another 10 people had by then been killed in the violent protests at the mine over the past week. &ndash; Sapa.

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<http://www.thebellforum.com/showthread.php?t=79462&s=bc03c0b4d110c6adf78f6e6ebf170ef0>

Miners' wives rage at South African police brutality after 'massacre'

Women performing apartheid-era toyi-toyi dance condemn mine company as they wait for news of victims of police shootings

Nosisieko Jali's husband is missing. She has heard a rumour that a bullet hit him in the head, yet he survived. One witness said all his clothes were torn. "I don't know where he is," said Jali, numb with anxiety. "The hospital wouldn't let me come inside. I am hurting."

Jali is among scores of wives at the Lonmin platinum mine in Marikana still waiting to discover if their husband is in a jail, hospital or mortuary after one of the bloodiest days in South Africa since apartheid.

Thirty-four people were killed and 78 injured on Thursday when police with automatic rifles, pistols and shotguns opened fire on the strikers, many of whom were armed with spears, machetes and clubs as they demonstrated for higher wages. The shocking images, beamed to TV viewers around the world, provoked comparisons with massacres by the white minority regime of the country's past.

On Friday, next to the killing field, wives took the place of their dead and wounded husbands to stage an angry, emotionally charged demonstration. The women raged against police brutality, mine exploitation and a lack of official information that has left them agonisingly in the dark.

"How can we know whether people are dead or missing?" demanded Nowelcime Bosanathi, 35. "My husband went to the protest with a stick. I worried he might be dead. Then he called last night to say he's in a police van and he doesn't know where he's going. Now his phone is on voicemail."

Waving sticks, whistling and ululating, the women performed the apartheid-era toyi-toyi dance up and down a dirt road. They sang songs, some mournful, some defiant, warning: "When you strike a woman, you strike a rock" and invoking the memory of heroes of the anti-apartheid struggle such as Oliver Tambo. They joined hands in a circle for a soulful rendition of Nkosi Sikelel' iAfrika, the national anthem and originally a hymn. They kneeled before police armed with shotguns and sang "What have we done?" in the Xhosa language.

The group of about 100 women also brandished homemade cardboard placards with handwritten slogans condemning the police. "Police stop shooting our husbands and sons," one said. Another, referring to the new national police commissioner, Riah Phiyega, read: "Piega you celebrating your position by blood of our families."

Primrose South, 51, was still waiting for news about Mishack Mzilikazi, 35, who lives on her property and is considered part of the family. "I last saw him at 8am on Thursday. He was going to work with his phone but now it's off. He also had a stick and he was quiet.

"I don't know where he is now. He could be in prison or he could be dead. I don't know."

She added: "We are feeling bad because the children now are crying, are hungry, are afraid even to sleep at night. The wives have no husbands now. Their husbands are lying dead in the forest."

Whatever did happen here there is no shortage of blame – and competing accounts. The women point at the police and the Lonmin mine management.



South, who works as a mine store manager, said: "The management sent the police to kill our husbands, brothers and sons. But we will fight for our rights like them."

Many of these women followed their husbands from Eastern Cape province or neighbouring countries such as Lesotho, Swaziland or Zimbabwe. They live in the nearby Nkanini settlement in cramped shacks with pit toilets and an intermittent water supply. Above one of one of the world's richest platinum deposits, goats wander in adjacent scrubland strewn with discarded plastic bags and rubbish.

They denied that the workers had opened fire first and said a turf war between rival unions was a sideshow to the dispute over pay.

The unions are scrapping for members. The National Union of Mineworkers, a supporter of the ANC, had signed up to a pay deal with Lonmin. But the militant Association of Mineworkers and Construction Union (AMCU) rejected this and pushed for wages to be trebled. This comes amid a wider debate on whether the governing African National Congress (ANC) should curb mine owners' power.

The youth league of the ANC argues that nationalisation of the country's mines and farms is the only way to redress the injustices of the past. The youth league said: "South Africa's exploitative mining regime, capitalist greed and the poverty of our people is the cause."

For its part, Lonmin announced that it would provide support to all the families that have suffered loss this week. Simon Scott, its chief financial officer, said: "We have established a help desk at Lonmin's Andrew Saffy Hospital, which will help families with the identification of bodies, assist with all the burial arrangements and offer bereavement counselling.

"Lonmin commits to provide funding for the education of all the children of employees who lost their lives. This funding will cover education costs from primary school to university."

The company's London-listed share price slumped 9% early yesterday, though it ended 1.3% down at 639.5p. It plunged to a nine-year low on the Johannesburg exchange, where it is also listed.

The South African Institute of Race Relations called for the immediate suspension of all police officers involved in the shootings.

It said: "There is clear evidence that policemen randomly shot into the crowd with rifles and handguns. There is also evidence of their continuing to shoot after a number of bodies can be seen dropping and others turning to run.

"This is reminiscent of the Sharpeville massacre in 1960," it said.

The police, though, insisted they acted in self-defence, arguing that the mine workers even possessed a pistol taken from a police officer they are alleged to have beaten to death on Monday.

At least 10 other people were killed during the week-old strike at the mine, 80 miles north-west of Johannesburg, including two police officers said to have been battered to death by strikers and two mine security guards.

It was into this highly charged atmosphere that President Jacob Zuma stepped, having cut short a visit to a regional summit. He announced that a commission of inquiry would be held into the tragedy. "This inquiry will enable us to get to the real cause of the incident and derive the real lessons too," he said during a visit to Marikana.

"We've all been saddened and dismayed by the events of the past few days and hours around the Marikana mine. The loss of life among workers and members of the police service is tragic and regrettable.

"These events are not what we want to see or want to become accustomed to in a democracy that is bound by the rule of law and where we are creating a better life for all our people.

"Today our thoughts are primarily with the families of those who have lost their lives. As a government and as fellow citizens, we offer our sincere condolences to families who have lost their loved ones. Our thoughts are also with those who are recovering."

He continued: "The events of the past few days have unfortunately been visited upon a nation that is hard at work addressing the persistent challenges of poverty, unemployment and inequality.

"We undertake this work in conditions of peace and stability, working with all sectors in our country.

"We assure the South African people in particular that we remain fully committed to ensuring that this country remains a peaceful, stable, productive and thriving nation, that is focused on improving the quality of life of all, especially the poor and working class.

"It is against this background that we have to uncover the truth about what happened here."

He went on: "Today challenges us to restore calm and share the pain of the affected families and communities.

"This is not a day to apportion blame. It is a day for us to mourn together as a nation. It is also a day to start rebuilding and healing."

<http://www.thebellforum.com/showthread.php?t=79498>

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<http://www.guardian.co.uk/commentisfree/2012/aug/17/marikana-action-strike-poor-state-haves>

The Marikana action is a strike by the poor against the state and the haves

The shooting at Lonmin's Marikana mine exposes weaknesses at the heart of South African society

by Justice Malala

Friday 17 August 2012 15.30 EDT

The story of the London-listed Lonmin's Marikana mine shootings is that of a trade union that cosied up to big business; of an upstart and populist new union that exploited real frustration to establish itself; and of police failure.

It is a story which exposes South Africa's structural weaknesses too: we are one of the world's top two most unequal societies (with Brazil). Poverty, inequality and unemployment lie at the heart of the shootings this week.

The Lonmin story starts with the 360,000-member National Union of Mineworkers, formed in the 1980s to fight apartheid labour laws. Under the leadership of Cyril Ramaphosa – ironically now on the board of Lonmin, which owns the mine where the shootings occurred – the union became the biggest affiliate to the Congress of SA Trade Unions (Cosatu), a powerful ally of the ruling ANC.

For more than a decade Cosatu has concentrated on socioeconomic and political issues. Instead of organising on the shop floor it has harried the ANC government to adopt increasingly left-leaning policies. The NUM, one of the two biggest unions within Cosatu, has been at the forefront of these struggles.

Over the past few years the NUM has been split by succession battles inside the ANC, with the current leadership campaigning for ANC President Jacob Zuma to win a second term. The union has paid a heavy price for this. At the Lonmin mines its membership has declined from 66% of workers to 49% and it has lost its organisational rights. Disgruntled and expelled union leaders had in the meantime started a new union, the Association of Mineworkers and Construction Union, and were organising on the NUM's turf.

The NUM's achilles heel was that its relationship with mine owners and the Chamber of Mines had become too close. Its secretary, Frans Baleni, is a more strident critic of the nationalisation of mines than many business leaders. The union has also allegedly accepted wage settlements that tied workers into years of meagre increases.

The AMCU dangled a fat piece of fruit in front of the workers' eyes: rock drillers (who are the core of this strike and do the hardest work underground) earning R4,000 a month were promised R12,500 a month. The union's support in the Lonmin mines shot up to 19% by last month, and it embarked on an illegal strike to force its pay demand.

This week the strike turned violent. On the ground, armed workers are promising to "take a bullet with my fellow workers". Traditional doctors have been anointing strikers with potions, allegedly making them invincible. The AMCU's leaders are preparing for war.

The NUM has lost all credibility and is bleeding members. Its already well-paid secretary, Baleni, was awarded a salary increase of more than 40% last year and his total salary package is just more than R105 000 a month. NUM leaders have refused to get out of police armoured vehicles to address workers. Last year one of them was struck with a brick and lost an eye. They have no cogent plan to end the strike.

The police, too, have lost credibility. Although the indications are that they were shot at, a death count of 34 in three minutes suggests panic, ill-preparedness and fear. A judicial inquiry is likely.

Lonmin saw its chief executive hospitalised with a serious illness two days ago. It is leaderless, then, and has no coherent plan to end the impasse. On Friday it kept a stony silence after days of hapless statements.

This could all have been prevented. Amcu has been organizing at other mines in the region and violence flared at Impala Platinum earlier this year, with several people killed in a manner not dissimilar to this week's events. The police failed to act or gather intelligence to prevent a recurrence.

The AMCU is also organising among poor workers and their shack settlement communities, which have become no-go zones for police. For these settlements, this is a strike against the state and the haves, not just a union matter.

The political leaders now pouring into the area are flying into hostile territory without a plan. Joseph Mathunjwa, an AMCU leader, told workers today: "We're going nowhere. If need be, we're prepared to die."

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Amandla Editorial Comment

A Brutal tragedy that should never have happened

No event since the end of Apartheid sums up the shallowness of the transformation in this country like the Marikana massacre. What occurred will be debated for years. It is already clear the mineworkers will be blamed for being violent. The mineworkers will be painted as savages. Yet, the fact is that heavily armed police with live ammunition brutally shot and

killed over 35 mineworkers. Many more are injured. Some will die of their wounds. Another 10 workers had been killed just prior to this massacre.

