

Editorial



FROM THE EDITOR

The release of the Farlam Commission of Inquiry into the Marikana massacre has seen a flurry of media coverage, as one would expect from a report of its size and magnitude, and also from the importance of the matter for South African labour relations. The report explains how the events leading up to the massacre evolved and how it could have been averted. Criticism of the report has been that it stops short of making strong recommendations after providing all the necessary evidence. The report has also provided a basis upon which further action can be taken against the South African Police Service and Lonmin by the families of the killed workers. The Marikana Support Campaign says the report blames workers for the massacre instead of Lonmin which wanted to break the strike at all costs instead of listening to the workers' grievances. There is also the other negative portrayal of the strikers, especially their decision to strike outside of the established collective bargaining processes. The failure of unions to reign in their members and to effectively engage with the employer, Lonmin, is also highlighted.

The central demand for workers at Marikana was a living wage of R12,500. By looking at previous Congress of South African Trade Union (COSATU) worker surveys Chere Monaisa argues that the central demand for workers has

been for better wages so as to correct the apartheid low-wage regime and to reduce poverty and inequality.

The Southern African Clothing and Textile Workers' Union (Sactwu) says load-shedding is emptying workers' pockets as shifts are shortened and workers asked to go home. There is also idle time of up to two hours when the workers warm up machines.

After the farm workers' strike in the Western Cape farmers have adopted tactics that are vindictive on labour. These include retrenchments, reduced working days and charging workers for farm housing and utilities, writes Jerry Mmanoko Mathekga.

Women continue to be a small fraction of the South African workforce and are restricted to low-paying jobs. African women are at the lowest rung, write Liesl Orr and Tanya van Meelis.

The South African economy is no longer dominated by white monopoly capital. The state is also a key player and the same applies to foreign ownership of the Johannesburg Stock Exchange. The black ruling class also has stakes in the economy, writes Lucien van der Walt.

Myths continue to be brought forward about the post-apartheid political economy including that the economy is not growing because of strong unions, that the labour market is rigid and that high wages cause unemployment, writes Khwezi Mabasa.

Struggles for land ownership and accessing revenue from platinum mining companies continue in the Bagatla traditional authority. The villagers of Lesethleng and Mothlabe are challenging the Bagatla ba Kgafela traditional authority on ownership of the land, and even amongst the villagers themselves there is no agreement on who should benefit. The struggle is informed by identity as well as economic issues such as youth unemployment.

Sometimes history is told through the lives of individual workers as seen in the book *Standing Together: The Story of Bonakele Wilson Fundani* by Ray Lazarus. The book traces his early working life during the apartheid period and as shop steward in the meat industry when he was on the Cape Slaughter Workers Committee.

A lot can be learnt from worker education in SA write, Salim Vally, Mphutlane Wa Bofelo and John Treat. Workers' education is about struggle and conscientisation of the working class. It is also about the struggle for a socialist society, and by trying to box it into the National Qualifications Framework is to make it a commodity of the capitalist market. They argue that worker education should not be depoliticised. ■

Elijah Chiwota
Editor

The South African Labour

Bulletin's mission is to:

- provide information and stimulate critical analysis and debate on issues and challenges that confront workers, their organisations and their communities; and
- communicate this in an accessible and engaging manner.

In so doing the SALB hopes to advance progressive politics, promote social justice and the interests of the working class.

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Load-shedding forces workers into unpaid short-time



Load-shedding is a double edged sword that cuts productivity and also the hours that workers are supposed to work argues the **Southern African Textile and Allied Workers' Union (Sactwu).**

Many workers and factories in the clothing, textile, footwear and leather (CTFL) manufacturing sectors are struggling under the load-shedding crisis which has afflicted South Africa. For workers, the crisis often leads to short-time (when workers are sent home during load-shedding and periods thereafter and do not earn any wages during this time). These are some of the findings of a survey conducted by the SA Labour Research Institute (Salri), the research wing of the Southern African Clothing and Textile Workers' Union (Sactwu), in preparation for the union's Fashion Imbizo that took place in Cape Town on 9 June 2015 under the theme: 'Energising the CTFL sector: the energy crisis and emerging opportunities'.

The survey covered 112 companies nationally in the CTFL and allied industries engaged in the manufacture of, amongst others, fibres or yarn, knitted or woven fabric, wearing apparel, leather, footwear, general leather goods and handbags. These companies employ almost 17,000 workers.

The intention of the survey was to identify the effect load-shedding has on the industry and workers and what companies are doing to mitigate this.

As a result of load-shedding, 17% of workers in companies surveyed have been put on short-time, meaning about one in six workers have sat at home at some stage with no pay due to load-shedding. In addition, 14% of workers are facing the possibility of short-time work in the near future. There are also concerns of future retrenchments occurring as a result of problems related to the supply of electricity.

Whereas it is commonly understood that load-shedding occurs mostly in two-hour blocks, the effects of load-shedding on manufacturing industries extend beyond this. The true impact of load-shedding on businesses is higher and our survey revealed that in the CTFL and allied industries it can take on average a further two additional hours after electricity comes back on line to regain maximum productivity. In other words, the actual impact of load-shedding costs the industry double

the hours of standard load-shedding whilst trying to regain productivity.

The survey revealed that more than 80% of manufacturers surveyed rely solely on the energy provided by Eskom as a source of power - meaning that these manufacturers go on complete shut-down during load-shedding. The industry has been slow at implementing alternative sources of power such as generators and renewable sources such as solar power, citing the high costs as the main hindrance to the implementation.

Sactwu organised the Fashion Imbizo to discuss solutions to the current situation and invited Eskom to discuss alternatives to the current load-shedding with labour and business and the Industrial Development Corporation (IDC) and the National Cleaner Production Centre (NCPC) to share with manufacturers how they can reduce their dependence on the grid and save energy.

The Imbizo included a session on future trends in retailing and technology and how South African CTFL manufacturers can respond to these. **LE**

What do workers want from employers?

Wages remain the core demand

Cosatu surveys have concluded that workers' demands for higher wages are necessary to reduce poverty and inequality. These demands are one of the ways to reverse the apartheid wage gap, writes **Chere Monaisa**.

Organised labour, government and business have formed a National Economic Development and Labour Council (Nedlac) Wage Inequality Technical Task Team led by Deputy President Cyril Ramaphosa. Through this constructive constituency engagement platform at Nedlac, critical areas of agreements were reached. The most essential of these being that a national minimum wage will be applied to all employees in South Africa. A continuously contentious element of these discussions is the stakeholders' different understandings of the effects of a national minimum wage in addressing inequality, poverty and unemployment.

Newspaper articles persistently repeat that unemployment is caused by high wages and that any introduction of a national minimum wage will only serve to increase unemployment. These claims show no regard for the fact that wages are often way below what is required to support a family and many workers in South Africa are classified as working poor. Furthermore:

- the latest statistics say that 21.7% of South Africans live in extreme poverty

- 37% of people don't have enough money to purchase both adequate food items and non-food items so they have to sacrifice food to pay for things like transport
- 53.8% of people can afford enough food and non-food items but fall under the widest definition of poverty in SA.

One of the key questions of the 2006 and 2012 Congress of South African Trade Unions (Cosatu) Workers Survey was 'what do workers most want from employers?' The results indicate that, in the main, workers are demanding a marked improvement in their wages. This article will argue that workers are justified and have no alternative but to continue demanding higher wages from employers because workers' real wages have been falling for decades, high unemployment places more demands on workers' low wages, and there is no empirical evidence that higher wages hamper economic growth.

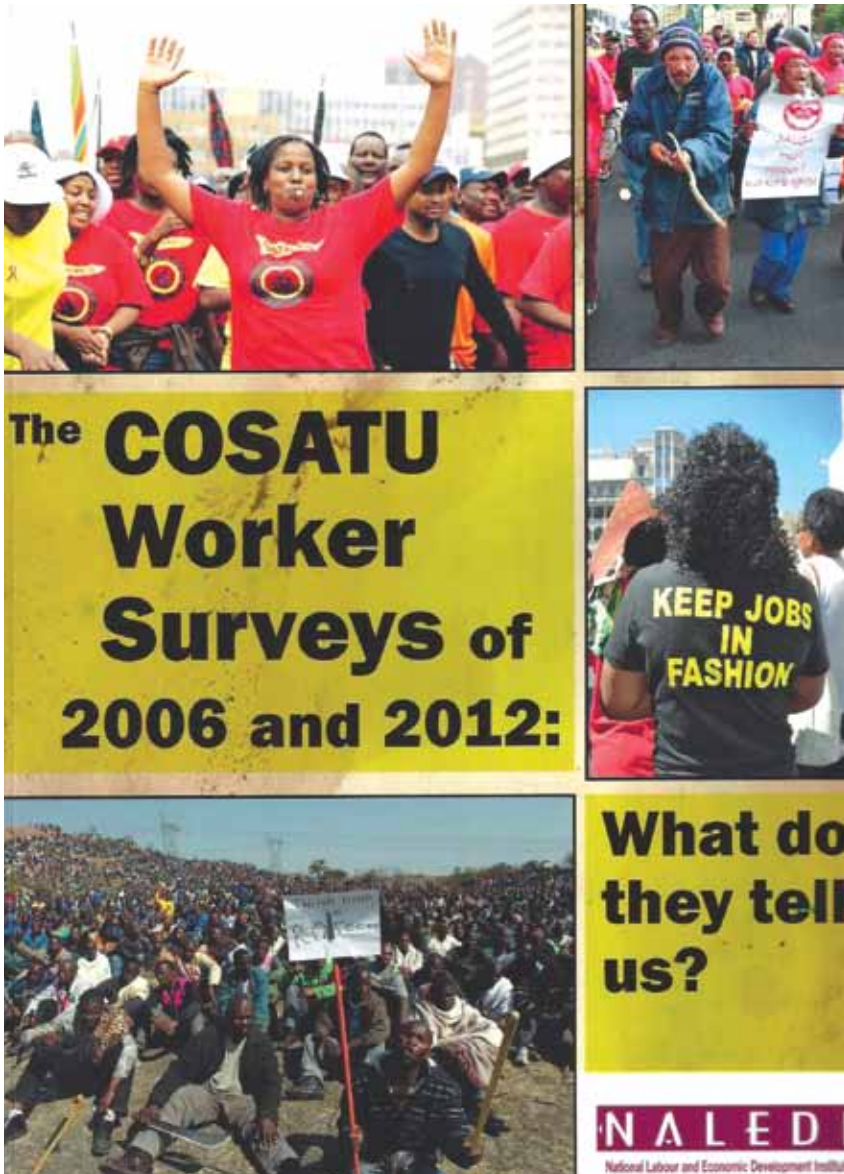
WAGE INCREASES TOP PRIORITY

In the 2012 Worker Survey 51% of all workers listed wage increases as the top priority of what they

want from employers. While 51% prioritised wage increases more than any other workplace issue, an overwhelming 91% of the workers (Cosatu 92%; non-Cosatu 96%; non-members 86%) gave demands for higher wages as the main reason behind the most recent strikes that occurred.