This was not the action of rogue cops. This massacre was a result of decisions taken at the top of the police structures. The police had promised to respond with force and came armed with live ammunition. They behaved no better than the Apartheid police when facing the Sharpeville, 1976 Soweto uprisings and 1980s protests where many of our people were killed.

The aggressive and violent response to community service delivery protests by the police have their echo and reverberation in this massacre.

This represents a blood-stain on the new South Africa.

This represents a failure of leadership. It is a failure of leadership from government: its ministers of Labour and Minerals Resources who have been absent during this entire episode; its Minister of Police that maintains this is not political but a mere labour dispute and defends the action of the police; a failure of the President who can only issue platitudes in the face of this crisis and not mobilise the government and its tremendous resources to immediately address the concerns of the mineworkers and now their bereaved family members.

It has been a failure and betrayal of the Lonmin mine management that refused to follow through on undertakings to union leaders to meet the workers and address their grievances. The management summersaults between agreeing to negotiate with workers and then reneges saying they have an existing two-year agreement with National Union of Mineworkers (NUM).

It is unfortunately also a failure of the union leadership: In the first instance the NUM which regards any opposition to their leadership as criminal and asserts that such opposition must necessarily be a creation of the Chamber of Mines. This is obviously not true. It is also a failure of the leadership of Association of Mining and Construction Union (AMCU), which acts opportunistically in an effort to recruit disgruntled NUM members, mobilises workers on unrealistic demands and fails to condemn the violence of its members.

The level of violence on our mines demonstrates the deep divisions within and polarisation of South African society. Mineworkers are employed in extreme conditions of poverty, often living in squalor in squatter camps without basic services. The mineworkers are often employed through labour brokers and informalised without decent work conditions.

The "wildcat strike" (like other similar strikes on the mines) that set off the events leading to the slaughter is a response to the structural violence of South Africa's system of mining. However, it is also a response to something else, which we dare not ignore.

Enriched mineowners with the experience of BEE co-option see an opportunity of driving a wedge between "reasonable" union leaders and the workers. They entice the unions into

sweetheart relations dividing them from the worker ranks-and-files. The anger on the mines is a deep-seated anger at mine management that is progressively being directed at the compliance and failure of their union leadership to defend and represent worker interests.

The alienation between union members and the unions' leadership is a factor behind what has happened at Lonmin and what is happening on other Platinum mines.

Nevertheless, the slaughter of more than 35 mineworkers is as a result of the violence of the state, specifically the police. At the very least Minister Mthethwa must take responsibility and resign.

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Historic Lonmin faces "perfect storm" after killings

REUTERS | 2012-08-18 12:29:00

LONDON - "You can never have enough enemies," Tiny Rowland once boasted, but even the buccaneering tycoon who built what is now Lonmin plc might blench before the "perfect storm" it faces after South African police killed 34 strikers at its Marikana platinum mine.

Never a stranger to controversy - in its days as Lonrho, a British conservative prime minister of the 1970s famously called its then head the "unacceptable face of capitalism" - Lonmin can add human misery and a public relations nightmare to the labour struggles and falling demand afflicting all platinum producers.

The company already has one of the most pressured balance sheets in the sector and if production remains stalled after the bloodshed its hopes of limiting a shortfall in its 2012 output target and meeting debt-to-earnings commitments may dim further.

"Do yesterday's events change the picture for Lonmin? I do think yes, they do. What we would like to see is obviously the speedy resolution of this conflict and the striking rock drill operators return to work as quickly as possible," said Panmure analyst Alison Turner as investors stayed bearish on the stock.

"I think the kind of violence that you saw yesterday makes that increasingly difficult."

Adding to Lonmin's woes, it announced on Thursday that well regarded chief executive Ian Farmer, a veteran of the group since well before the board ousted the late and controversial Rowland in 1994, was seriously ill in hospital.

"I just couldn't think of any more bad things that could happen to them," said a second industry analyst who spoke on condition of anonymity. "It's the perfect storm."

Lonmin shares dropped over eight percent to their lowest in London since 2008 on Friday, before recovering to close down 1.3 percent at 619.4 pence near the close.

#### DEMAND DOWN, COSTS UP

Like its peers, the world's third biggest platinum miner has struggled with soaring wages and languishing prices, which have been hit by weak demand among car and truck makers, who use the metal in catalytic converters, and for jewellery. Struggles with unions in South Africa, saw Lonmin sack, and then mostly re-hire, 9,000 workers last year after an unsanctioned walk-off.

But violence this week, fuelled by inter-union rivalries, is unprecedented and threatens the miner's already troubled efforts to secure a profitable future by ramping up key shafts and bringing down costs. Even before this week, Lonmin had said it was slashing spending plans to preserve cash.

It has said it is keeping basic services ticking over at Marikana to speed up a return to work, as and when the mine can put behind it Thursday's bloodbath, which plunged South Africa into agonised examination of its post-apartheid economy. But it has also already warned it will miss its full-year output target of 750,000 ounces of platinum and investors are fretting.

The clashes have put what was already one of the most pressured balance sheets in the sector under greater strain, prompting analysts to speculate on an overhaul of its finances, either via debt restructuring or a discounted cash call.

Lonmin has agreements with lenders that require it to keep the ratio of net debt to core profit at no more than four times. That will be tested next month, but is already seen strained.

"Lonmin just doesn't have the balance sheet resilience to sort of cope with a prolonged strike," said another London industry analyst who declined to be named. "We always thought it was going to become strained come the first half of 2013.

"But now there's concern beginning to grow that actually the year ending in September could see a covenant breach."

#### RIGHTS ISSUE?

Lonmin has an unenviable combination of expensive operations, hefty capital commitments and net debt estimated by analysts at Nomura to hit \$400 million at the full year. But raising capital from shareholders may also pose problems.

"Pricing a rights issue on the basis of the long-term attractions of unique assets is extremely tricky, so we have neither added to nor reduced holdings," an executive at one of

the company's 15 largest shareholders said. "Xstrata, with their 25 percent stake, must be watching with furrowed brows."

It is unclear that miner Xstrata, which took a \$514 million hit over its Lonmin stake at the half-year and is in the throes of a takeover, would back a share sale, analysts said.

The final number of ounces lost and the ultimate impact on Lonmin's balance sheet are still unclear, but analysts say that unlike larger rival Impala - scene of clashes in South Africa earlier this year that forced the closure of the world's largest platinum mine - Lonmin would struggle with a long halt.

Analysts at Credit Suisse estimated a disruption of similar length to Impala's would cost Lonmin more than 100,000 ounces.

That would spell trouble for the company, which traces its roots back a century to the London and Rhodesian Mining Company. It owes much of its present asset base to Roland "Tiny" Rowland, the entrepreneur raised in Germany who courted African leaders and feuded with the British establishment for three decades as he built Lonrho into a diversified conglomerate from the 1960s.

Though a bitter takeover feud in the 1980s with Egyptian-born Mohamed al-Fayed for London's luxury department store Harrods left Lonrho, for once, empty-handed, it still had a global portfolio ranging from hotels and trading to newspapers.

But after Rowland was ousted in a boardroom coup in 1994 it sold off most of its other interests and, a year after Rowland's death, the remaining, mining business was renamed Lonmin.

The boom in catalytic converter use as governments battled to cut exhaust emissions saw the streamlined platinum company flourish. But as demand now slumps, miners strike and debts rise, even Rowland might now feel it has too many enemies.

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17 August 2012

Lonmin Statement on Marikana Situation

Lonmin Chief Financial Officer, Simon Scott said: "On behalf of the whole Company I would like to

express our sincere condolences to the families and friends of all those employees who have lost

their lives, not only in the events of Thursday but also in the days leading up to it, and of course to



the families and colleagues of the two South African Police Service officers who died trying to

protect others.

“I would like to thank all those Lonmin staff, whether they have been able to get to work or not, for

their dedication and efforts.

“We are committed to supporting all the families that lost loved ones during this tragic week. We

have established a Help Desk at Lonmin’s Andrew Saffy Hospital which will help families with the

identification of bodies, assist with all the burial arrangements and offer bereavement counselling.

“In addition to the Help Desk Services, Lonmin commits to provide funding for the education of all

the children of employees who lost their lives. This funding will cover education costs from primary

school to university.

“Lonmin has for many years worked tirelessly to achieve effective and open labour relations. We

engage with all the unions our employees choose to belong to and whilst, like all companies, we

have had disagreements, we have generally operated in partnership with the unions to the benefit

of the Company and the employees, which is why the illegal strike we’ve seen is so disappointing

and damaging.

“We can also be proud of the work we have done in the communities who live around our mines,

where we have invested hundreds of millions in providing housing, health services, education and

also training to help local people achieve qualifications to get jobs in mining and other industries.

There is much still to be done on and around our property and we are committed to continuing this

effort and investment.

“This last week has dealt those efforts a severe blow. We must start to rebuild those relationships,

starting today, building back trust and trying to move forwards.

“Finally, a stable mining sector is vital to the economic future of this country. If the industry

continues to be damaged by illegal actions it is not just the economy which suffers, but all our

employees, their families and dependents. We need our employees to come back to work and we

need to get mining again.”

- ENDS -

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ALEC HOGG: We have just got to hand an e-mail from Lonmin. They’ve been pretty scarce as far as it comes to discussing the issues with us directly. Apparently the spokesman, who’s been on top of this until now, Barnard Mokwena, has himself gone in for therapy, so he’s taken a lot of strain out of all of this. But the one point that did come out of the Lonmin statement that I’ve just been scanning is that Lonmin has committed to provide funding for the education of all the children of the employees who lost their lives. This funding will cover education from primary school to university. Lonmin it says has for many years worked tirelessly to achieve effective and open labour relations.

Well, believe that if you will.

Let’s start off now with a little bit of background. Andrew Levy spoke to us through the week but on Tuesday night he gave us these insights which indeed turned out to be extremely insightful. Let’s hear what Andrew had to say.

ANDREW LEVY: Fundamentally it seems to me that what we have here is something which has spread. It's spread from Impala. It's been brewing for a while and the trigger seems to be the rock-drill operators or the RDOs. Now, the rock-drill operators are something of a labour elite – they are absolutely key to the production process. These are the guys who, as the name suggests, drill the shot holes for the blasting. And they have for some time been arguing for a regrade of their position. And because they are in a very strong bottleneck situation, and nothing happens without them, their bargaining power is great.

Now if the rock-drill operators wanted to stop the mine and they decided that no-one was going to work – that's where it began. And I think that they are of the view that NUM is doing nothing for them, which is why they have been burning down NUM offices. The fact of the matter is that neither of the two unions is in control. Neither of the two unions is taking any credible stand to deal with this issue. What is even more concerning is that, other than the police presence, government has yet to show its hand and make strong statements.