The 2006 Cosatu Worker Survey was similarly emphatic in its findings that 'almost all workers say they want better pay from their employer.' Despite the opportunity to mention all the issues they wanted addressed by employers, 'wage increases (76%) and job security (38%)' were overwhelmingly mentioned by workers as what they want most from employers.

69% of unionised workers joined unions primarily for job security (35%) and improving their 'wages, working conditions and benefits' (34%). Improving income remains a strong indicator of the likelihood for joining or staying in a union as workers with incomes below R5,000 (38%) were more likely to say they belonged to a union to 'improve pay, benefits and working conditions' than those in higher income brackets.



MAJOR SOURCE OF INCOME

Linking workers' wages with living standards analysis is one way to put their demands for higher wages in context. In 'Determining the predictors of living standards in South Africa: a real world econometric approach', van Aardt's (2008) found 85% of people earning R10,000 or more per month enjoyed high living standards, compared to only 6% of those earning between R1 and R9,999. StatsSA's report, *Income and Household Expenditure 2010/2011*, indicates that the largest proportion of annual household income was derived from

paid employment work, with 72.7% of all household income generated from this source.

The StatsSA's 2010 *Monthly Earnings* report also established that the monthly median earning was R2,800. The median monthly earnings for men (R3,033) were higher than that for women (R2,340) – women in paid employment earned 77.1% of what men did. The race of a South African also has a significant impact on the quality. 'At R2,600 in 2013 the earnings of black Africans amounted to barely 25% of white earnings' (StatsSA, 2013). These racial wage

gaps identified by StatsSA reinforce the 2012 Cosatu Worker Survey findings that African workers earn lower incomes than those of other races.

REALITY FOR WORKERS

Pons-Vignon, et al argue that new claims associated with the neo-liberal perspective on labour markets suffer from serious empirical limitations, whether in attempts to point to high wages as the cause of unemployment, or to claim that South Africa's labour market is too rigid. Concerns that South African workers earn prohibitively high wages ignore the fact that, on average, with monthly earnings of R2,800, most South African families can barely meet their monthly expenditure as reported by StatsSA. A 2012 Labour Research Service's *Wage Settlements Survey* estimated that over half of all workers earn close to or less than R3,500 per month – at the same time average monthly household expenditure was R7,931.91 per month in 2010/2011.

Forslund describes this situation as the harsh reality of the mass of working poor which is the legacy of a system deliberately designed to entrench the super-exploitation of the African majority. Equally, in rejection of the neo-liberal analysis of the South African labour market, Pons-Vignon and others demonstrate that the post-apartheid labour market has failed in its transformation agenda because it has not protected poor workers. This has in turn led to deepening inequality. Forslund further argues that the South African economy is characterised by a structural demand deficit and, in particular, a lack of domestic demand which breeds mass unemployment. Calls for higher wages for the majority are a way to cut into the excessive profits harvested by the big private corporations within mining, car manufacturing, retail, construction, banking and the food industry.

Critically, despite the dawn of

democracy, the quality of jobs in the country has declined dramatically over the last 20 years with working poverty alongside opulent executive pay, argues Pons-Vignon. Non-standard and precarious forms of work are increasingly common throughout the labour market through a great diversification of employment arrangements. 'Labour casualisation has entailed a marked deterioration in levels of pay and security,' adds Pons-Vignon. Hence, South Africa has since 1998 seen a marked increase in the income and power advantage of capital, argues Forslund. For evidence on deteriorating levels of pay, Pons-Vignon and others refer to research on workers covered by Sectoral Determinations which found that:

- Two-thirds (67.7%) of workers covered by Sectoral Determinations were classified as poor in 2007
- In terms of employment security, out of a workforce of 13-million in 2008:
 - 5.8-million workers were not covered by unemployment insurance;
 - 2.7-million did not have written contracts
 - 4.1-million did not have any paid benefits.

Comparing profits, productivity and wages, Forslund highlights that in 1995, the wage share to Gross Domestic Product (GDP) was 50.1% while in 2010, it had fallen to 44.5%. On average, real wages have been increasing at a rate of about 2% per year, less than labour productivity, which has averaged about 3% annually since 1994. There is reason to believe that the real wages for the majority of wage earners have been stagnant since 1994 and perhaps even falling since 2005. Less skilled workers continue to earn more or less the same wages that they earned towards the end of the apartheid era.

These patterns sharply contradict the claims of mainstream economists that high wages are causing unemployment, writes Reddy. All of this has happened during a period when South African companies were the third most profitable among the 20 emerging economies examined for the period 2007–2010, as reported by the IMF in 2011, and while executives received obscene packages and bonuses. Wage and income gaps have widened while the tax burden has shifted to employees and consumers, further reducing the purchasing power of ordinary people, argues Hoffer.

CONCLUSION

It is clear that workers need higher wages to meet their living expenses and to improve the quality of their lives. Decades of neo-liberal globalisation have seen capital successfully move towards minimising risks and maximising profits at the expense of labour and job security, argues Chinguno. High unemployment, an increase in non-standard employment, and low wages has undermined the ability of workers to support their dependants. It is not surprising that South Africa is now ranked as the most unequal society in the world. It is within this context that the persistent demand by workers for improved wages has to be responded to. Wages are not merely a workplace issue. In 2014, even ultra-conservative institutions like the IMF and publications such as *la Economist* have acknowledged that inequality does not bode well for sustainable growth.

Hence unions need to combine the pursuit of a decent wage with the broader national question of a decent living level as proposed by the Studies in Poverty and Inequality Institute (SPII) in its 'Constructing of a Basket of Basic Goods and Services in a Democratic South Africa'. Urgent

is the need for mobilisation and education of workers to intensify the workplace struggle for improved wages with emphasis on setting foundations for closing the income gap and establishing a national minimum wage. The foreseeable introduction of a national minimum wage should not lead to an end of the struggle to close the wage gap and end the apartheid wage structure as these are visions yet to be fulfilled. In the context of high unemployment, poverty and the working poor, the national minimum wage would not even count, as a mission accomplished if it is not set at a level that visibly improves the lives of workers as wage income is still the only source of income for a majority of South Africans.

The second priority should be solidarity and linkages with civil society organisations and a return to the campaign for a basic income grant and/or living wage in response to poverty. Through innovative research and social dialogue for defining a living wage, there can be an improvement in the prospects of structural interventions in the labour market and economic policy supported by, and in turn supporting, social development, education and training, health, transport and social protection, argues Frye. It is up to the trade union movement to drive the campaign for living wages by popularising the critical factors that have to be taken into account, which among others are:

- the needs of a worker and his/her family
- general levels of wages and the cost of living
- social security benefits and living standards of different social groups, adds Frye. ¹⁸

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Western Cape farm workers strike

The backlash

After a successful strike farm workers are facing a backlash from farmers through retrenchments, reduced working days, and charges for on-farm housing and utilities. Unionised workers have been targeted at a time when unions have scaled back their organising of farm workers, writes **Jerry Mmanoko Mathekga**.

The numbers of permanent farm workers has dropped. According to the Centre for Legal Rural Studies the farmers rely more heavily on casual and seasonal labour, as well as labour broker workers. Most workers live on the farms and the surrounding informal settlements such as De Doorns, and often they are migrant and undocumented immigrants from neighbouring countries such as Zimbabwe, Lesotho, and Mozambique. Their work at the farms is very intensive and requires strenuous effort. Their wages are very low and there is also growing exploitation and inequality. Workers who are employed permanently are mostly males, and females are employed seasonally and casually as well as through labour brokers, write Devereux and Solomon.

Two years after the 2012–13 violent farm workers' strike that killed three men – Michael Daniels, Letselaeng Tokhwane and Bongile Ndleni – the fruit farms of Hex River Valley and other farms have returned to their quiet state and it is business as usual. The packing season at the farms is usually in the middle of summer, and workers in green overalls and caps are busy

throughout the fields. This article takes a closer look at the 2012–13 farm workers' strikes that took place in the Western Cape farming communities and its aftermath.

FOCUS OF THE PROTEST ACTION

Poor wages, bad working conditions and the contract system had been a perpetual focus of protest in the Western Cape. On 27 August 2012, farm workers in the Hex River Valley, and the fruit farming community in the Western Cape Province, staged a protest. Despite intimidation from the farmers, many workers around Robertson supported a second wave of strikes in January 2013. The strikes also spread to other farms in the Western Cape, including Clanwilliam, Citrusdal, Wolseley, Worcester, Grabouw, Villiersdorp, Ashton, Somerset West and Swellendam. The demands of the farm workers included: an increase of wages from R69 per day to R150 daily with benefits such as sick leave, annual leave, 8-hour working day, a stop to 'stukwerk' and 'mukpunt' systems (piecework), establishment of a provident fund, and pay for rainy days.

Workers demanded basic services such as free or subsidised electricity. They also wanted access to clean and free water, public transport, free and decent transport to and from work, free and protective clothing. On housing they wanted improved living conditions and better rent-free houses. They didn't want to be charged rent for children over the age of 18 and for family members who are too old to keep working. They also called for the suspension of evictions, Wesso notes.

Farm workers also wanted the government to properly implement the existing labour legislation, improved terms of employment, freedom of association, recognition of the rights of seasonal workers and the rights to be the same as those of permanent workers, women's rights which included equal pay for equal work and maternity leave. Farm workers further demanded access to land for subsistence farming, speeding up of the land redistribution process and sharing of land between farm owners and farm workers.

They also demanded the removal of labour brokers; and if the removal of labour brokers did not happen, either to work directly for



Farm workers toyi-toyi on the N1 in De Doorns, Western Cape. Credit: Shelly Christians/The Times.

farm owners or at least the proper regulation of labour brokers should be enacted. They wanted threats made by farm owners to increase deductions in response to a wage increase to be dealt with and that there should be no retrenchments by farm owners in response to wage increases. In the end, workers' wages were increased to R105 daily. Currently, workers earn R111.97 daily.

WHO SUPPORTED THE STRIKE?

The 2012-13 farm workers' strike was initiated by workers themselves, especially women, seasonal and contract workers, write Knoetze and Paton. The workers felt that the only way to make things better is through mobilisation. They came together and formed a farm workers' committee. The farm workers' committee started as a local, informal network between workers - mainly those who did not belong to trade unions. After the committee was formed, they embarked on the protest in Hex River Valley farm.

Later, the strike received support from trade unions and community organisations. A coalition of a number of independent trade

unions working on farms such as Bawsi and Allied Workers Union of South Africa (Bawusa), the Congress of South African Trade Unions (Cosatu) affiliated Food and Allied Workers Union (Fawu), Commercial Stevedoring Agricultural and Allied Workers Union (Csaawu) and non-government organisations and lobby groups announced a campaign of mass action in support of the demand to raise the minimum wage for farm workers to R150 a day from of R69, writes Plaas.