ALEC HOGG: Well, that was before yesterday's tragedy, when automatic rifle fire from the South African Police Service killed 34 and injured 78. I'm sure, if you have been in South Africa or been anywhere near Moneyweb, you would have seen the video footage which is rather horrific.

Talking about the two unions involved here, NUM, the National Union of Mineworkers on the one hand – we did speak with the representative on Tuesday night – has been scarce since then.

However, AMCU is the other union that has been blamed by NUM for starting everything. It held a media conference today and Moneyweb's Eleanor Seggie was there. What exactly went on, Eleanor?

ELEANOR SEGGIE: Well, a visibly emotional and repeatedly upset president, Mathunjwa, broke down in tears in front of the media. He said this wasn't a turf war between NUM and AMCU. It was rather a worker issue. He went into precise detail, telling us how AMCU tried to engage Lonmin management with feedback from the workers, which was fruitless. And he said the massacre could have been avoided if Lonmin management didn't renege on its commitment to engage with the unions and the workers on their demands.

ALEC HOGG: So the rock-drill operators that Andrew Levy told us about were paid around R5 000 a month. They wanted apparently R12 500 a month. Not bad – double and-a-half. Were they offered anything? Did you get any feedback on that?

ELEANOR SEGGIE: Well, apparently from speaking to the workers, he said that a NUM representative had told them that a R700 increase was on the table, and the workers wanted to come to an agreement with management to reach R12 500 over a period of time. They realised that it wouldn't happen overnight, and he was trying to convey this to management but he was having no luck with that.

ALEC HOGG: Well, that's what the head of AMCU, at whom many are pointing fingers for inciting the crowd, has to say. We go now to Moneyweb's Malcolm Rees at the mine. Hi, Malcolm. Give us a little bit of feedback. On Tuesday night you were warning there were lots of people on the koppie. That clearly was the rock-drill operators, who had been on strike on an apparently illegal strike. There were all kinds of well-publicised problems yesterday – the massacre, as Eleanor has called it. What happened today?

MALCOLM REES: Well, today, Alec, I've been holed up at the Lonmin convention centre, where this morning the police essentially defended the action, basically arguing self-defence. They showed us some footage of quite an intimidating crowd of strikers, which did seem to indicate that they had attempted to push through a barrier that the police had erected. And after being unable to control them with rubber bullets the argument is that they then opened fire, using live ammunition. They've essentially stated that the action was justified and there is some indication that there might be an external investigation into that.

ALEC HOGG: Was there any word from NUM during the course of the day?

MALCOLM REES: Not from where I was, Alec. I've been waiting for President Zuma to come and address the media. He's actually just arrived ... and we are waiting for Zuma.

ALEC HOGG: And has it all settled down, as far as the hostility and violence is concerned?

MALCOLM REES: Well, the police did indicate that that there is still quite a strong level of tension. I'd imagine that would be case. I couldn't really gauge from where I was, but there was a report today of a shooting that broke out in the hotels – apparently one man was killed.

ALEC HOGG: Was that anything to do with the rock-drill operators and the problems that have gone on for the past week?

MALCOLM REES: At this point it's quite impossible to say. I'd assume that it had something to do with it. The police indicated that they had arrested about 350 of the strikers, of the 2 000 that had amassed on the hill, so we can only assume that the remainder had filtered back into the ... townships, and obviously that is going to create a lot of tension in the area. I'd imagine that is has to do with that.

ALEC HOGG: Do you have any update on how many people have passed on?

MALCOLM REES: Yes, the official figure is 34 in yesterday's violence, which brings the total figure to 44. ...

ALEC HOGG: Piet Matosa from the National Union of Mineworkers joins us now. Good to have you on the programme, Mr Matosa. Once again AMCU today had a press conference, making all kinds of allegations as it did earlier in the week when we spoke to you on

Tuesday. Having digested what's happened over this period of time, what are the lessons that NUM has learnt?

PIET MATOSA: Well, good evening to you and the listeners. What we have learnt is that telling people lies is something terrible for ...people things that cannot be delivered is something very wrong, and now that there are 34 people that have died, I think people will come to their senses and provide the necessary and expected leadership instead of going around saying things that are not existing, instead of going around promising people things that cannot be delivered.

ALEC HOGG: When we spoke on Tuesday night, 10 people had already died. Another 34 died yesterday. On Tuesday I asked you what you were doing about instilling discipline in your members. Was there anything you could have done, in your opinion, to have saved some of those lives?

PIET MATOSA: Remember, the president of the National Union of Mineworkers went on top of that mountain to talk to those people. Unfortunately he couldn't talk to them because they wanted to come out of the...and they had demands that they must come...and then the security had to come in to say there was an agreement that there should be a certain distance between the president and those mineworkers who were on strike. But on top of that, remember, I also said that we had meetings, we are planning meetings to talk to our members before the end of this week or this weekend. Still the regional leadership and the branch leadership are organising meetings to talk to our members. Unfortunately now we cannot say that our members were involved in this violence because some people are saying they've been forced to go on top of the mountain.

ALEC HOGG: We've all seen the video footage – what do you make of it? Were the strikers rushing at the police? Were the police justified in opening fire?

PIET MATOSA: Well, I've never been a policeman, firstly. I don't know when to fire. But what I know is that police have to maintain law and order. I only saw that on my TV as well that there was exchange of gunshots between the people who were on the mountain and the policemen.

ALEC HOGG: Piet Matosa, the president of the National Union of Mineworkers.

Let's pick up with Peter Major now from Cadiz. Peter, this has had a significant impact on the value of the Lonmin shares. It's also had an influence on the price of platinum, as we heard earlier from Wayne McCurrie. What's your reading? Have either of those been overdone?

PETER MAJOR: Ja, I think they've all been overdone. A month ago we heard there were 800 000 extra ounces of platinum floating around, so if a mine loses 15 000 ounces in a week you still have 785 000 ounces overhang. So ja, it's definitely a speculative move that platinum went up \$60 in a day-and-a-half.

ALEC HOGG: So hard-nosed investors – how were they reacting to this?

PETER MAJOR: I think the real hard-nosed investors went in and bought about 1.5m Lonmin shares today. It opened up about 5 or 6% down, it looked like to me, and it closed down less than 0.5%. So Lonmin did much better than the market today. I think it's fallen too far and people are looking what's the scrap value of this company, what's just the ore in the ground worth. Regardless of how long this violence continues the share price is not reflecting nearly what the NAV of the company is.

ALEC HOGG: Peter, the management activity here, or the management actions of Lonmin have been little short of pathetic. They have been keeping a low profile. They certainly were unable to nip any of this in the bud, and now we have a national tragedy that'll live on in South Africa's history. If they are such bad managers in labour relations, why can we trust them to run a mine decently?

PETER MAJOR: Look, I'd be kind of slow pointing at Lonmin when their CEO is in very serious condition in hospital in London. And my information is Amplats had a similar strike by rock-drill operators not even a week ago. They did manage to contain it, but we know that Impala had a very messy situation with rock-drill operators five, six months ago. So this is an issue that's going from mine to mine. Was it Lonmin that's responsible for all these deaths? I don't know. They maybe reacted too weakly. But gee, I don't know what I would have done in their shoes. I think there's a lot of scared people there – and who really wants to negotiate if they are carrying weapons? I don't want to negotiate with anybody carrying weapons.

ALEC HOGG: Peter Major from Cadiz. Clive Simpkins is our go-to man on communication strategy. Clive, perhaps you disagree with me, but the communications employed in this crisis situation from Lonmin seem to leave a lot to be desired.

CLIVE SIMPKINS: Alec, you know, the very first thing that goes through my mind is that they were really caught between the proverbial rock and a hard place, because where you have a faction union like AMCU trying to sabre-rattle and establish its credentials and leach membership from NUM, my concern is that Lonmin really may have become caught between some very Machiavellian manipulation on the part of the two unions, because it would be in NUM's interest if you looked at it to stand back and say, "Well, all right, AMCU, let's see what you do then" and let this whole thing turn into a conflagration so we can say "you see what happens when you can't control the people".

On the other hand, and I've seen this time and time again, and we had the same discussion when there was the Woolworths-Frankie's issue, and that is that the corporate lawyers get involved very, very quickly and typically prevent the management making reasonable, coherent and timeous statements.

And in this case, for example, regardless of the fact that the PR person may be in therapy and the CEO is in hospital, you can have a magnificent crisis-containment strategy and a reputation strategy in place but, if the lawyers say you can't go and make any comment on

this because we have to work on what the implications might be from a lawsuit and perspective, they are really shackled in the process. Having said that, it would appear that there was no plan B, because in any organisation you surely would have to have a contingency setup which says if something happened to the CEO and the head of PR, who were flying in an aircraft and got killed, who would be the spokesperson, what would we do? And there does seem to have been a failure on that front.

ALEC HOGG: The question seems to be the first deaths happened last Friday, and Tuesday again there were further deaths. Only on Thursday did we have the massacre that we all remember. It does appear that they had plenty of time to address this properly.

CLIVE SIMPKINS: I suppose the difficulty is if it's something to do directly with your workers, then I would go and drag in that extremely able person by the name of Andrew Levy that you chatted to a little earlier, or a Gavin Brown of the world, because they certainly seem very capable of bringing warring factions to the table.

But if – and this is just speculation – it is actually a turf war between the National Union of Mineworkers and this attempted fledgling new kid on the block, AMCU, then I believe that Lonmin are in an incredibly invidious position because there's not an awful lot you can do. And regretfully the fallout is now laid fairly and squarely at their door.

ALEC HOGG: Clive Simpkins, communication strategist.

ALEC HOGG: Well, the human side of all of this is equally tragic. Gerrie Pretorius from Life Counsel joins us now. Gerrie, thanks for your contribution to our programme this evening. We must not forget there were people who witnessed this, people who were involved in this, there are families involved here. What does one do as a psychologist – or what are the impacts likely trauma-wise on those individuals?

GERRIE PRETORIUS: Good evening, Alec. Let me first of all say this is a very sensitive situation, and we all witnessed it on television. First, I can just tell you that psychologically, emotionally, all these people involved in those incidents family-wise are in a bit of a not good situation at this moment. It is very important that they would understand and that they get professional help or at least just talk to someone. Both of these people don't even have the opportunity to talk to anyone or to a professional, and psychologically, emotionally, it's draining. For them to lose their loved ones, families, it is not a good situation to be in.

ALEC HOGG: So if you were advising Lonmin, would you tell them to fly in dozens of psychologists to start helping people come to terms with it?