CONSEQUENCES OF THE STRIKE

In the end the farm workers won 52% in the minimum wage for the sector and the farm workers' daily rate was increased to R105. The minimum wage that farm workers won for themselves and all other farm workers in South Africa was an extraordinary achievement, states Paterson. However, the higher minimum wage won by farm workers as a result of the strikes was not to be enjoyed by those who fought hardest for it - many of them are now unemployed. For example, it was reported that there have been changes in terms of work on the farms.

At first, immediately after the strike, the increase in the daily payment did not affect employment levels. Two years later, employment has decreased and fewer people have farm jobs and work for fewer hours than before. More than 73,000 farm workers have lost their jobs, and the majority of them are women. The areas where women are worst affected are Rawsonville, Paarl, Wellington, Stellenbosch and De Doorns in the Western Cape. Persistent discrimination locks women in precarious reproductive work as they continue to suffer from economic discrimination. This makes them more vulnerable to exploitation and many were dismissed without explanation, writes Peterson.

Workers who were seen as the leaders of the 2012-13 strike were retrenched, and those who retained their jobs were seen as troublemakers and worked under pressure and the watchful eyes of the employer. Some workers who belonged to unions were no longer union members. Workers who used to work for six months, now worked for three months. The labour force statistics collected by statistics South Africa (StatsSA)



Farm workers marching in Stofland, De Doorns. Credit: Shelley Christians/The Times.

have revealed that employment in agriculture decreased from 739,000 in the third quarter of 2013 to 686,000 in 2014. Furthermore, Peet Els – a labour broker for farmers – was quoted in *Business Day* confirming the decrease in employment: ‘Before the strike, more people worked’.

Els said fewer people were getting jobs. For example, in the Hex River Valley farm, around 200 people used to be employed between May and September. After the strike, the number of people employed is now around 40 to 50. The number of seasonal workers also dropped by 25%, and were now employed for

shorter hours. At Stofland, farmers’ trucks line up every morning to get workers from labour brokers, and the foreman is always present checking ID documents before transporting workers to the farms. Labour is now a commodity that is bought and sold every day. Farm workers know that no union member is welcome on a foreman’s or a broker’s truck in the small closed labour market that operates at the Stofland traffic circle, adds Paton.

As part of the reform, farmers make farm workers who stay on the farms pay for benefits that were previously free. For instance,

farmers introduced a new levy of 10% of the wage for housing for those who live on farms and full charges are levied for all electricity. While a provision in the wage determination has always allowed farmers to make such deductions, this was hardly done in the past. After the strike, there were reports of retributive action taken by farmers against workers who took part in the strike. The workers were retrenched or evicted together with their families.

Some farmers increased rent by 100%, and have threatened to evict those who are not able to pay and demand rent from workers’ family

members who do not work on the farm. Many permanent workers have been fired, and evicted and replaced with seasonal workers employed through labour brokers. Over 60 Csaawu farm workers, including many union leaders and women, have been fired. Some retrenched workers claim to have been blacklisted by farmers making it difficult for them to find new jobs. Farmers have been defending their reactions based on the fact that workers illegally protested, as many farm workers who embarked on the strike did not belong to a trade union, argues Paton.

Since the end of the strike, trade unions have disappeared and are no longer in contact with the farm workers. The only union that stood with workers after the strike was Csaawu. Csaawu has been recruiting members and fighting small battles to protect workers' rights for around five years in the fruit farming communities of the Western Cape. For example, in December 2012, Csaawu was involved in providing support and guidance to members and non-members. On 3 December 2012, Csaawu organised a rally at Ashton's sports ground where members spoke of their struggles: of being too poor to pay for their children's education, and of being evicted from their homes with no place to go. They also spoke about the need to stand together and not be afraid. Many Csaawu shop stewards and their supporters were fired by farmers when they tried to return to work after the stayaway. Farmers sought revenge action after the strike. For example, in the Lenneberg area where Robertson and Ashton farms are located, workers have been facing a particularly severe counterattack from farmers, writes Peterson.

According to Csaawu, 53 workers were dismissed of whom 26 had their cases referred to the Labour Court. Workers had nowhere to go, and Csaawu farm workers' only recourse was at the farm. The union

had made a bold commitment to stand with the farm workers and to challenge what they saw as unfair dismissals in court. The union had tried to assist workers with court cases and it was severely taxed by its obligation to represent its members at the Commission for Conciliation, Mediation and Arbitration (CCMA). The union did not win even a single case because the court ruled that the strikes were unprotected. The Labour Court ordered Csaawu to pay the legal costs of the farmers at La Maison and Steytler Boerdery farms outside Robertson. The legal costs were estimated to be around R600,000. The union is now fragmented and has put out a call to all who support farm workers' rights to donate funds for the union.

On 17 November 2014 it was reported that Csaawu faced bankruptcy for supporting farm workers dismissed after the strikes in 2012/13, and the union was planning to launch a fundraising campaign and website in the coming weeks. Later, Csaawu launched a platform, via crowd-funding website IndieGogo, where supporters could pledge money to help raise the R600,000. By December 2014 the site had raised just over R5,000.

Bawusa is one of the unions that helped rally workers during the strike action. Fawu, and Cosatu were also involved. After the strike, none of these unions were to be found. 'The Bawusa office opened in De Doorns after the strike has been closed for months and the bakkie that farm workers say belongs to the union was seen being used for private duties', writes Paton. Part of the reason for unions to disappear is that farmers do not hire union members anymore, and have resorted to hiring casual, seasonal and labour broker workers instead. Those who belonged to unions have left the unions fearing that they will lose their jobs.

As one of the leaders of the 2012–13 strike, Betty Fortuin, put

it, in *Business Day* 'the unions are not to blame for abandoning the workers because unions have no one to organise because farmers do not hire union members, and those who belonged to trade unions have withdrawn'. The aftermath of the strike meant that unions are no longer effective at the farms and they are left with no choice but to abandon its members. Workers are now very vulnerable and exploited. It is business as usual for farmers.

CONCLUSION

The consequences of the farm workers' strike have affected the workers and trade unions, especially unions that were directly involved in fighting for farm workers' rights. Job losses were mounting at the farms and unemployment is climbing. With few exceptions, the winners in the farming sector in the Western Cape are farmers who have gained power over farm workers and trade unions. Farmers have managed to change the course of labour relations in their interests. The unemployment, decrease in permanent workers and reliance on casual, seasonal and labour broker workers have weakened workers' unity and trade union powers on the farms. The disorganisation of working-class organisation in unions and workers' committees have been destroyed. Farm workers tend to encounter more difficulties in guaranteeing decent minimum social protection. For this reason it is unlikely that the farm workers will be able to initiate a legal process, let alone carry it through. They are unable to afford the high cost of paying legal representatives and the court fees. ^{LB}

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Women and gender relations

SA labour market review

Despite the enormous contribution that women make to economies, communities and families throughout the world, they still experience the deepest levels of poverty, oppression and exploitation. Women have borne the brunt of the social costs of changes in the world economy, such as neo-liberal globalisation, casualisation, public sector cutbacks, work restructuring and deregulation, write **Liesl Orr** and **Tanya van Meelis**.

In 2004, a decade after the dawn of democracy in South Africa, women continued to have lower incomes, higher unemployment and less access to assets than men, according to Neva Makgetla. This is still the case 20 years after the establishment of the first democratic government. Makgetla also highlights the fact that 'racial differences were larger than gender inequalities within racial groups' which means that '... we can only understand the position of women in the economy ... if we also take race into account'. In fact, these racial differences are largely reflective of class differences, because for many years in South Africa, race has been inextricably linked to class. While this is changing, it is still largely the case.

Similarly, much of the change that has taken place for women, has been shaped by class. Thus, while there has been a significant increase in women in management positions, there are still far higher numbers of working-class African women earning poverty wages.

The South African reality remains shaped by the mutually reinforcing relationship between race, class and gender. African women in particular continue to experience the highest levels of unemployment, and where they are employed they receive the lowest incomes, and remain concentrated in the lowest status and most insecure occupations.

This article reflects on the position of women in the South African labour market, looking in particular at employment, unemployment and income inequality. We also reflect, in brief, on the impact of HIV and AIDS on women and gender relations in South Africa, given the significance of this epidemic for the lives and well-being of women, as well as their economic position.

The article begins by briefly reflecting on the structural factors determining the position of women in the economy. It then outlines the position of women compared to men, looking at trends over time. It concludes with some suggested areas requiring intervention and transformation.

In sum, the key features of the last 20 years, in relation to women and the labour market, are as follows:

- Women's share of employment has risen, but men still form the majority of the employed.
- African women and black women in general are least likely, of all women and men, to be in paid employment.
- They are most likely to be counted as 'economically inactive' meaning that they have never had a paid income of their own, nor are they seeking one.
- The growth in employment has not kept up at all with the growth in those wanting employment.
- The growth in women's employment has not reflected an improvement in the quality of jobs and the economic position of women.
- The new areas of employment for women have tended to be insecure, with increased flexibility, low pay and low status, thus the 'feminisation'

of work has been accompanied by declining quality of jobs, pay and working conditions.

- Unemployment remains high for women, young African women in particular, in fact there was an increase in unemployment rates in the first decade of democracy, and while this has since tapered off, there are still not enough new jobs being created to make much of a dent in the levels of unemployment.
- African women are still clustered within the lowest income groups.
- Women in general, and African women particularly, continue to occupy jobs associated with 'women's work' and the gendered division of labour in the home such as domestic work, cleaning, nursing and teaching.

FEMINISATION OF LABOUR

'Gender outcomes in labour markets do not reflect natural or objective differences between men and women, but rather reflect the outcome of discrimination and disadvantage ...' according to Guy Standing.

The Department of Labour states that between 1995 and 2005 women accounted for almost 58% of the growth in the labour force, while men accounted for 42.3%. However, the labour force includes both the unemployed and employed. Although high levels of unemployment and poverty remain, there have been increases in women's paid employment.

However, this has largely been reflective of a decline in the quality of jobs. In fact, rather than signalling an improvement in gender relations for women, with greater access to paid employment, in many ways this shows a continuation of existing inequality, where women are drawn into jobs where pay and status are low. The growth in employment in

the South African labour market has largely been in sectors with greater insecurity and lower pay, such as retail and trade, where women predominate. Globally, there has been a 'feminisation of employment' which might at face-value be hailed as an advance, but in reality is characterised by increasing flexibility (in favour of employers), low pay and poor working conditions.

'The term "feminisation" was intended to capture the double meaning and the sense of irony that after generations of efforts to integrate women into regular wage labour as equals, the convergence that was the essence of the original hypothesis has been towards the type of employment and labour force participation patterns associated with women', says Standing.

The concept of 'feminisation of labour' is thus used to describe the growth in women's employment over the last few decades, which has simultaneously been accompanied by a declining quality of jobs. But it is also intended to illustrate that the growth in women's employment has been into jobs that are associated with traditional notions of 'feminine work'.