GERRIE PRETORIUS: No, I don't think you have to fly – I think social workers, even if they can understand a little bit more of what is going on, so they can just get a little bit of help – they just need a guideline of how to react, to know what it is to be in a traumatic situation. Most of these people don't know what it is to be in a traumatic situation, they don't know how to deal with these situations. But we just need someone to maybe guide them as to

“these are the emotions that you will go through, this is what we can do for you, it is OK to think like that, it's OK to have these emotions” – and they need to know how to deal with themselves, otherwise they end up in depression, post-traumatic stress disorder, and it leads to further and further bad things for them health-wise.

ALEC HOGG: What about the impact on the national psyche? We've all seen this and I think most of us are terribly ashamed of what's happened to our country in this instance.

GERRIE PRETORIUS: Nationally I just think we need to be aware, we need to be on the lookout, look at what is happening around us, start to sense a situation. People need to be aware of what's going on around us, need to look out. That's why I think be sensitive, look out.

ALEC HOGG: Gerrie Pretorius is a psychologist.

Well, the image of this country has taken a knock in all of this, Wayne. Have the foreigners been selling our shares?

WAYNE McCURRIE: They are indeed sellers. They are selling the retailers, specifically also selling Bidvest, and a couple of other shares and MTN – but the retailers they are selling specifically. And it's not helped by two factors.

The latest retail results that have just come out – Truworths and Clicks – are disappointing the share price. I'm not saying they are bad results, but they are probably not as good as what the share price is anticipating.

And the second thing is obviously the shares themselves are expensive, and this whole violence. So they are strong, strong sellers.

ALEC HOGG: So we cannot underestimate the international impact of an incident like this?

WAYNE McCURRIE: No, you can't.

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The Marikana Massacre: Award-winning Lonmin, assisted by World Bank,

Thanks to Lonmin's exploitative practices (paying just \$500/month for extremely dangerous rock-drilling), its cooptation of the National Union of Mineworkers (NUM), and the African National Congress government's perpetual willingness to send in murderous forces of law and order to defend capital against labour, communities and environment, an estimated 34 of the men in the photo below are now dead and another 78 are injured. (Last week, ten other mineworkers, two police and two security guards were killed in circumstances that aren't yet clear.)

Before:



After:

There are a great many details about the background context and the incident, though much more information is needed, particularly to understand why the undisciplined police opened fire with automatic weapons for at least three minutes. No police officers report being wounded in this one-sided massacre, so claims that 'the miners shot first' aren't credible, at this stage of what is publicly known.

No journalists so far have seemed to notice the Washington fingerprints on these corpses. Along with other major Lonmin partners and shareholders, the World Bank and its International Finance Corporation - always ready to promote disastrous extractive-industry projects - bear responsibility. In purely financial terms, they've done well; notwithstanding a little disruption to the share price and bad PR for the company, their interest repayments on a reported \$100 million loan made in 2007 (due to expire in 2014), their profits and their dividend flow on at least \$15 million in equity investments (and as much as \$50 million, as full details are not available) will be protected. After all, Lonmin had ordered the striking mineworkers back on the job yesterday on threat of being fired, and since they have the official (now unpopular minority) sweetheart union on board against the majority of the workforce, telling the workers they couldn't have higher wages, those labourers who do now return will get paid the standard pittance. The platinum price rises quickly when there are supply interruptions of this sort, so in sales terms, they will not lose out on the down days. The Bank loan and investment were allegedly to address the huge socio-environmental damages done by this mining operation... and thus the World Bank gets repaid because workers' wages have been so low, and the communities nearby remain horrific slums.

\* Details are here:

<http://www.ifc.org/ifcext/spiwebsite1.nsf/0/f79e1c278b21ebc2852576ba000e2919?opendocument>

\* South Africa's most dishonest, greenwashing bank, Nedbank, awarded Lonmin and the World Bank its top prize in the socio-economic category of the Green Mining Awards (sic), a few years ago: <http://www.gbn.co.za/articles/dailynews/139.html>

\* The World Bank was especially delighted with Lonmin's 'gender equity' work:

[http://siteresources.worldbank.org/INTGENDER/Resources/NewsletterPage6.pdf?cid=PR\\_EM\\_GAPNewsEN\\_A\\_E](http://siteresources.worldbank.org/INTGENDER/Resources/NewsletterPage6.pdf?cid=PR_EM_GAPNewsEN_A_E)

\* Another World Bank role was whitewashing the historic capture of land by white settlers, for Lonmin "has established community resettlement policies which comply with the World Bank Operation Directives on Resettlement of Indigenous Peoples and Cultural Property. There were no resettlements of communities and no grievances lodged relating to resettlements. In terms of the Restitution of Land Rights Act 22 of 1994, the Company is in the process of addressing several land claims lodged against it before 2011. The

resolution of these claims is being managed within the legislative framework of the regional Land Claims Commission and Land Claims Court."

\* The Center for International Environmental Law (CIEL) reports: The mine has had a troubled history with the communities and its workers. A stakeholder perception survey commissioned by Lonmin in 2005 shortly after it acquired the mine and before IFC's investment showed that most respondents regarded the mine with "negativity combined with mistrust, suspicion and in some cases hatred." In fact, the conflict between the unions, which is thought to have sparked the violence this week, was visible even seven years ago. The survey reported a history of mistrust between all three unions. Participants reported union favoritism and discrimination at the mine and urged Lonmin to "treat people equally, regardless of race, job level or union affiliation." Despite criticism from communities and NGOs that industrial mining projects often result in serious human rights violations and little economic development, the IFC continues to justify its investments as a "key source of jobs, economic opportunities, investments, revenues to government, energy and other benefits for local economies." In documents disclosed on the Lonmin deal, IFC asserted that, "This investment is expected to have beneficial results for the workforce and surrounding communities." Indeed, IFC documents state that Lonmin "supports the protection of human life and dignity within their sphere of influence by subscribing to the principles laid down in the United Nation's Declaration of Human Rights." And yet despite attesting to a close working relationship with the South African police force on matters of security, a statement made yesterday by Lonmin chairman Roger Phillimore characterized the violence as "clearly a public order rather than a labor relations associated matter." ... In addition to seeking a full investigation into the violence and what led to it, CIEL has called on World Bank President, Jim Yong Kim, to revisit the Bank's investment in this project in light of recent events, specifically, and its approach to lending in the extractive industries more generally. - [http://ciel.org/Law\\_Communities/Lonmin\\_17Aug2012.html](http://ciel.org/Law_Communities/Lonmin_17Aug2012.html) -

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What is the broader context? Lonmin's 'accumulation by dispossession' as simplest historical/contemporary explanation, and also most variegated: A British prime minister, Edward Heath, observed in 1973 that a businessman, a truly horrible savage called "Tiny" Rowland, represented "the unpleasant and unacceptable face of capitalism." The description was fitting because Rowland was a perambulating piece of filth who had indulged in bribery, tax-dodging, and the general range of ingenious whizz-kid schemes designed to make viciously unscrupulous people rich and keep them that way. - <http://www.counterpunch.org/2008/10/03/the-unacceptable-face-of-capitalism/>

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Flashpoints:

- Earlier on Thursday, Lonmin said in a statement that striking workers would be fired if they did not appear at their shifts on Friday.

- "Today is unfortunately D-day," police spokesman Dennis Adriao was quoted as saying.

<http://www.aljazeera.com/news/africa/2012/08/2012816141649568598.html>

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Video (eTV) of massacre: <http://thelede.blogs.nytimes.com/2012/08/16/video-of-miners-shot-by-south-african-police/>

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Rudimentary class analysis (from a surprising source):

<http://thelede.blogs.nytimes.com/2012/08/16/video-of-miners-shot-by-south-african-police/>

Ms. Polgreen, The Times's Johannesburg bureau chief, reports that "the strike has pitted the country's largest mine workers union, which is closely allied with the governing A.N.C., against a radical upstart union demanding sharp increases in pay and faster action to improve the grim living and working standards for miners." The conflict between the traditional union, the National Union of Mineworkers, and the newer and more radical union, the Association of Mine Workers and Construction Union, contributed to violence around the strike earlier this week. Ten people died, including two police officers and three security officers.

Lydia Polgreen @lpolgreen From the miners I spoke to there was a deep sense that NUM has simply become part of the power elite. #Lonmin

16 Aug 12 In the clash between NUM and AMCU are we seeing South Africa's future? Complacent power tied to biz interests vs impatient upstarts? #Lonmin

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Misinfo from Pretoria on police tactics:

Police to use water cannon rather than rubber bullets

Sapa | 06 August, 2012 11:32

Water cannons will be used instead of rubber bullets to prevent deaths during protests, police say.

"The Andries Tatane incident in Ficksburg was unfortunate. We do not want a repeat of that," spokesman Zweli Mnisi said.

Tatane was killed, allegedly by police using rubber bullets, during a service delivery protest in Ficksburg last year.

The use of rubber bullets during protests would be stopped, Police Minister Nathi Mthethwa said on Sunday at the Mpumalanga safety and security summit.

This was contained in the white paper on safety and security.

The use of rubber bullets had been under discussion for the past two years, Mnisi said. The use of water cannons was a start, but citizens had to act responsibly during protests.

"The issue of training also becomes crucial.... That is why we do not just send any police officer to man a protest."

Mnisi said the police procured various items, such as water cannons, before the 2010 Soccer World Cup.

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Reproduction-of-labour-power context:

Platinum miners 'will pay for their sins'

Daily Maverick

André Janse van Vuuren | Tue, 14 Aug 2012

LONMIN and the other major platinum producers of North West will bear the brunt of more violent community protests for as long as discontent over employment, poor service delivery and the harmful social consequences of mining in these areas are not addressed.

This is according to the Bench Marks Foundation, which on Tuesday released the findings of its Policy Gap 6 study. The study is a follow-up investigation into a controversial 2007 report which showed that despite the value extracted from platinum mining, local communities were facing harmful social, economic and environmental impacts as a consequence.

According to the latest study, the situation has not changed and mining companies have yet to assume their responsibility for the negative consequences of their mining activities.

The North West University's David van Wyk, researcher and author of the report, said a likely cause for the unwillingness of both mining companies and the various spheres of Government to address these issues was what he called "political pollution"; a situation where prominent politicians and their families were sitting on the boards of mining companies, serving the interests of shareholders rather than the communities.

The study focused on the activities of the six major mining group operating in North West – Anglo American Platinum, Lonmin, Impala Platinum, Xstrata, Aquarius Platinum and Royal

Bafokeng Platinum – making recommendations for each one on how they should negate the impacts of mining in the areas where they operate.

Lonmin, currently the subject of major labour violence that has so far claimed the lives of at least nine people, has been fingered for its employees' poor residential conditions.