'More women participate in paid employment than at any other time in history. The entry of women into the labour force has meant that, in many cases, the economic opportunities available to them have grown. However, equality of opportunity remains elusive. Sex segmentation of the labour markets is endemic, with women concentrated in lower quality, irregular and informal employment.

Economic stabilisation programmes and the process of global integration have frequently squeezed household incomes, pushing women to enter the paid labour force. At the same time, economic reforms have intensified demands on women's unpaid

work, creating a situation in which increasing the supply of women's labour is a central strategy by which families cope with fundamental economic change. At a basic level, women's employment, paid and unpaid, may be the single most important factor for keeping many households out of poverty', writes James Heintz.

Daniela Casale shows that similar to the world-wide trend of feminisation of the labour force, in South Africa this has not challenged gender inequalities. Furthermore, the growth in women's labour force participation has largely been characterised by increased unemployment of women.

'... the rise in the labour force participation of women in South Africa has translated mainly into an increase in unemployment.

Nonetheless, there has also been some increase in employment among women over the same period ... [T]he nature of the feminisation of the labour market in South Africa has been such that the disadvantaged position of women in the labour market relative to that of men has not been fundamentally challenged. Women continue to be overrepresented in low-income, less secure employment. Where there has been some opportunity for advancement over the period, white women seem to have been the main beneficiaries.'

But why is the impact of economic policies and changes in the labour market different for women and men? The reason for this is because women are structurally in a different position from men in the economy, because:

- work that women do is unpaid and unrecognised
- much of women's paid work is outside of the formal economy
- women are concentrated in particular sectors,
- women's paid work is less valued.



Caption: Woman at work in a kitchen: Most women are employed as domestic workers. Credit: William Matlala.

GENDER DIVISION OF LABOUR

There is a gender division of labour in paid employment and in unpaid household work. Much of the work that women do (both paid and unpaid) tends to be invisible and assumed to be 'natural' rather than requiring particular skills, and therefore of little value.

Most of the tasks and occupations undertaken by women are located within the household and the service sector and are not viewed as productive. The paid work in which women predominate often do not 'produce' specific, tangible and measurable 'products' (e.g. cleaners, domestic workers, nurses and teachers). These jobs often involve a reproductive, caring aspect.

'There is a mutually reinforcing relationship between the subordinate status of women, which influences how their work is regarded, and the fact that lower-status occupations are reserved for lower-status workers, i.e. women', writes Liesl Orr.

When we apply racial disaggregation, black women are predominantly found in domestic work and cleaning, contrasted with white men who are largely in management and professional occupations. Black men tend to predominate in manufacturing, in artisanal and elementary occupations. Where black women are in professional occupations they tend to be in teaching, social work and administrative work, writes StatsSA.

UNPAID REPRODUCTIVE LABOUR

Women perform the vast majority of unpaid reproductive labour in South Africa. Reproductive labour is the work necessary to maintain society and reproduce future generations. This includes childcare, home-based health care, informal education, household production and maintenance, and taking care of the sick and elderly.

'Most reproductive labour is unpaid labour and the goods and services produced are not sold in a marketplace to earn a profit, but instead they are consumed directly within a household or community', write Orr, Heintz and Tregenna.

There are important economic outcomes that arise from the fact that women are largely responsible for performing

reproductive labour. Firstly, since the work is unpaid, women are dependent on another source of income in order to live. Often this source of income is a man who is in paid employment in the formal economy, although the source of income may also be through social grants. This dependence on transfers of income clearly places women at economic risk. It may also keep women in abusive and threatening situations to maintain an income source.

Secondly, the costs associated with household labour are an additional burden to women. Where there is not sufficient income for various household services, women are forced to provide them through their own labour, for instance, walking to fetch wood and water, where this is not easily accessible.

Thirdly, responsibility for unpaid reproductive labour places constraints on women's ability to access formal employment, since most jobs do not make provision for childcare and other household care responsibilities.

Among women, employed black African women spend the most time (266 minutes) doing unpaid housework, while employed white women spend the least amount of time (198 minutes). Although employed men in all population groups spend substantially less time doing unpaid household work than all employed women, employed black African men spend more time on this work than employed coloured, Indian/Asian and white men. In 2010, employed black African men spent on average 20 more minutes doing unpaid housework than coloured and white men and 44 minutes more than Indian/Asian men, adds StatsSA.

LABOUR MARKET SEGMENTATION

The concept of labour market segmentation helps to explain the

position of women in the labour market. The South African labour market can be divided into three broad segments: the primary labour market, the secondary labour market, and non-market labour, writes Makgetla.

The primary labour market is composed of professionals and management, who are the most highly paid and skilled section of the labour market, and is predominantly comprised of white males.

The secondary labour market contains production workers, low-paid service workers and agricultural labour. These are predominately lower-paid black male workers in mining and manufacturing, with black women workers mainly located in agriculture and paid domestic work. This segment receives low wages and experiences high levels of unemployment. There are high levels of unionisation in manufacturing and mining (where black men predominate), whereas in the agricultural and domestic sectors where women are in the majority unionisation rates are extremely low.

The non-market segment (which is the informal/unpaid labour market) includes informal sector workers, subsistence agricultural labour and unpaid domestic and family labour. Economic opportunities within the informal economy are characterised by unstable employment, low pay and great insecurity. Workers in the informal economy do not have access to legal protection and regulation of employment conditions. There is weak organisation and collective action within the informal economy. However, for street traders in particular, there is growing organisation (but with numerous challenges and obstacles).

A number of women try to make a living through the informal

economy (given low levels of formal employment), which also has an impact on the quality of their lives. The informal economy is more accurately described as the subsistence or survivalist economy. It is difficult to obtain accurate statistics on the informal economy (because it is by its very nature unregulated and invisible and definitions of what constitutes informal work differ). Taking note of the limitations of data, in 2014 women were found to make up around 40% of the informal economy, according to StatsSA

Women most certainly form the majority of the unpaid labour market segment and of the subsistence/survivalist economy. There are massive differences in wages and other employment-related benefits between women and men, associated with the gender division of labour and segmentation of the labour market, emphasising the extent to which women's work is undervalued. ¹⁸

This is a shorter version of 'Women and gender relations in the South African labour market: A 20 year review' - a chapter in Bargaining indicators 2014: 20 years - a labour perspective published by the Labour Research Service.

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Inside the Marikana Commission Report

Fatal errors in labour relations

If there are lessons to be learnt in South African labour relations, the Marikana Commission Report is an ideal manual for what-not-to-do in resolving disputes. The report points out to what needs to be changed in collective bargaining, especially in instances of unprotected worker-led strikes. The 'judgmental errors' made by Lonmin at Marikana also show that a hardened attitude by employers towards strikers does not resolve a dispute. Demands that arose between collective agreements should also be attended to urgently without waiting for the agreements to lapse, writes **Elijah Chiwota**.

The Marikana massacre of 16 August 2012 arose from a strike in which rock drill operators (RDOs) employed by Lonmin demanded a minimum wage of R12,500 and made the demand without involving unions but through workers' committees. The workers were from different units, belonged to different unions and therefore didn't want to involve unions because of the collective agreement that was in place at the time. Furthermore, the workers were reluctant to engage unions.

The strategy of striking outside the established collective bargaining system had worked on other platinum mines like Impala. However, Lonmin refused to negotiate with the workers outside of the 'structures of the union' despite their numerous appeals for Lonmin management to come to the koppie where they were assembled to discuss the issue. Instead, the employer used different ways to try to break the strike,

including encouraging workers to return to work and eventually calling in the police resulting in the shooting to death of 34 workers. At Scene 1 a 'volley' of '328 rounds of live ammunition' was fired in eight to 12 seconds, and at Scene 2 '295 rounds of ammunition were fired at the strikers' either killing or injuring hundreds of workers in the most horrific police response to strikes since democracy in 1994.

Prior to the massacre 10 people had died including security guards, two police officers and striking and non-striking workers.

In the aftermath of the massacre President Jacob Zuma appointed the Marikana Commission headed by Justice Ian Farlam to look into whether, among other things, Lonmin and the unions (Amcu and NUM) did their 'best endeavours' to resolve the dispute with the workers. The Commission also looked at the role played by the South African Police Service including 'the precise facts and

circumstances which gave rise to the use of force and whether this was reasonable and justifiable in the particular circumstances'.

The Marikana Commission Report concluded that 'the tragic events at Marikana are rooted in widespread labour disputes in the area particularly at Lonmin's Karee Mine and at the nearby Impala Platinum Mine (Implats) which were characterised by violence, intimidation and loss of life and the undermining of agreed collective bargaining processes' and 'that the tragic events that occurred during the period 12 to 16 August 2012 originated from the decision and conduct of the strikers in embarking on an unprotected strike and in enforcing the strike by violence and intimidation, using dangerous weapons for that purpose'.

The tone of the report and the conclusions that it made tend to blame the workers for the massacre. Other players, Lonmin and the police, are seen to be responding



Remembering the miners: Following commemorative events closely at Marikana in 2014.

to a situation which arose from the strike. According to Teun van Dijk legal systems are part of the political system and use the same ideas as those of mainstream politics. 'Positive self-preservation' as seen in the report is when one group (the police and Lonmin) is presented as doing the good thing - enforcing the law - and the 'negative other-presentation' of the strikers who were breaking the law. However, the issue of the Social Labour Plan that Lonmin did not implement brought to the fore when the commission recommended that the Department of Mineral Resources look into it, is an example of the social and economic context of poverty, inequality and unemployment that is not covered in the report.

LABOUR RIGHTS

By going on strike the Lonmin RDOs were exercising their rights as protected under Labour Rights found under section 23(1) of the

Constitution and also in the Labour Relations Act of 1996 (LRA). As their strike did not follow the provisions of section 64 of the LRA it was therefore an unprotected strike. For a strike to be protected the following should have been followed:

- The dispute is referred to a bargaining council or the Commission for Conciliation Mediation and Arbitration, a certificate is issued that the dispute is unresolved, and 30 days or an extension agreed upon by all parties would have elapsed.
 - The employer is given 48 hours' notice for the strike to begin.
- Shane Godfrey writes that the spirit promoted in the LRA is voluntary in that 'parties would determine their own bargaining arrangements through the exercise of power. The removal of the duty to bargain was balanced by the introduction of a set of organisational rights and the concerted promotion of

collective bargaining, particularly at the sectoral level. Underpinning collective bargaining is a protected right to strike that is given to unions that follow the statutory procedure'.

Therefore, the LRA encourages negotiations between workers and employers and lays out circumstances under which workers can go on strike.

Bargaining councils also played an important role in collective bargaining. 'Participation on a Bargaining Council remains voluntary but the Act provides a number of inducements for unions and employers to participate, in particular the ability of a Council to have its agreement extended to all employers and employees within its jurisdiction. The Act requires that the parties are representative in order to have an agreement extended, but the Minister retains the discretion to extend the agreement if the parties are only "sufficiently representative" and

failure to extend the agreement would threaten bargaining at the sector level. In addition, the Council must have established an independent body to hear non-party appeals for exemption, and the agreement to be extended must contain the fair criteria to be used by the independent body when considering the appeal,' explains Godfrey.

Extension of agreements also means that workers not represented in Bargaining Councils benefit by appealing for exemption. In the case of Marikana the workers rejected existing collective agreements and the concerned union at the time, the NUM, did not seek vigorously to amend the agreement.

Lonmin reached an agreement with National Union of Mineworkers (NUM) in December 2011 which was valid from 1 October 2011 to 30 September 2012. 'The agreement bound all permanent employees whether or not they are members of NUM and were employed at Lonmin.' The agreement did not allow for amendments: 'that all proposals and demands on which agreement

was not reached, or which were withdrawn by the unions or the company, are regarded as having been settled and may not be subject to strike action until this agreement lapses on the 30th of September 2013'. The labour unrest at Marikana shows that there is need for agreements to be flexible and to be open to negotiations if workers were not happy with them. The Commission concluded that the collective agreement should have been reopened in light of events at Impala.

Lonmin was half-hearted in resolving dispute with striking RDOs and did not respond 'appropriately to the threat and outbreak of violence'. The company also failed to provide enough security to its staff and its call for workers to come to work was a 'serious judgmental error'. 'Lonmin's reckless actions in urging employees to come to work in circumstances where they were aware of the potential dangers to them and in the full knowledge that they could not protect them, falls to be condemned in the strongest terms.'

STRIKE VIOLENCE

There seems to be an unwritten law of the strike which means that strikers will enforce the unity of the workers through violence often met out on scabs or against company equipment and facilities. According to Crispin Chinguno (*SALB* July/August 2014) 'a strike action is dependent on a collective decision sanctioned by the majority and its success is anchored in workers' collective solidarity. The scabs thus represent a reverse in worker solidarity and undermine the success of the strike action by turning against a collective decision and becoming the instrument of the employer [...] A strike has its own rules of conduct which may infringe on the on democratic right which embraces the freedom of expression and choice'. Workers interviewed by Chinguno 'argued that violence in strikes is used to enforce and respect the will of the majority. It is used as a rule of the majority'. Other surveys such as the Worker Surveys from the National Labour and Economic Development Institute made the same conclusions.



NUM on Marikana Inquiry

The National Union of Mineworkers (NUM) welcomes the release of the final report of the Marikana Commission of Inquiry. Based on our initial assessment of the extensive report, it contains a comprehensive account of the material evidence led during the two years during which the Commission conducted its proceedings and sets out fundamental findings on key issues relating to the tragic events at Marikana in August 2012.

In its opening submission to the Commission, NUM argued that the unprotected strike which commenced on 9 August 2012 was from inception characterised by high levels of intimidation and violence and soon descended into a complete disregard for the rights and lives of non-strikers and attacks on NUM members, officials and the union itself.

According to the Worker Surveys: 'Almost half of the Congress of South African Trade Unions (Cosatu) members involved in a strike thought the violence by workers was necessary. Around two in five thought the violence by the police or management was an appropriate response to the strikers' behaviour.'

The Commission condemned the strike violence at Marikana. 'Whilst there exist adequate mediation and negotiation channels to enable issues to be resolved in matters of protests, strikes and stand offs, it might be a salutary lesson for the citizens of this country to take away from Marikana, that taking up arms and the resorting to violence is neither constructive nor appropriate in protecting and enforcing one's rights.'

Acknowledging the loss of members by NUM to the Association of Mineworkers and Construction Union (Amcu), the Commission said the NUM failed to resolve the dispute with the strikers and did not also persuade Lonmin to speak to the RDOs. It condemned the encouragement given by the NUM to its members to go to work during the strike and also, like Amcu, for not taking effective control of members with regard to lawful conduct and not endangering lives. According to the Commission this was 'reckless and ill-considered' taking into account that the security of the workers could not be guaranteed.

The Commission also chastised Amcu for not exercising 'effective control over its members and those persons allied to it in ensuring that their conduct was lawful and did not endanger the lives of other persons. They sang provocative songs and made inflammatory remarks which tended to aggravate an already volatile situation.'

COMBAT POLICING

The Commission condemned police action which was more military than policing: how they planned and carried out the operation including the use of automatic rifles

and live ammunition in a crowd control situation. The collapse of the command and control structure and the disregarding of minimum force as followed in the McCann principle. It concurred with the South African Human Rights Commission that '... the principle of prevention/ precaution requires that those in command of policing operations in which higher levels of force are anticipated as a possibility plan and command those operations in such a way as to minimise the risk that lethal force will be used'.

Before taking action and cordoning off and confronting the strikers some senior offices in the South African Police Services (SAPS) including Major General Mpembe foresaw bloodshed 'if the police went to disarm and disperse' the striking workers. Despite this foresight nothing was done and the operation continued.

According to Advocate Dumisa Ntsebeza, who represented some of the families of the slain workers at the Commission, the way the police carried out the operation on 16 August 2012 can be described as 'extra-judicial killings'. Achille Mbembe further argues that to say the death penalty is banned in South Africa might not be true if the police can carry out extra-judicial killings like the ones that took place at Marikana.

So far a number of lawsuits have been launched against the police and Lonmin. The Socio-economic Rights Institute is representing 36 families of the slain workers. Advocate Dali Mpofu will make 336 claims for compensation against the police. The Economic Freedom Fighters, on the other hand, has lodged cases against Deputy President Cyril Ramaphosa, former Mineral Resources Minister Susan Shabangu, former Police Minister Nathi Mthethwa, former North West Provincial Commissioner Zukiswa Mbombo, National Police Commissioner Riya Phiyega and other officials who were involved in the Marikana massacre. ¹⁸

These attacks, perpetrated largely by a core group of the strikers, continued relentlessly both during and after the unprotected strike. The Commission's report vindicates NUM's submissions in this regard.

At the very outset the Commission's report records that the evidence presented to the Commission shows, amongst others, that 'the tragic events that occurred during the period 12 to 16 August 2012 originated from the decision and conduct of the strikers in embarking on an unprotected strike and in enforcing the strike by violence and intimidation, using dangerous weapons for the purpose.'

The Commission noted also that the earlier unilateral wage increases granted by the neighbouring Impala Platinum Mine impacted on Lonmin where the expectation formed was that substantial wage increases could be achieved through unprotected strike action, violence and intimidation.

In relation to specific events at Lonmin during August 2012, we note the following fundamental observations and findings made by the Commission in its final report.

IN RELATION TO THE STRIKERS

The Commission condemned, in the strongest terms, the violent manner in which the unprotected strike was sought to be enforced, and the brutality of the attacks upon those persons who suffered injuries and who died prior to 16 August 2012. The Commission also found the averment by the strikers that they took up arms to protect themselves against NUM to be untrue.

- The Commission also accepted the evidence of Mr X in relation to the use of muti by the strikers, and stated that there was sufficient corroboration of his evidence regarding the use of muti by the strikers in the furtherance of their endeavours to enforce the strike.

- The Commission found that the strikers decided, for reasons unrelated to any of the trade unions, to advance their claim for a wage of R12,500 on their own. In this regard, the evidence of Mr Mabuyakhulu that NUM had made it clear that we were unable to take up the demand of the RDOs was rejected by the Commission.
- From as early as 10 August 2012, a climate of violence and intimidation on the part of the strikers had prevailed. And the strikers were in possession of dangerous weapons from as early as 10 August 2012.
- The Commission found that on 11 August 2012, the strikers who marched to the NUM office at Western Platinum Mine did so with violent intent, armed with an array of dangerous weapons. In those circumstances, the Commission found that the actions of the NUM officials and members in that office of arming themselves with an assortment of weapons to protect their office and persons cannot be criticised, especially in light of the information conveyed to them by the Lonmin security officers and the short time within which these events occurred.
- The Commission rejected the argument by counsel for the injured and arrested persons that the shooting of two strikers at the NUM offices on 11 August was a so-called 'game changer', stating that the first 'game changer' was the decision by the strikers to enforce the unprotected strike by violence and intimidation.
- NUM welcomes the recommendation for further investigation of the shooting on that day and maintains that the NUM officials and members acted within the parameters of private defence.
- The Commission found that on 12 August 2012, the strikers were responsible for the deaths of Mr Mabelane and Mr Fundi and no facts or submissions were made by anyone concerning the justification of these killings. This included the mutilation of Mr Fundi and the removal of body parts.
- Similarly, the Commission found that the murder of Mr Mabebe, and the assaults and damages to property that occurred at the K4 shaft on 12 August 2012 was an unprovoked attack on unarmed persons who were simply going about their business and that the only reason for the attack appeared to be to enforce the strike with intimidation.
- The Commission found that on 13 August 2012 Mr Langa was brutally killed by the strikers on his way to work.
- The Commission also found that on 13 August 2012, Mr Twala (a NUM shop steward) was killed at the koppie, execution style, by a number of strikers apparently acting in concert. The evidence points to the involvement of several strike leaders in his death.

IN RELATION TO SAPS

NUM concurs with the findings of the Commission relating to the shortcomings of the South African Police Service (SAPS) operational plan and its implementation in dealing with the strikers.

NUM notes that there are serious findings in relation to misleading the public and the Commission by the SAPS. In those circumstances, the recommendation that steps be taken in terms of section 9 of the SAPS Act to inquire into the fitness of the national commissioner and the provincial commissioner for the North West Province to remain in their posts and whether they are guilty of misconduct in attempting to mislead the Commission is appropriate.

NUM welcomes the referral of the question as to whether any of the SAPS shooters at Scene 1 and Scene 2 exceeded the bounds of self or private defence to the Department of Public Prosecutions (DPP) of the North West Province with the recommendation that he cause investigations to be made by the Independent Police Investigative Directorate (Ipid) as to whether there is a case against any of the shooters and whether to institute criminal proceedings.

NUM also welcomes the Commission's recommendation that a panel of experts be appointed to review Standing Order 262 and all other prescripts relevant to Public Order Policing (POP), to investigate whether POP methods are inadequate, and to implement a training programme where all POP members are extensively and adequately trained.

IN RELATION TO AMCU

The Commission found that the Association of Mineworkers and Construction Union (Amcu) president (Joseph Mathunjwa) had used the strike as a platform to recruit more members. He and other officials had used inflammatory language which incited the strikers, and that he acquiesced in the inflammatory utterances of other Amcu officials in relation to NUM. The Commission also found that although Amcu claimed that it knew nothing about the strike at the koppie, the speakers at the koppie said that Amcu was behind the strike.

IN RELATION TO LONMIN

The Commission found that Lonmin failed to insist on and ensure heightened security arrangements in view of the intelligence information available to them.

Further, the Commission found that Lonmin did not use the intelligence available, did not properly formulate plans for dealing with the strikers, did not ensure that there were adequate security resources at its disposal and did not properly brief members.