“This can be seen in the proliferation of shacks and informal settlements, the rapid deterioration of formal infra-structure and housing in Marikana itself, and the fact that a section of the township constructed by Lonmin did not have electricity for more than a month during the time of our last visit,” the report read. “At the RDP township we found broken-down drainage systems spilling directly into the river at three different points.”

The report also said the Foundation was concerned about the appearance of bilharzia warning signs next to surface water streams in Marikana. “The presence of bilharzia in the surface water in the Bojanala District is a direct consequence of informal settlement, a major cause of which is the housing policies of mining companies, and failure to maintain and repair sewage and drainage systems by local government.”

Lonmin was also singled out over its use of local chiefs or councillors as recruitment officers, where especially prospective female workers have to offer sex or money in return for employment.

The report also highlighted the cracks in community upliftment plans. For example, it said, all the mines surveyed contributed to the construction of classroom blocks and in some cases, to feeding schemes. However, said the Foundation's Executive Director, John Capel, this was often done in a haphazard manner, without careful planning and consultation and often with no follow-up funding.

“The actual needs of the community and the resources available to continue the project are hardly ever taken into consideration, leading to numerous failed investments,” Capel said.

He said at the Lonmin supported school in Marikana, the research team found several blocks of old asbestos classrooms still in existence. The report also quotes an example of a computer centre that was built by Amplats.

“Although a wonderful initiative, the mine did not check whether there would be funding for a teacher,” it read. “The school has a fully equipped computer centre that cannot be used as the Department of Education considers the employment of a computer teacher at the school to be an unfunded mandate.”

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Immediate intra-labour conflict (warning - a blame-the-victim angle in parts):

Lonmin crisis: A tinderbox of discontent

17 Aug 2012 01:00 - Kwanele Sosibo

Violence has become the modus operandi of such strikes in South Africa and Lonmin is no exception, writes Kwanele Sosibo.

It was only late on Wednesday afternoon, with the sun disappearing behind the koppie where about 3 000 striking Lonmin workers had set up camp that any telling action transpired.

A media circus had been perched all day on the open veld to the west of the Nkanini informal settlement, where some of the workers live in appalling conditions. The journalists, right behind the 30 vehicle police laager arranged about 150m from the miners, had their eyes trained on the "action" while their cars faced the opposite direction, ready for flight should the need arise.

Wednesday, however, presented no violence in the week-long strike on one of Lonmin's three mining operations. With disarmament negotiations collapsing earlier in the day and the miners now expressing their defiance through spirited song, the air was that of a colonial era military standoff – guns versus spears – and yet one could not shake the feeling that the day was being wasted by empty posturing on both sides.

Then, at about 5.30pm, a convoy of cars bearing National Union of Mineworkers (NUM) president Senzeni Zokwana arrived and parked near the centre of the police laager. Zokwana and some minders were whisked into an armoured police vehicle and driven a hundred or so metres to address his "constituency" from within the Nyala. After pleading with the unreceptive workers to return to work and refusing to step out of the Nyala, Zokwana hurriedly left the scene, tail firmly tucked between his legs.

The arrival of rival Association of Mineworkers and Construction Union (Amcu) president Joseph Mathunjwa, merely minutes later, was a contrasting affair. Flanked by two colleagues, Mathunjwa initially refused to go into the Nyala (a point he repeatedly stressed during his sunset address), preferring to make a meal of it by trekking to the assembled crowd on foot.

He was persuaded against the stunt by the police and task-force operatives. While he could have been in some danger, more importantly, it would have been too obvious a signal of the changing guard at Lonmin, even for the journalists fenced off behind a human barrier of tactical response teams from various policing precincts.

Favourable conditions

Mathunjwa's address was a lesson in crowd control, peppered with slogans and choice phrases signifying allegiance. "You are not germs, you are people just like us," he shouted in imperfect Xhosa via an address system to a gradually warming response. "No one is going to get fired ... but I must let you know that police have declared this a security zone."

Mathunjwa said that it was a disgrace that 18 years into democracy, workers were still earning R4 000 a month. He asked workers to trust him to help broker favourable conditions for a return to work, before calling on the workers' leaders to air grievances. Within 45 minutes, with dusk yielding to night, Mathunjwa was kept clear of journalists and zipped away.

Once again, the assembled workers had spoken. Just as at Implats, where the NUM's embarrassment was neutered by Cosatu secretary general Zwelinzima Vavi, the writing was on the wall for the NUM at Lonmin.

Earlier in the day, workers boasted of how undaunted they were by the police presence. On Tuesday afternoon, five hippos had posted close to the koppie, brandishing tear gas canisters and weapons in front of dancing workers, they said. Clad in brown slacks and a green and black tracksuit jacket, a young, clean-shaven Xhosa-speaking spokesperson who identified himself as Nzuza said: "We didn't run, so they left."

Nzuza said a helicopter, which had been circling around the gathered workers, also lowered its orbit to reveal armed soldiers before flying off. On Wednesday, he told journalists: "The police said they want to give us feedback from management but there's nothing they are coming with. They want to arrest us as leaders so this [strike] can end. We want the employer to come here. [Lonmin CEO] Ian Farmer must come. [Vice-president human capital and external affairs Barnard] Mokwena is just a messenger."

Nzuza told journalists that the men were not assembled under a specific union banner and that the strike might have been started by rock-drill operators, but "all of Lonmin" was represented. His fellow spokesperson, a taller man carrying two spears with a lime green quilt draped around his back claimed Wednesday's negotiations with police broke down because the workers realised that "NUM members were in the hippos, those very same people who killed us" on Saturday. "Which policemen can speak fanakalo?" he asked.

### Retaliation campaign

The miners, speaking via peer representation, said they had been congregating on the "mountain" since Sunday after shots were allegedly fired at them on Saturday at the nearby Wonderkop hostel allegedly "by snipers in red National Union of Mineworkers T-shirts", killing two workers.

They have since embarked on a retaliation campaign they say, with casualties including policemen and security guards. A man found lying in crucifixion position on the edge of the koppie on Tuesday with his head split open and stab wounds to the torso, had apparently committed the cardinal sin of "fishing for information". His lifeless body was left on display the entire day as a warning to non strikers.

Police spokesperson Dennis Adriaao said: "From the police's side, we want to reach an amicable end to this situation. We need the workers to disarm and disperse. We have

spoken to the workers. We have spoken to union leaders, workers and mine management. If there are no results today, we'll be forced to act."

On Thursday evening, the police carried out their threat, killing several workers in addition to the 10 casualties earlier in week, which included two policemen.

The unprotected strike began late last week, with about 3000 rock-drill operators congregating on Friday and allegedly intimidating employees. They have since set their salary demands at R12 500 a month, for the lowest of workers, which includes rock-drill operators and their assistants.

### Bargaining units

As was the case at Implats in February, a public blame game ensued between the NUM and Amcu. Mathunjwa, squeezing in a final word during an SAFM broadcast on Wednesday morning, told general secretary of the NUM, Frans Baleni: "Don't resort to violence when you lose members. Freedom of association. In 1994 we voted for that freedom." The NUM, meanwhile, has maintained that the violence is part of an intimidation strategy. "Eastern Platinum is ready to work," Baleni said earlier in the programme. "I met workers yesterday, 5 000 of them ... Let all the killers be arrested, even if they are NUM members."

Most of the striking workers return to Wonderkop hostel after their daily meetings at the koppie. At a press conference at Lonmin a day earlier, Baleni said: "As our members are alleging, all violence is emanating from this desperately small union. All arrests emanate from this particular union. Confirmation of that will soon come."

Lonmin's Mokwena said that Amcu had 21% membership across the bargaining units. However, this looks likely to rise as the NUM has continued to bleed members among mineworkers. Trying to find workers openly aligned to the NUM is a tall order at Wonderkop due to disaffection and intimidation.

Lonmin stated on Thursday afternoon: "The striking rock-drill operators remain armed and away from work. This is illegal under the Labour Relations Act. Consequently, and in keeping with the terms of a court order granted to Lonmin on August 11 2012, the illegal strikers have today [Thursday August 16] been issued with a final ultimatum to return to work by their next shift on Friday August 17 or face dismissal... As a result of the disruption, Lonmin has so far lost six days of mined production, representing approximately 300 000 tons of ore, or 15 000 Platinum-equivalent ounces."

Crispen Chinguno, a PhD candidate at the Wits school of social science who spent the past year studying patterns of violence in platinum mines in the Rustenburg area, said violence had become routine in strikes in the region.

"Workers feel that it adds both positive and negative value," he said. "At Implats, where workers were also demanding a salary adjustment outside of a bargaining agreement (R9 000), they ended up getting more than R8 000. The strike was illegal, some were dismissed,



but most of them got their jobs back. From that perspective, the workers feel the use of violence is working for them. The negative aspects are some job losses, injuries and death." Chinguno believes that as is already happening, the pattern could replicate in other mines. Deaths have recently occurred at Aquarius Platinum's Kroondal mine.

The high level of shop-floor disgruntlement with established unions like the NUM opens the door for other unions who promise workers better quality representation. This is often described, as it is by the NUM, for example, as violent, opportunistic and unethical recruitment.

Chinguno, whose research took him to Aquarius, Implats, Lonmin and Anglo Platinum believes that a further explanation for the violence is the fact that workers have become more fragmented than before. Some are residing in informal settlements outside of the mines, some still live in hostels and some black workers occupy more skilled positions than others. Violence is used as a way of enforcing solidarity.

Chinguno said Amcu's position was that of the NUM 30 years ago, an upstart union stepping in to fill a void of disgruntlement. While Amcu cannot be directly linked to the violence, he said interviews with high-level Amcu leaders revealed that they understood violence as the workers' strategy of entrenching a majority.

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Background on miners' grievances: Greg Marinovich

Beyond the chaos at Marikana: The search for the real issues

- 17 August 2012 02:00 (South Africa)

Violent clashes between police and striking miners have left between seven and 18 people dead at the last count. But the miners – specifically, the rock drillers – are determined to stay on their outcrop until they are heard. But it's more than a strike, writes GREG MARINOVICH – it's becoming a war.

Several thousand men cover the orange outcrop of igneous rock like a single organism, spilling onto the dry thorn-veld below.

They are wrapped in blankets; their spears and fighting sticks protruding menacingly as they chant songs of war.

Ten men have died around this strange geological redoubt; two of them policemen. The violent showdown between these miners and their multinational employer, the platinum giant Lonmin, shows no sign of abating.

The hill is encircled by riot police in more than a dozen armoured Nyalas that surround the hill called Wonderkop. Further down the rutted road, more than a hundred policemen from

the tactical unit and a private security firm eat their supper from plastic containers. They are dressed in bulletproof vests and are armed to the teeth.