The Commission also found that

Lonmin was reckless in urging employees to come to work in the knowledge of the potential dangers to them, and doing so meant that Lonmin bears some responsibility for the injuries and deaths of its employees and those of its subcontractors.

The Commission held that Lonmin's failure to comply with its housing obligations created an environment conducive to the creation of tension, labour unrest, disunity amongst its employees or other harmful conduct.

IN RELATION TO NUM

NUM notes with respect the degree of criticism directed by the Commission towards NUM in relation to the advice that the local Marikana branch leadership gave to the RDOs during the strike, and for the attempts by the local leadership to encourage and assist non-striking workers to go to the shafts in circumstances where there was a danger of death or injury to those workers by armed strikers seeking to enforce the strike through unlawful means. NUM will thoroughly consider these findings and will take immediate cognisance of them in the conduct of future affairs.

Regrettably, in relation to the proposed recommendations with regard to compensation to the dependents of the deceased, the Commission was not satisfied that its terms of reference were wide enough to cover the question as to whether a compensation scheme should be implemented by the state. NUM remains of the view that some form of compensation should be paid to the dependants of the deceased. Such compensation should be paid by the employers and the state, and should neither be limited to the deaths that occurred within the limited timeframe covered by the Commission's terms of reference nor to the dependants of deceased who were employed by Lonmin Platinum.

Many lost their lives after 16 August and their deaths were accordingly not investigated by the Commission. NUM gives particular recognition to the following NUM officials and

members whose deaths followed the events leading up to and during the unprotected strike:

- Dumisani Mthinti, shop steward, executed at the koppie on 11 September 2012
- Daluvuyo Bongo, branch secretary, assassinated on 5 October 2012 before he could testify before the Commission
- Mbulelo Nqetho, shaft secretary, murdered on 3 June 2013
- Nobongile Nora Madalo, shop steward, murdered on 12 August 2013
- William Setelele, branch chairperson, assassinated on 17 October 2013 after testifying before the Commission
- Percy Richard Letanang, shaft steward, murdered on 2 November 2013.

NUM also pays tribute to Saziso Albert Gegeleza, shaft secretary, who stood up for the rights of his union on 11 August 2012 and died after a long illness on 2 May 2013. His evidence in relation to the events of 11 August 2012 was accepted by the Commission.

The delay in prosecuting the perpetrators of the murders during and after the unprotected strike has contributed to a climate of impunity in the Marikana area and must be addressed as a matter of urgency. Where particular investigations and prosecutions were held in abeyance for the duration of the Commission, these must be pursued without further delay.

Finally, NUM records afresh its ongoing sorrow at the loss of life and the injuries that occurred during the events examined by the Commission and the dislocating impact on an uncountable number of people as a result. NUM will reflect honestly on the findings and recommendations of the Marikana Commission of Inquiry and calls on all parties to do so in order to ensure that there is never another Marikana. ¹⁸

This is an edited version of the NUM statement.

Cosatu on the Farlam Commission Report

The Congress of South African Trade Unions (Cosatu) has welcomed the release of the Farlam Commission Report by the President of the Republic of South Africa, Jacob Zuma.

Cosatu acknowledges the work done by the Commission in ensuring the principle of *Audi Alteram Partem* (listening to the other side) which was practiced to the letter for all parties by the commissioners.

Cosatu has noted all the findings and the recommendations tabled and

calls on all parties to play their meaningful roles to ensure that in future labour disputes should never reach such a stage again.

Cosatu argues that the issue of compensation must be handled effectively.

We agree with the mineworkers union when it says: 'NUM remains of the view that some form of compensation should be paid to the dependants of the deceased'.

Cosatu will work with all its affiliated trade unions, whose members were affected by the incident to build sustainable mechanisms to strengthen

disputes resolving structures and also discourage misuse of force by others to win workers' demands.

Freedom of association and the right to strike must be protected as enshrined in the Constitution of the Republic and also in the Bill of Rights.

Cosatu will enhance workers' education of various issues, amongst others, on the danger of coercing workers to participate in 'unprotected strikes'.

Cosatu welcomes the Farlam Commission Report on the Marikana tragedy. ^{LB}

Farlam report: Hostile to workers from outset

The Farlam Commission Report opens with a finding that squarely blames the strikers for the violence. By placing this upfront, Farlam sets the tone for what is to come:

'... the tragic events that occurred during the period 12 to 16 August 2012 originated from the decision and conduct of the strikers in embarking on an unprotected strike and in enforcing the strike by violence and intimidation, using dangerous weapons for the purpose.'

This statement is offered as a fact that we have to accept. But it is an opinion. There is no evidence to back it up. The Marikana Support Campaign (MSC) considers this finding a gross defamation of the miners.

At the same time, despite a run of evidence to the contrary, Farlam and his commissioners exonerate Cyril Ramaphosa and other government ministers. Lonmin is substantially exonerated.

By tarnishing thousands of miners as being responsible for the violent acts of a few, it becomes possible

to conclude that the police had reasonable grounds to shoot 17 miners at Scene 1.

During the Commission of Inquiry, senior South African Police Service (SAPS) officers committed perjury and wholesale fabrication of evidence. While SAPS is rightly castigated, the Commission's findings are based on the 'cock up' theory of mismanagement and poor planning. The MSC contends that this is insufficient. The evidence clearly points to an attack that was preplanned, and the direct result of pressure from the government.

In the coming months, the MSC will be consulting widely on the form of an independent, civil-society led, initiative that will seek to analyse the evidence presented before the Commission. This will result in a published, authoritative report into the massacre at Marikana.

In the interim, taking the evidence that was presented to the Commission into full account, the minimal principal findings that the Farlam Commission should have made include:

On 16 August 2012

1. 17 miners at Scene 1 were murdered by SAPS officers, many using R5 machine gun rifles.
2. There was no attempt by miners at Scene 1 to attack SAPS officers.
3. SAPS officers hunted down and killed a further 17 miners at Scene 2. Many were executed whilst surrendering.
4. 270 miners shot and injured at Scene 1 and 2 were the victims of attempted murder by SAPS officers.
5. SAPS fabricated evidence at Scene 2 by planting weapons on dead miners.

On 13 August 2012

6. There was an unprovoked attack on peaceful miners by SAPS causing death and chaos.
7. SAPS is primarily responsible for the deaths of three miners, two police officers and the shooting and injuring of more than 20 miners and a police officer.

8. One miner, Mr Sokanyile, was hunted down, targeted and executed by a SAPS officer 800 metres from the original scene.

On 11 August 2012

9. Unarmed striking miners were attacked by members of the National Union of Mineworkers (NUM). Two striking miners were shot in the back with firearms issued by NUM officials.

On self-defense by strikers

10. Following the attacks on the miners on 11 and 13 August, the decision to carry spears and pangas to defend themselves against further attack was justified.

On Attempts to negotiate

11. The only party who consistently endeavoured to negotiate was the striking miners. On each day, often on several occasions, the miners requested to meet with management, only to be rebuffed.

On Lonmin

12. The evidence discloses that the primary purpose of the strategy adopted by Lonmin was to ensure that the strike was defeated quickly by the SAPS thus preserving the profitability of Lonmin. To this end Lonmin colluded throughout with the SAPS.

On Ramaphosa, Mthethwa, Shabangu, NUM, Lonmin and SAPS

13. The tragic events that occurred during the period 12 to 16 August 2012 originated from the decisions and conduct of the above parties in refusing to treat the miners as decent human beings and in enforcing such decisions by violence and intimidation, using dangerous weapons, in particular the R5 machine gun rifle capable of discharging 600 rounds per minute.
14. This report would not be complete without a condemnation in the strongest terms of the violent manner in which the strike was to be broken.

PROSECUTIONS AND SUSPENSIONS

The Marikana Support Campaign (MSC) fully endorses the Economic Freedom Fighters' decision to open criminal cases against Cyril Ramaphosa, Nathi Mthethwa, Susan Shabangu, Riah Phiyega and Lonmin executives. This is in accordance with the damning evidence that exposes the 'toxic collusion' that took place to crush the strike that resulted in the killings and injuries.

Finally, the SAPS officers who murdered miners are still walking the streets of South Africa. They should be immediately suspended pending criminal investigations. ^{LB}

Civil claims against government

Marikana mineworkers families go to court

The families of the 37 mineworkers killed at Marikana on 13 and 16 August 2012 have filed civil claims against the Minister of Police in the High Court in Pretoria. The 37 families are represented by the Socio-Economic Rights Institute of South Africa (SERI), the Legal Resources Centre (LRC) and Wits Law Clinic.

In August 2012, these workers, with thousands of others, were on strike demanding a living wage. They were killed after the police opened fire. The majority of the deceased workers were the sole breadwinners of their families and supported large extended families on their meagre income. A total of 326 dependants relied on the deceased workers' wages. Their families, living in the North West, Eastern Cape and Gauteng provinces, as well as Lesotho and Swaziland, continue to live in unbearable conditions of grinding poverty, and, despite some ex gratia assistance from charities and churches, remain destitute following their deaths. The families are claiming compensation for:

- the loss of the financial support of the deceased to their families
- grief and emotional shock caused by the death of their husbands, fathers, brothers and caregivers
- the medical expenses of psychological and psychiatric treatment
- their loss of family life and parental care.

The families also claim a formal apology from the Minister of Police for the loss of their loved ones. An apology will bring much needed closure to the families who feel they have been abandoned by the South African government.

Kathleen Hardy, SERI attorney for the families, says 'This civil suit should be unnecessary. The Marikana Commission of Inquiry spent more than two years establishing what was already clear in video and media footage: the SAPS are responsible for causing these deaths. We hope that the minister will see the need for urgent compensation for the killing of these men.' Michael Power, LRC attorney for the Ledingoane family adds 'We hope that the Minister of Police will act urgently on the civil claims, apologise to the families of the deceased workers for the loss that they have suffered, and provide the families with the sorely needed financial support.' ^{LB}

SERI press statement

Unlocking labour laws

WEBBER WENTZEL

in alliance with > **Linklaters**

NAVIGATING THE LRA AMENDMENTS

PART 1

<p>THE LABOUR RELATIONS AMENDMENT ACT NO.6 OF 2014</p>  	<p>Signed into law by the President</p> <hr/> <p>15 AUGUST 2014</p>	<p>The Amended Act will come into effect on</p> <hr/> <p>1 January 2015</p>	<p>PUBLISHED IN GOV. GAZETTE NO 37921</p> <hr/> <p>18 AUG 2014</p>
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Some of the most significant changes brought about by the Amendment Act are the following:

REGULATION OF NON-STANDARD EMPLOYMENT

SECTION 198A

Workers employed
by labour brokers

SECTION 198B

Fixed terms
contract workers

SECTION 198C

Part-time
employees

These new sections will
only apply to those
earning below the
threshold of

**ZAR 205 433.30
PER YEAR**

LABOUR BROKERAGE EMPLOYEES

Where an employee of a temporary employment service works for the client of the temporary employment service for three months or less, the employee will be regarded as providing a "temporary service" and will still be regarded as an employee of the labour broker.