It looks like war. It is a war. A war of survival, certainly for the miners, and perhaps for the future of Rustenburg's platinum mines too.

A few of the miners carry indecipherable cardboard signs with their demands. A man emerges from the shuffling, chanting body of men, ostensibly asking for a cigarette. Another joins him and we speak about who they are and what they want. All of Lonmin's mine employees are out here, one claims. People of all nations and all job descriptions are here. All they want is for the lowest paid miners to get a decent wage. The rock drillers at Lonmin earn R4,000 a month, a scarred man tells me, no matter how long they have worked at the mine. They demand R12,500.

This is a massive increase of over 300%. Not surprisingly, mine management has balked, in addition to the fact that they are locked into a wage agreement that only expires next year. But surely this is the negotiating territory of the union, National Union of Mineworkers (NUM), part of the massive and powerful Cosatu umbrella, which represents them in a closed shop situation. Lonmin needs a good August to meet its annual production figures in a market where the shine has most definitely gone off platinum. But its share price has dropped precipitously on the back of the strike.

Why has it all gone so wrong?

Let's step back here. The strike was called by the rock drillers. These are the men who work right down at the rock face, who have to work with a 25kg drill that vibrates wildly for the duration of an eight-hour shift. When there is a rock fall, it is generally the drillers who are the victims, who lose fingers or lives. It is the most dangerous job in the business. They regard themselves as men amongst men. It is a sub-culture of machismo.

Throughout the underground mining industry in South Africa, the rock drillers are BaSotho from Lesotho. It is their badge of pride that they do the dirtiest, most difficult job; yet one just two platinum mines, Lonmin and Impala Platinum (Implats), it is AmaMpondo and the related IBmvana (both sub-groups of the Xhosa) who dominate.

It is no coincidence that a bitter seventeen-week strike at Implats was also led by the Mpondo/Xhosa drillers. The striking miners I spoke to said that the Implats drillers had also been earning just R4,000 a month, but now they are at R9,500.

Imagine earning R4,000 a month to risk your life deep underground for a metal that powers rich people's cars and bejewels fingers that have never laboured. The collection of essays "In Praise of Idleness" by Bertrand Russell articulates the logic of our labours: "First of all: what is work? Work is of two kinds: first, altering the position of matter at or near the earth's surface relatively to other such matter; second, telling other people to do so. The first kind is unpleasant and ill paid; the second is pleasant and highly paid."

A mining insider well acquainted with the platinum sector mused on the situation, on the mindset of the drillers. “Even though I belong to a union, they underrepresent my needs. My concerns are not adequately voiced, and I have no influence. Decisions never seem to benefit me.

“I am constantly violated; and have to work under subjective violence. Despite my strength, I am powerless.”

And so a familiar cycle begins – voices begin to murmur, “If we were not doing this dirty work, would any other the other better paid people in the links of mine labour be able to do theirs? If we stop; it all stops.

“If neither the union nor the employer will listen, we will make them. We will apply objective violence until they are forced to listen to our grievances...”

Hence the strike, and the walkout and the killings and the forceful police reaction that left two of their number dead and another in hospital. The miners are prepared to suffer violence until management is forced to come and talk to them. They will wait at their altar-like outcrop until they feel that they have found their lost power.

So why does the union that represents miners at Lonmin, and before that at Implats, appear not to represent this driller sub-culture?

When the 320,000-strong NUM had its election for General Secretary in 2007, the Platinum sector put forward the NUM stalwart Archie Phalane as its nominee. He would run against Frans Baleni. At the congress, just before the vote, Phalane was told he could not contest the election as he was an employee of the union, and the rules stated that he had to be an elected official\*. His supporters cried foul, and conspiracies abounded, but Baleni ran unopposed.

It seems straightforward enough, yet Phalane and his platinum sector supporters were seen to be sympathetic to the cause of ousted president Thabo Mbeki, and Baleni is supportive of current African National Congress leader and President Jacob Zuma. The union was behind Zuma, finish en klaar.

There was a resentment of NUM among their platinum sector members for some years, and so when, in May 2010, a NUM vice president, Piet Mathosa, came to persuade his members at Lonmin that management’s offer was a fair one, even though it fell well short of their demands, they did not respond well. A rock was thrown at him, injuring his eye so badly that he lost it, and spent weeks in hospital.

That could partly explain why NUM president Senzeni Zokwana, who refused to leave the safety of a police armoured vehicle to address the miners, was shouted down when he tried to persuade the Lonmin strikers to return to work. Which is also why the words of the AMCU official were greeted with cheers in the darkness of early evening in the straggly bush below Wonderkop. Or all of those miners were AMCU members already... No-one was

saying – with good reason, as rumours of death threats swirled. That the majority of drillers are either foreign (from Lesotho) or rural, poorly educated men whose elected officials are usually smart young men from the district, whom they are slow to trust, has added to the volatile mix.

When we asked NUM what their version of the situation was, a new story emerged. On Thursday morning, Zokwana and Baleni painted an unflattering picture of both the rock drillers and AMCU. The general secretary confirmed that these men were indeed largely the least educated and literate of the employed workforce in the mines. They tend to come from the Eastern Cape and the mountains of Lesotho because the “township boys” don’t want to do the back-breaking work of rock drilling.

According to Zokwana, these uneducated rock drillers are always vulnerable to scam artists targeting the platinum industry in Limpopo and North West. He said that in some mines their retirement and death benefits as well as provident fund contributions were targeted. In Lonmin’s operations, these guys have taken the guise of a union that promises them R12,500 – which NUM adamantly says is unachievable for a rock driller.

Baleni also said that the AMCU organisers operating at the troubled Marikana mine were all expelled former leaders in NUM.

“NUM exercises discipline. It happens all the time that we expel members who form their own union. After a while, it disappears. The unique thing in this situation is the use of violence,” he said.

It is indeed a complicated business, with the platinum members of NUM having asserted their independence of their union; it was fertile ground for an upstart like AMCU to exploit this weakness, to make promises that they were unlikely to be able to deliver on. A dangerous ploy – the rock drillers seem to answer to nothing but themselves. The hard men of the underworld are determined to stay on the surface in their struggle to earn a living wage.

On Thursday afternoon, when police tried to move the miners off Wonderkop, there were clashes, apparently including shots fired at the police. The tactical unit of the police then retaliated with force which went beyond policing and into the realm of revenge. Journalists say between five and eighteen miners are dead, and many wounded.

More blood now stains the outcrop, as another sunset deepens the orange rock to red. DM

Read more:

- Battle looms over NUM leadership on IOL .

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More labour context - Terry Bell reports prior to massacre:

## No angels in bloody SA mine clashes

Posted on August 15, 2012

The ongoing tension and violence at South Africa's Lonmin platinum mine is a much more complex and messy business than a simple turf war between unions in the Rustenburg region of the country. With various agendas in play, there is now a growing call from both trade unionists and mine officials for a thoroughgoing commission of inquiry into the bloody clashes that have resulted in at least ten deaths over the past week alone.

Some of the present bitterness can be traced to a decision by the Implats Platinum (Implats) management earlier this year to "derecognise" the National Union of Mineworkers (NUM). The union was given three months' notice that it would cease to be recognised for the purposes of negotiation because its membership had fallen below the 50 per cent plus one mark of the workforce. This is the "threshold agreement" adhered to by unions and management.

NUM promptly launched an urgent court application to halt this process, claiming that the figures used by Implats were incorrect. NUM also conceded that some members had defected to the Association of Mineworkers and Construction Union (Amcu), but said they had done so because of violence and intimidation. Amcu denied the charge and claimed to have gained a majority of union members, certainly at one Implats shaft.

This led to accusations from NUM that the mining house was embarking on a process to rid the mines of union recognition and were using Amcu to do so. However, accusations by NUM that Amcu is a recent creation "of the Chamber of Mines" are clearly off the mark. Amcu was formed more than a decade ago in the Mpumalanga coal fields by disgruntled NUM members. It is affiliated to the smaller National Council of Trade Unions (Nactu) federation.

Perhaps ironically, a "verification exercise" to establish union membership levels at Implats — agreed at tripartite talks between unions and management — is scheduled to start on Monday. However, Amcu has apparently now withdrawn from the exercise. Lonmin is not involved and continues to recognise NUM.

The clashes at Lonmin seem to have started following the awarding by management of a R700 bonus to one section of the workforce. Others demanded that their income also be topped up — and a wildcat strike erupted.

Amcu, keen to make headway against the long entrenched NUM, appears to have given a degree of support to the protesting miners, signing many of them up in the process. Who first attacked whom, who fired the first shots and in what circumstances is still unclear. But at least ten people are dead.

At this stage, all that seems clear is that there are no angels in this; no clear good guys and bad guys. As a result, there is a growing realisation that, for the good of the industry and the labour movement, the details of this literally bloody business must be comprehensively exposed.

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More on class fractionation and NUM-as-labour-aristocracy:

Mine unions' rivalry has been brewing under the surface

BY CAROL PATON, 14 JUNE 2012, 00:00 | Business Day

IMPALA Platinum is a company being led down an uncertain path by its workforce. Gone is the certainty that came with a predictable labour relations framework and a trade union that took on the role of translating collective decisions to workers.

Now, there is the Association of Mining and Construction Union (Amcu): a trade union with a populist flavour and a new leadership that is fast establishing a foothold in the platinum industry. Within the next few months, when all the legal verification processes have been completed, it is pretty clear that Amcu will - at the very least - share organisational rights with the National Union of Mineworkers (NUM) at Impala's mine.

Yet until three months ago, Amcu did not have a single member at Impala. Today, it claims 11000 and is still counting.

It has been tempting for observers to explain Amcu's rise by NUM's failings. This is not accurate. NUM is a successful union that has negotiated well for its members. Amcu's rapid growth also cannot be explained by its organisational brilliance.

Instead, what has brought about the change are dynamics that have been brewing under the surface for some time: first, the growing social distance between the NUM leadership and its members, due more than anything to the union's success; and second, the populist mobilisation of poor and working people fed up with low incomes and wealth disparities, that is a growing tendency in politics.

Some anecdotes from recent weeks capture both.

Jeffrey Thanzi is the NUM branch chairman of Impala North. When he recently accompanied management on a corporate social investment jaunt to one of its key labour-supplying areas in the Eastern Cape, he was pictured in the Impala News along with an article about the project. Since Mthatha is his home base, talk among the workforce was that he was so privileged that management had bought him a farm and 50 head of cattle.

After a similar visit to Taung, another labour supply area for the mine, the story went around that he had computer training schools in the area, which he had acquired from company money.