However, if an employee works for the same client for more than three months, the employee will be regarded as an employee of the client unless the work qualifies as a temporary service. Work will qualify as a temporary service if:

it is a substitute
for an employee
who is temporarily
absent

it is work of a
temporary nature
determined by
a collective
agreement

it is determined
under sectoral
determination

it is determined
under notice
published by the
Minister of Labour

If a labour broker attempts to terminate an employee's services in order to avoid the operation of

SECTION 198A



the termination will constitute **a dismissal.**



In addition, any deemed employee in terms of the new provisions must be treated no less favourably than an employee of the client performing the same or similar work.

FIXED-TERM CONTRACT WORKERS

This section does not apply to:



Employees earning in excess of the threshold



An employer that employs less than 10 employees



An employer that employs less than 50 employees and whose business has been in operation for less than two years



Where the employee is employed in terms of a fixed-term contract which is permitted by any statute, sectorial determination or collective agreement,

SECTION 198B(6)

requires that a fixed-term contract must:

- be in writing; and
- state the reasons for fixing the term.

Where a fixed-term contract worker earns below the threshold, he/she may only be employed on a fixed-term for longer than three months if the work is of a limited or definite duration or the employer can illustrate any other justifiable reason.

PART-TIME EMPLOYEES

This section does not apply to:



Employees earning in excess of the threshold



An employer that employs less than 10 employees



An employer that employs less than 50 employees and whose business has been in operation for less than two years



An employee who ordinarily works less than 24 hours a month



Employees working their first three months of continuous employment

UNDER SECTION 198C

Any part-time employee must be treated no less favourably than a full time employee unless there is a justifiable reason

AUTOMATICALLY UNFAIR DISMISSAL PROVISIONS

1+
The new section applies to the dismissal of more than one employee.

Its effect is to prevent an employer from dismissing a number of employees on genuine operational grounds where the employees refused to accept a demand in respect of any matter of mutual interest. Here's an example which best illustrates how this amendment will operate once the Amendment Act is in force:

1000 **+** **NEW**

AS MATTERS CURRENTLY STAND

995 **ACCEPT CHANGE**
05 **DON'T ACCEPT**
*** DISMISSAL PERMITTED**

An employer decides to change its medical aid regime and service provider, perhaps because it can no longer afford its current regime. It employs 1,000 employees. The new service provider requires all 1,000 employees to sign up. 995 employees accept the change, five do not. As matters currently stand, an employer would be entitled, provided there are genuine operational grounds, to finally dismiss the five dissenters ie with no intention to re-employ those dismissed.

UNDER THE NEW SECTION

Under the new section, such a dismissal would not be permitted and the implementation of such a new scheme would not be possible.

*** DISMISSAL NOT PERMITTED**

&

+ **NEW**

IMPLEMENTATION OF SUCH A NEW SCHEME NOT POSSIBLE

LARGE SCALE RETRENCHMENTS

Amendments to

SECTION 189A

now provide that consulting parties may not unreasonably refuse to extend the period for consultation if such an extension is required to ensure meaningful consultation. This means that any consultation period can now be considerably further extended.

PICKETING

Section 69 now permits the CCMA to provide for picketing rules permitting picketing on premises not owned or controlled by the employer, provided the occupant of such premises has had an opportunity to make representations to the CCMA before such rules are established.



ENFORCING AND EXECUTING ON ARBITRATION AWARDS



NO LONGER REQUIRED

The Act has been amended to make it easier for parties to enforce arbitration awards and parties are no longer required to certify an arbitration award.

An arbitration award in respect of which a writ has been issued will now have the status of a Labour Court order.

Where an award sounding in money has been granted, the award will be treated as if it were an order of the Magistrates' Court.



REVIEWS OF ARBITRATION AWARDS

SECTION 145

A host of new subsections have been added to section 145 which stipulate the following procedures around reviews of arbitration awards launched after the commencement date of the amendments:

1
An applicant must apply for a hearing date for review within
06 MONTHS
of delivery of the application.

2
The institution of review proceedings will only suspend the operation of an arbitration award if the applicant furnished security. The amount of the security is dependent on the nature of the original claim, alternatively the discretion of the Labour Court.

Increase minimum wages in clothing retail

Sactwu makes a case

The Southern African Clothing and Textile Workers' Union (Sactwu) is calling for a substantial increase in the monthly wages of clothing retail sector workers. The union argues that employers can afford it.

Sactwu, which is affiliated to the Congress of South African Trade Unions (Cosatu) submitted its proposals to the Employment Conditions Commission following a Government Gazette notice recently published by the Minister of Labour, notifying the industry that the Sectoral Determination governing conditions of employment in the wholesale and retail sector is being reviewed.

LOW WAGES

The current Sectoral Determination (SD) does not go far enough in addressing poverty and inequality as most workers within this sector are still paid very low wages. Sactwu submitted that minimum wage levels for this sector must be adjusted significantly in order to provide workers with a more decent income, to be aligned to national strategic goals around decent employment, and to counter growing income inequality which is particularly common in this sector.

South Africa's imperative to pursue decent work has serious implications for wages across the labour landscape, and it forces the conclusion that if 'decency' is to have any rational basis, wages must be linked to the cost of living and must ultimately allow workers to live a decent life. In its truest form, therefore, decent work necessitates the payment of a living wage.

A living wage must be the ultimate goal in the retail sector. However, the immediate minimum wages, while lower than a living wage, must also be consistent with national economic policy and the objective of decent work.

They should in the very least be defined by a survival wage: in other words, defined by the cost of living. In developing countries, the minimum wage needs to cover the living expenses of the whole family and further dependents as recommended by the International Labour Organisation, (ILO).

Currently in South Africa there is no relation between minimum wages and the cost of living, writes Neil Coleman. Yet, it is Sactwu's contention that a minimum wage linked to the cost of living is not only a human rights and policy necessity in the retail sector, but that this wage is affordable too.

LARGE ENTERPRISES DOMINATE

According to StatsSA's 2012 Retail Trade Industry and Wholesale Trade Industry reports, the wholesale and retail industries, but especially the retail sector, are dominated by large enterprises, in terms of employment. In this regard, in 2012 large enterprises employed more than 55% of total wholesale and retail industry employees. This was as high as 65% of total employees in large enterprises in the retail segment alone. Indeed

the following 27 large companies constitute roughly one-third of total employees in the wholesale and retail industry: Shoprite Holdings Ltd, Pick 'n Pay Stores Ltd, Edcon Ltd, Pepkor Holdings (Pty) Ltd, Massmart Holdings Ltd, JD Group Ltd, Woolworths Holdings Ltd, Mr Price Group Ltd, The Foschini Group (Pty) Ltd, Truworths International Ltd, Ellerine Holdings Ltd, Clicks Group Ltd, Lewis Stores (Pty) Ltd, Dis-Chem Consolidated (Pty) Ltd, Cashbuild Ltd, Spar Group Ltd, Waltons (Pty) Ltd, Kaap Agri Beleggings Ltd, Cape Union Mart International (Pty) Ltd, Melbro Holdings (Pty) Ltd, Tekkie Town (Pty) Ltd, Ellies Holdings Ltd, Verimark Holdings Ltd, Holdsport Ltd, Stuttafords International Fashion Company (Pty) Ltd, Moresport (Pty) Ltd, and Homechoice (Pty) Ltd. In terms of sales, large enterprises also dominate the industry. In this regard, 69% of the income in the wholesale industry and 71% of the income in the retail industry is earned by large enterprises.

In other words, any adjustments to wages and working conditions in the wholesale and retail industry will have a disproportionate impact on large enterprises. It is Sactwu's contention that large enterprises are capable of implementing higher wages and working conditions. Those smaller enterprises which cannot afford increases, can be covered by an exemption process.



Making clothes: Worker employed by VKS busy in a factory. Credit: William Matlala.

SALES AND PROFITS

In the recent period, sales in the wholesale and retail industry have been slower than previous years, especially in the mid-2000s. Nevertheless, the slow growth of sales does not mean the industry is not profitable and cannot afford to pay workers higher wages.

Certainly the industry is generally more profitable than many others in the economy. In this regard, StatsSA's Quarterly Financial Statistics records that in December 2014, net profits (before interest and income tax) of the 'trade industry' (which includes the wholesale and retail sectors amongst others) were 11%. This was far higher than net profits in mining and quarrying (3.31%), manufacturing (5.60%), construction (3.50%), and transport storage and communication (3.82%) amongst others.

Yet despite having higher profits, the industry often pays lower wages than other industries. Using the existing SD9 and the Labour Research Service's (LRS) wages and salaries database, the wages of shop assistants in 2014 were R3,250, and general assistants were R2,804, while the average labourers' wage in manufacturing was about R4,165 per month and the average underground miners' wage was about R6,067 per month.

If industries which are less profitable than the wholesale and retail industry are able to pay their workers higher salaries, Sactwu believes this more profitable industry should do so too.

Indeed, we are deeply concerned about the skewed distribution of income in this industry. In this regard wholesale and retail workers' salaries stand in extreme contrast to the salaries and remuneration packages earned by many chief executive officers (CEOs) in this industry, particularly those from large enterprises.

Shoprite for instance regularly awards its CEO bloated remuneration packages, most recently R49.9m in 2014. For its part, Woolworths awarded its CEO a total package of R27.5m in 2014.

The LRS has mapped the salaries and remuneration of CEOs and directors in some large wholesale and retail enterprises. The results show that CEO salaries in the retail sector are on average some of the highest out of all sectors in the economy. In this regard, the average CEO salary in 2014 was about R10m while their average total remuneration was R15.8m. This represents gross inequality of income in this industry. Such extreme income inequality undermines the very fabric of South African society and must be addressed in all spheres in which it

manifests. Failing to do so poses a very real threat to social cohesion in South Africa.

NEW MINIMUM WAGES

In terms of international standards, South Africa's minimum wages, including in this sector, are far too low. In most countries, minimum wages are between 40% and 50% of the median wage. International bodies, such as the ILO, argue that in countries with extreme inequalities, the minimum wage should be higher: up to 75% of the median wage. In Latin America, minimum wages are above 50% of average wages according to Herr and others and the ILO Global Wage Report 2008/9. South Africa falls behind BRIC countries here, with China, Brazil and India having a higher minimum wage in relation to the average wage. In Brazil, the real value of the minimum wage increased by 81% between 2003 and 2010, according to Coleman.

According to Baltar and others the minimum wage in Brazil has contributed to raising people's standard of living and has had a very positive impact on poverty levels.