Rumours were also whipped up about other NUM leaders. Colin Monapule, the branch secretary of Impala South, who is also a trustee on the board of Impala's employee share ownership scheme, was almost lynched when workers spotted him in town wearing the white suit that his wife had bought him for their wedding. The suit must have been purchased with their shares, they claimed, which shrank rather than grew in price (as was promised five years ago when the scheme was launched) due to the fall in the platinum price. This was evidence that it was Mr Monapule who had eaten their money.

That such stories can be considered plausible by the workforce speaks volumes of the distrust that has developed between NUM members and leaders, who - although they do not own farms or generally wear flashy suits - are in much smaller ways, the elite of the workforce.

Union officials tend to be more articulate in English, sit in offices, have access to union resources such as cars on weekends, get time off work for union business, are wooed by service providers who would like to gain access to the large membership data bases they hold, and are easily identifiable by management for promotion. Unlike the rest of the workforce - which is largely illiterate - NUM branch leaders have better skills, which are developed through union work.

Says Sibongile Sigadla, one of the emerging leaders of Amcu at Impala: "The NUM leaders have got no truth. They are always on the side of the official - the people who already have many things. They have got a nice life. They can never come to us. It is difficult for them to come to us and say what is the problem?"

While the gulf between workers and their leaders grew insidiously over the years due to the privileges accorded to NUM officials, the sudden upheaval and revolt against it has its roots in last year's wage negotiation.

In those talks, which took place between NUM, the majority union, and management and were settled in October, an across the board increase was agreed of between 9% and 10%.

Impala executive director Paul Dunne says that during the talks management put a proposal on the table that rock drill operators - who are more skilled and who were at risk of resigning for better jobs - be given a higher increment. "We recognised that we were out of step with the rest of the industry both in job grading and in pay. It would have been pre-emptive to stop them from leaving. But that suggestion never found its way into the final agreement."

Mr Dunne says it is because the NUM rejected it. Sidwell Dokolwana, the NUM's provincial secretary, says it was never seriously on the table.

Either way, two months later, shortly before the December break, Impala management unilaterally decided to award qualified miners - among the most skilled of underground workers - an additional 16% adjustment. This was to stop a succession of resignations of miners leaving for better pay. The NUM was outraged that the wage agreement had been unilaterally overridden. And, when workers heard of the adjustment, awarded only to the better-paid among them, they were seething.

Says an underground winch-driver who did not want to give his name: "When you work underground you are a team. If there is no winch-driver, then there is no production. We are all contributing to this company. If someone gets an increase and you don't, then you feel bad."

Rock-drill operators, possibly having got wind of management's proposal during wage negotiations, led the strike, followed by the rest of the workforce. This was the strike that was largely responsible for SA's plummeting mining output in the first quarter of the year.

The country's platinum output dropped 46%. The loss to Impala was about R2bn. It was during this strike that the workers of Impala first made it clear that they no longer wanted the NUM to represent them.

Unfortunately for the NUM, the branch chairmen of both Impala North and South were qualified miners. Both therefore qualified for the 16% increase.

This was evidence, says Mr Sigadla, "that NUM negotiates only for itself. We saw the adjustment that the miners got. NUM are on the side of those who already have everything."

To make their rejection of the NUM clear, "workers have given back the keys for the NUM office to management" he says, meaning workers have closed the union offices by force. An attempt by NUM members to re-open them ended in a shooting incident and ever since the offices have remained closed.

Mr Sigadla is now one of what management describe as the "emerging leadership".

He lives in a one-roomed shack in the sprawling informal settlement near Impala number one shaft. Platinum has caused the explosion of this area over the past 15 years from dusty veld into an chaotic industrial hub, teeming with machinery, trucks, trains, taxis and people.

A rock-drill operator, and having been a shaft steward for NUM for many years, Mr Sigadla was elected one of the "Five Madoda", or top five leaders, at Impala. He is fiercely impatient for change and deeply unhappy at what he views as the paltry wage settlements the NUM has settled for time and again. Not only that, but NUM officials, he says, do as they please on the mine, even carrying firearms into restricted areas with impunity.



They have also, he says made promises that workers would get huge amounts of money through the share ownership scheme, which have not materialised.

Instead, when the scheme finally matured in December, workers who had been expecting tens of thousands of rands got only about R2000 each.

Populist stirrings among the workforce are now for a demand of 16% across the board and for the materialisation of their vanished share money.

Mr Sigadla is impatient with union leadership who tell him to go through procedures and follow the union constitution.

It has only been former African National Congress Youth League president Julius Malema, who visited Impala workers at the height of their strike, who sympathised with workers' impatience and urged the NUM to fire their local leadership.

"The NUM takes a long time to do everything. They have got many processes and procedures. They tell you to use the union constitution. But with Amcu, they just fight for the workers."

It is these words exactly, that Amcu "will fight for the workers" without being burdened by the responsibility of being a partner to management or a partner to government, that Amcu president Joseph Mathunjwa is frequently heard to say.

Mr Mathunjwa is also a former NUM leader, who fell out with the union and particularly its then general secretary Gwede Mantashe, back in 1998. Based in Witbank and encouraged by workers at the colliery where he had worked, he has built up a presence for Amcu at a handful of coal mines in Mpumalanga, Limpopo and Witbank. The union was registered with the Department of Labour in 2001.

But large scale success has come with the platinum mines, where he has tied up a recognition agreement with Lonmin at Karee mine and with Murray & Roberts at Aquarius. Amcu is now looking to the Klerksdorp goldfields and has already received a letter warning it to stay out of hostels.

Mr Mathunjwa says his new-found success is the result of a wave of populism stirring in mining communities.

"It is about the history of how workers were treated. If workers were misrepresented for 15 or 20 years, you can imagine the anger and frustration. We are facing a situation not of our creation. If you're reaching the end of your working life and you're still earning R3000 then you will think, what the hell is going on?"

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A perspective from capital-in-general (Business Day columnist):

## Lonmin shootings will change SA labour relations

BY RON DERBY, 17 AUGUST 2012,

THE emergence of a rival union in the platinum space must be the most worrying event in the 30-year history of the National Union of Mineworkers (NUM).

The union is one of the biggest and certainly most politically powerful under the blanket of the Congress of South African Trade Unions, representing close to a fifth of its entire membership and has an important place in the African National Congress (ANC) alliance.

Given the importance of mining in the South African economy, support from the union is integral to the ruling faction in the ANC. It is this political role on which its leaders may have placed too much focus because of populist nationalisation rhetoric as well as the succession battle, to the detriment of its core mandate.

Straying from that focus on the interests of its workers has opened up space on its shop floors for a rival union, the Association of Mineworkers and Construction Union (Amcu). This happens as the situation remains dire for miners in the platinum sector as prices for the metal remain weak and costs keep rising because of poor management and other factors.

The NUM lays the blame for the unfolding violence in North West on mining houses for making unilateral salary adjustments that undermine existing wage agreements. Amcu may have been opportunistic in using those grievances from the disparities in pay to muscle in, but where has the NUM been? The union should have been alert and ready to react to the grievances.

You've got to think the union, which once had held sway over the entire mining industry, has taken its eyes off the ball in a big way. After the warning shots at Impala Platinum, the world's second-biggest miner, the battle is playing out at Lonmin, the third biggest.

For the first time in the course of the Lonmin dispute, which has caused a number of fatalities, platinum prices have responded. In late afternoon trade, it had its biggest percentage gain in a month.

Anglo American Platinum, the world's biggest miner, could well be the next explosion point in this festering battle. The NUM has warned that the turf war could spread to other mineral segments too.

The 30-year old NUM monopoly has certainly been challenged and it looks likely that it will continue to be unless its leadership gets focused on the matters at hand, instead of who occupies Luthuli House and the Union Buildings.

The deaths of the Lonmin workers yesterday have changed labour relations in the mining industry forever. Miners and the government may have to invite another party to the negotiating table, further complicating an already complicated mining regime.

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Financial capital prepares to panic:

Mine violence puts South Africa's structural flaws in the spotlight, warns S&P

BY EVAN PICKWORTH, 16 AUGUST

CONTINUING union-related violence in South Africa's platinum sector highlights structural issues afflicting the country that "we've always been concerned about", Konrad Reuss, South Africa MD of rating agency Standard & Poor's, said on Thursday.

The agency revised South Africa's sovereign outlook to negative earlier in the year, and Mr Reuss said the rating should be "resolved" within the next two years as he needed more guidance over the next 12-15 months.

But, he said issues such as the e-toll debacle currently before the courts, nationalisation talk ahead of the African National Congress's elective conference in December, and bloody union clashes at Lonmin's Marikana mine negatively affected market perceptions.

"The external perception of South Africa is definitely not healthy," he said. "There is no near-term resolution to the outlook statement."

The external environment, weaker fiscal parameters, and debt "going in the wrong direction" remained concerns, Mr Reuss said.

He added: "In the South African context, it does not hinge on something specific."

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Alibi?

Lonmin CEO is sick

August 17 2012 at 06:00am

By Sapa

As the country reeled in shock at the deaths of Lonmin mine workers in Marikana on Thursday, the company released a statement saying its CEO was ill.

"It is with regret that the company must announce that Ian Farmer, the chief executive officer, has been diagnosed with a serious illness and is presently in hospital.

"The board, on behalf of the entire company, wishes him a full and speedy recovery. Our thoughts are with Ian and his family at this difficult time," Lonmin said in a statement.

It said the day-to-day running of the business would be taken over by executive committee member Roger Phillimore.

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Solidarity resistance:

-----Original Message----- From: Take Back the Commons <us@takethecommons.org>  
Sender: supporters-bounces@takethecommons.org Date: Thu, 16 Aug 2012 17:45:51  
Subject: 3pm protest at Parliament against police's senseless massacre of 18 Marikana strikers!

Join us at 15h00 at parliament today (17th of August) to protest the police and the mining bosses who have colluded in the massacre of 18 miners in broad daylight!

See facebook event: <https://www.facebook.com/events/277176292386858/>

Thursday the 16th of August 2012 will go down in South African history as the new Sharpeville. 18 dead because police and the South African government cannot handle an independent union movement.

We are in solidarity with the workers of Marikana against the bosses and the police and those who support the bosses and police.

To protest this massacre and all other forms of police violence, we will gather at parliament on Friday the 17th of August at 3pm. Please bring signs.

Proof of massacre: <https://www.youtube.com/watch?v=ImqAVon92VM>

- \* Remember Hector Peterson!
- \* Remember Andries Tatane!
- \* Remember Hangberg!
- \* Remember Occupy Rondebosch Common!
- \* Remember the miners of Aurora killed by security!

From Khayelitsha to Marikana, hands of our right to protest! From Aurora to Implats to Lonmin, bosses and their police must keep their hands off our people!

This is a non-political party rally. Politicians and police are not welcome!

Down with police brutality everywhere! Down with oppression from mine bosses!

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17 August 2012

Abahlali baseMjondolo Press statement

Solidarity with Mine Workers at Marikana Platinum

Abahlali baseMjondolo are deeply shocked by the murderous cruelty of the South African police, and those that give the police their orders, at the Marikana Platinum Mine in the North West. The killing of more than 40 mine workers yesterday by the SAPS is immoral and brings great disgrace on our country. There were other ways and much better ways to handle the situation. Yesterday will always be remembered as a dark day in the long history of oppression in South Africa.

We wish to express our solidarity to all the families of the workers that have been killed and injured. We share your sorrow. You are not alone. We carry our pain together. Your children may not grow knowing their fathers but they will not grow alone. We have to care for each other and stand together as we struggle for a world that puts human beings first and treats all human beings equally. We wish to express our solidarity to all struggling workers. We face the same system that makes some people rich and others poor. We face the same government that refuses to recognise our humanity, which tries to force us to the margins of society and which represses us when we resist.

The ANC have shown no regard for the people of this country. They are putting us in transit camps and trying to keep us in bantustans. They are leaving us to burn in our shacks every winter. They are beating us in the police stations. They are shooting us in the streets. Millions of us cannot find work. A government that kills its citizens is immoral and must be opposed by everyone. A government that kills its citizens has lost all moral right to govern. What happened yesterday is no different from the killings of the apartheid government. This is no different to the Sharpeville massacre in 1960 which claimed 69 lives. It is no different to the Boipotong massacre in 1992 which claimed 45 lives.

Millions of people have suffered in their shacks and millions have suffered with work and without work year after year. Some shack dwellers are also workers and sometimes shack dwellers are too poor to be workers. But we have all suffered enough at the hands of the police, at the hands of politicians and at the hands of the rich. It has always been our call that real freedom and democracy are still a dream for the poor and the working class. All we see is politicians enriching themselves by stealing public funds that are meant to better

people's lives. All we see is that the new government keeps on with many of the worst policies of the old government. All we see is that our struggles are criminalised and repressed. The progressive middle classes are struggling to defend the freedom and democracy that they received in 1994. We are still struggling for freedom and democracy to come.

More than twenty five people have been killed by the police during protests since 2000. Tebogo Mkhonza in Harrismith, Monica Ngcobo in Umlazi and Andries Tatane in Ficksburg are just three of the people that have been murdered in the streets by the police. Activists have been tortured and assassinated. Our movement, like the Landless People's Movement and the Unemployed People's Movement, has been attacked in the night by armed men representing the ruling party. For months after our movement was attacked in the Kennedy Road settlement in Durban in 2009 the homes of our leading members were openly destroyed every weekend while the police refused to intervene. Last year Nigel Gumede, the Head of Housing in eThekweni, publicly said that the ANC was at war with our movement and threatened to kill S'bu Zikode. Senior people in the ANC have set a clear tone for the rest to follow. Poor people have been encouraged to attack and kill each other in the name of ethnicity and nationality. It is time to say enough. It is time to say no more. It is high time that all progressive forces join hands to curb this carnage. It is high time that all progressive forces join hands in a struggle for real justice and real democracy.

We have to recognise that there is a war against the poor in this country. We did not want this war but it has come to us. Today no one can deny that a war is being fought against the poor. The red ants and the police are not here to serve the people. They are here to drive the poor out of the cities, contain us in the human dumping grounds and repress our struggles. We have to stop pretending that the politicians are our comrades when they have chosen to make themselves our enemies. We have to fight the war that has come to us. And we have to fight it in a way that puts human dignity and the equality of all people at the start of our struggle and at the heart of our struggle.

We are aware of the dangers of the South African politic when struggling citizens demand real freedom and democracy. Activists are living under serious threats all over the country. We are aware of the time bomb that the shack dwellers in this country are sitting on. We have always warned, from the time when we first started to organise, that the anger of the poor can go in many directions. The dangers that we face can come from how people respond to oppression as well as from oppression itself.

There is more protest in South Africa than in anywhere in the world. But the government takes no notice of the people. It responds by militarising the police. It responds by talking about third forces. The local party structures send out armed men in the night. The government wants to make the anger of the people criminal and treasonous. It works behind the scenes to support the armed men that invade our homes and threaten us and our families. We have to accept that this government does not care about us. We do not count to it. When we ask to be heard we are treated as criminals and traitors.

Abahlali baseMjondolo of the Western Cape will march to the National parliament in Cape Town at 3:00 p.m. this afternoon together with comrades from other organisations. In Durban we will hold conversations with different structures of our movement and our comrades in other organisations, as well as the churches, to plan a way forward. Global Peace and Justice Auckland in New Zealand will be marching to the South African embassy in Auckland at 1 Kimberly Road at 2pm today. Our comrades in Cape Town and New Zealand march with our solidarity.

We all have to stand together. A war has come to us and we must fight it in a way that makes sure that we never turn into our enemies. We must fight this war in a way that puts humanity against brutality and never in a way that puts one brutality against another. Once your struggle starts to make you like your enemies everything is lost. A politic of war has come to us. We have no choice but to resist. But we must resist with our own politic which is a militant people's politic that starts and ends by honouring the dignity of all people.

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<http://www.abahlali.org>

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### **The rise and rise of Amcu**

By: Jan de Lange 2012-08-19 10:00

### **The role of Gwede Mantashe is revealed in this look at the union at the heart of the trouble**

It has to count among any mine manager's worst nightmares: striking employees who occupy the underground works of a huge coal property.

This happened in September 1999 at Douglas Colliery, one of the oldest mines of Ingwe Coal. The 3 000-strong workforce protested against the dismissal of one Joseph Mathunjwa, chair of the local branch of the National Union of Mineworkers (NUM).

The strike was unprotected and lasted for two weeks, during which the mine's underground section was occupied for 10 days.

The dispute was only terminated once Mathunjwa got reinstated, but he then faced a second hurdle – an NUM disciplinary hearing for bringing the union into disrepute.

These events were the birth pains of the Association of Mineworkers and Construction Union (Amcu), which is mopping up members from the platinum mines around Rustenburg and Brits.

Archie Palane, at the time deputy general secretary of the NUM, was sent to investigate the charge against Mathunjwa, but found the local chair had done nothing wrong. Another official from Johannesburg was sent for the same reason, but he also found no reason to discipline Mathunjwa.

However, Gwede Mantashe, then the union's general secretary, insisted Mathunjwa appear before a disciplinary hearing he would chair.

Mathunjwa refused, as he had previously clashed with Mantashe over the handling of money paid by employers to a job creation trust. Mathunjwa insisted that an independent person should chair the hearing.

"My membership of the NUM was subsequently terminated," said Mathunjwa. "I informed the union that I am not a member any more, but retained my mine job as a laboratory assistant."

Mathunjwa was, however, very popular among the workforce. Among other notable successes, he forced the management of Douglas to implement a bonus system for underground workers. When a worker had died under mysterious circumstances, Mathunjwa forced management to not only deliver the body to the family in Mozambique, but to accompany the body and explain in person the circumstances of his death.

Said Mathunjwa: "When the NUM terminated my membership, I told them that I'm out, but that they should continue on their own and elect a new branch chairperson. They immediately called a mass meeting. They were aware of my battles with the NUM's head office. At the meeting, the workers decided an injury to one is an injury to all. The whole workforce of about 3 000 resigned from the NUM."

The workers investigated the possibility of joining other unions, but the culture and philosophy didn't appeal to them. Eventually, the workforce told Mathunjwa to create a new union. He got help from Jeffrey Mphahlele, a local teacher, to register a new union with the department of labour.

They called it the Association of Mineworkers and Construction Union. It was officially registered in 2001.

Palane tried to convince Amcu to rejoin the NUM, but Mathunjwa refused.

"I told Archie if he becomes the general secretary of the NUM, we will come back," he said – something that failed to materialise when Frans Baleni succeeded Mantashe.



Amcu gained recognition at Douglas, but in subsequent years faced an endless struggle to gain recognition in the face of tactics by suspicious employers who were seemingly colluding with established unions to keep them in charge.

Still, Amcu is currently the representative of workers at various mines in Mpumalanga, including coal, chrome and platinum mines, as well as coal mines in KwaZulu-Natal. It also has members at chrome and platinum mines in Limpopo – Two Rivers and Modikwa.

The union is especially well represented among mining contractor companies.

“Mpumalanga is our strongest region, but I think North West is growing strongly. The numbers there may soon overtake the membership in Mpumalanga,” Mathunjwa said.

In the Northern Cape, it is recruiting among contract workers at iron ore and manganese mines.

Meanwhile, analysts and even the NUM are baffled by the rise of Amcu at Impala Platinum Rustenburg, a 14-shaft mining complex with a workforce of 30 000, of which about 20 000 are unionised.

Amcu was widely blamed for the devastating strike in February and March, and the accompanying violence.

It was recruiting members at the gates of some of the Implats shafts prior to the strike only to be removed by security personnel. There was also ample evidence of discontent and even open revolt against the NUM among some workers, such as the rock-drill operators, 4 300 of them who initiated a strike after they learnt about an 18% bonus increase that was given to workers in higher-category jobs.

These events may have ignited the strike, but the stoppage was probably the outcome of problems that had been simmering for years. One such issue was an agreement signed between the NUM and Implats in 2007, which stipulated a 50% plus one member threshold for recognition – practically making Implats a closed shop where minority unions have no rights.

A change had taken place in the profile of the NUM membership over the past 15 years.

The NUM was originally born out of the lowest job categories of South African mine workers, mainly from gold mines. More than 60% of its members were foreigners, mostly illiterate migrant labourers who were not interested in a career path.

Nowadays that number has dropped to below 40%. An increasing portion of the NUM's membership comes from what can be described as white-collar mining staff. The local NUM structures in Rustenburg, like the branch office bearers and the shop stewards, are dominated by skilled, higher-level workers. They are literate, well spoken and wealthy compared with the general workers and machine operators underground.

During wage negotiations in September 2011, Implats wanted to give rock-drill operators a higher increase than the rest of the workforce, but a committee of shop stewards of the NUM demanded money be split among the whole workforce. Needless to say, there wasn't a single rock-drill operator on the shop stewards' committee. The NUM moved quickly after the strike to correct the situation, but it was too late.

It is circumstances like these that become an entry point for a rival union. It is a fairly well-established principle in industrial relations that the interests of different categories of workers differ vastly, especially in extremely unequal societies like ours.

Amcu is here to stay. It has a formidable opponent in the NUM, but Mathunjwa has proven that he and his national office bearers are up for the task.

**This article originally appeared in the Miningmx Mining Yearbook on August 2 City Press**

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