From 61.4-million people in 2003, the number living in poverty dropped to 41.5-million in 2008 (a decrease from 34.3% to 21.9% of the total population). Further, the proportion of formal employment in the whole economically active population (including the unemployed) aged 15 and above increased from 36.1% in 2004 to 40.9% in 2008. Based on the calculation of 40 to 50% of the average wage (taken as R12,000), minimum wages in South Africa should be R4,800 to R6,000 per month, adds Coleman.

On behalf of its members in retailers, distribution centres and wholesalers across South African Sactwu would like to propose the following improvements to conditions of employment and increases in wages.

The minimum wage for the lowest paid worker in retail (shop assistant) must be R4,500 per month or R1,038.55 per week, while the lowest paid worker in wholesale (general assistant) must be R4,053.76 per month or R935.56 per week. According to the SD 9 wage schedule for 2015/2016, the current lowest paid worker in retail stores is a shop assistant at R3,249.98. This would mean an increase of R1,250.02. The current lowest paid worker in distribution centres is a general assistant at R2,803.74. This would also mean an increase of R1,250.02.

We propose that all categories of retail workers' wages (except for supervisors and managers, specifically the following categories: 'trainee manager', 'supervisor', 'assistant manager' and 'manager') are increased by R1,250.02 per month as opposed to an equivalent percentage increase as a percentage increase will contribute to greater inequality between workers in the sector. We propose that supervisors and managers receive an increase equivalent to 75% of the increase for workers that is R937.52.

The principle of lower paid workers receiving greater increases than higher paid managers and supervisors is already contained in SD9, e.g. in the 2015/2016 wage schedule lower paid workers received a 7.1% increase versus a 6.1% increase for higher paid persons in Area A. A similar occurrence could be seen for Area B. If these increases are granted, both workers and managers will receive good increases and inequality will decrease.

Given the above, and the profitability of large enterprises in the sector, we further recommend that large businesses (enterprises with more than 100 employees, as per the National Small Business Act 102 of 1996) pay a premium above this, specifically an increase for workers of 150% that of smaller businesses, an increase of R1,875.03 per month, and for supervisors and managers also 150% that of smaller businesses, an increase of R1,406.28.

We reiterate our call, made in a submission on this SD in 2012, to abolish wage differentials between Area A and Area B. We believe there should only be one area. We have not found evidence which is conclusive on the matter of lower costs of living in rural or peri-urban areas.

We believe that annual wage increases should be set based on calculations that take into consideration the real impact or changes in the cost of living directly affecting the concerned workers. We therefore appreciate the fact that rather than basing wage increases on headline inflation, the last SD wage schedule based such increases on the expenditure category most applicable to workers in the sector. We urge the minister to continue with this practice.

However, taking into account the very low wages in this sector,

the huge gap between executive pay and workers' wages and the need to deal with poverty, including working poverty in South Africa, we believe a premium needs to be added to the annual increase and propose a 3% top-up, in addition to the inflation for quintile 3 increases.

RETIREMENT FUND

We propose the progressive introduction of social security measures in the industry. It is evident that workers need to provide for their old-age, for many obvious reasons for the workers and their families, but also to lighten the load on the state's grants system.

Workers in many sectors have achieved this, including due to the organisational strength of their unions and through bargaining. Prospects of retail workers achieving this are bleak, taking into account the low union density in this sector and the power of employers, mainly evident in the level of casualisation, contract workers and temporary workers.

We therefore urge the Minister of Labour to introduce a retirement fund. The contributions to this retirement fund can be increased over the years but as a first step, we propose a compulsory retirement fund whereby employers are required to pay 7% of workers' wages to the fund.

Included are proposals for improvements in hours of work, overtime payments, night work payments, annual leave provisions, sick leave entitlements, family responsibility leave, meal and rest intervals. ^{LB}

This is an edited version of the report titled: 'Sactwu submission to Minister of Labour on the review of minimum wages and conditions of employment in the wholesale and retail sector.'



Sactwu general secretary Andre Kriel speaks at the Fashion Imbizo in Cape Town. Credit: Nazmia Leite/Sactwu.

Lesethleng: *Modimo Mmalo!*

The village of Lesethleng was bought by clans but registered under the Bagatla. It is for this reason that the village is challenging the chief's trusteeship and why the Lesethleng Land Committee was formed. The village wants to be involved in land-use decisions and also to benefit from mining revenue. However, the villagers themselves are divided on who should be included and excluded from the land claims, write **Sonwabile Mswana** and **Gavin Capps**.

The village of Lesethleng lies on the north-eastern foothills of the Pilanesberg mountains. One of the oldest settlements in the Bakgatla area, it occupies the farm Kruidfontein 40JQ, a few kilometres north of the 'principal's village' Moruleng. Flanked on its north-western side by the operations of Pilanesberg Platinum Mines (PPM) and the new Sedibelo Project, Lesethleng is at the centre of the new tribal mining economy.

Although development of PPM's open-pit operation only started around 2008 and the Sedibelo Project is in its earliest stages, the impacts are already sharply visible. Significant tracts of Lesethleng's historic farming land have been fenced off for mining activities, yet residents argue that they were neither properly consulted by the chief about these mining deals, nor have they benefitted from the revenues now flowing to Moruleng. Key here is the farm Wilgespruit 2JQ.

This property was historically registered 'in trust' to the Bakgatla chief and tribe, but is now subject to a major claim by a large and well-organised village land committee in Lesethleng. In this article, we

explore how the purchase history of Wilgespruit has shaped this particular land struggle, which is at once unusually advanced, but also marked by significant divisions at the village level. The story begins with the political formation of the Lesethleng community and how this would ultimately facilitate the acquisition of Wilgespruit in the first decades of the 20th century.

FROM BOIPITIKO TO LESETLHENG

Lesethleng is today a fairly large village, and one that continues to grow through a new influx of mine migrants. However, it is still predominantly comprised of people who claim a common origin and identity, tracing their ancestry back to one of the cleavages within the Bakgatla ruling lineage. As we have seen, a breakaway group led by Tshomankane Pilane (a brother of Kgosi Kgamanyane) established a new settlement at Boipitiko in the final third of the 19th century. Here they raised the purchase price for the farm Kruidfontein, which was officially registered to the missionary Gonin, acting as their nominee. But it is what happened next that is of particular interest here.

In 1888, writes Morton, the group, now under the leadership of Tshokomankane's son and successor, Dithlake Pilane, decamped from Boipitiko to found Lesethleng on Kruidfontein. This move would also mark its reintegration into the 'official' Bakgatla polity, a process apparently cemented by Dithlake's elevation to the chiefship, argues Schapera. Yet this would prove short-lived. In 1903, with the assistance of the British colonial authorities, Kgosi Lenchwe Pilane I, the 'paramount' chief in Botswana, managed to remove Dithlake from the chiefship of the (South African) Bakgatla in favour of his brother, Ramono Pilane.

Ramono's appointment as Lenchwe's 'representative ... at Saulsport' was approved by the Native Commissioner on the grounds that Dithlake was 'a weak man and does not command the respect of the People'. But perhaps more instructive was the commissioner's additional comment that he was 'much pleased' with Ramono's 'expressions of being prepared to work with the government'. Dithlake was now demoted to the status of kgosana

(headman) at Lesethheng. Nonetheless, his followers continued to regard him as a chief, and even today many residents in this village still argue that Tshomankane and Dithlake were dikgosi. This, we suggest, can be understood as a means of differentiating the Lesethheng core from the wider Bakgatla polity: an identity rooted in the claim that they are the descendants of the group that seceded with Tshomankane in the late 1800s, and one that is intimately connected with the group purchase of the farm, Wilgespruit, over half-a-century later.

THE HISTORY OF WILGESPRUIT

Wilgespruit is currently registered as a tribal property. It also contains rich and easily accessible platinum reserves, the rights to which are held by Itereleng Bakgatla Mineral Resources (IBMR) – a Bakgatla-owned holding company. There is an ongoing dispute over the ownership of Wilgespruit. A group of residents in Lesethheng claim that their forefathers bought it, and in 2012 applied to the Department of Rural Development and Land Reform (DRDLR) for this to be reflected in the title deed, in terms of the 1993 Land Titles Adjustment Act 111 of 1993. At the time of our fieldwork, the DRDLR had appointed a commissioner to investigate the adjustment application. The outcome was still pending, but it seems from the oral and written evidence that we collected in Lesethheng that the claimants have a strong case. Here, we reconstruct the purchase history of Wilgespruit from these sources, and then consider its implications for the current land struggle.

A SUB-TRIBAL PURCHASE

After settling on Kruidfontein in the late 1880s, and realising its limited agricultural potential, the people of Lesethheng leased some of the neighbouring European-owned farms for grazing and ploughing. But they also looked out to buy more fertile land of their own, and Wilgespruit provided the opportunity.

The evidence suggests that Wilgespruit was purchased by an independent syndicate made up of 13 clans (dikgoro) from Lesethheng. They were led by the kgosing kgoro, the senior clan under Kgosana Dithlake

He [Dithlake] told them [the buyers] that if they could buy and own land it would save them from having to pay rental after harvest. (Interview: Lesethheng: 31.10.2013)

It was under Dithlake's leadership that the money, cattle, and other resources that made up the purchase price were collected. Yet, the land-buyers also identified themselves as Bakgatla-ba-Kgafela, affiliated to the tribe under Kgosana Dithlake's leadership. We may therefore characterise this as a 'sub-tribal' purchase; that is, one conducted by a group integrated into the chiefdom through the ward system, but under its own initiative and for its own benefit.

PAINFUL PROCESS

Oral traditions in Lesethheng recount that buying Wilgespruit was a protracted and painful process.

Beginning in 1916, there were several collections of cattle, crops and money until the farm was finally registered in 1919. It was purchased from N. Gluckman and E. Judes, who themselves had bought the farm for £1,560 in 1914.¹¹ It was hardly two years later that they sold it to the Lesethheng syndicate for a staggering £2,600.

According to our informants, most members of the purchasing syndicate were neither literate nor numerate. They depended on Dithlake to tell them if and when collections were to be made and how much money was still needed. Elders recalled their parents' and grandparents' stories about the endless payments that were made when Wilgespruit was bought, and the distress and economic hardship it caused.

Oral tradition has it that whenever Dithlake's mephato –

labour regiments – went around the village collecting contributions, buyers were shocked and disheartened. Some would lament '*Modimo mmalo!*' – 'Oh God!'

A village elder recalled: 'There was no standard number of cattle that people contributed. Each family would contribute according to how much they could afford. When they did not have enough money because they found themselves paying over and over again, people cried '*Modimo mmalo!*' That is why that farm, which you call Wilgespruit, is called Modimo Mmalo.'

A TRIBAL REGISTRATION

The deed of sale for Wilgespruit is dated 16 March 1918. As we have seen, by this point in the evolution of the tribal-trust regime, African land-buying groups were compelled to register their purchases through a recognised chief. And so it was with the Lesethheng syndicate.

The Union government in South Africa regarded Kgosi Lenchwe Pilane I in Mochudi as the official senior leader – the kgosikgolo – of the Bakgatla in South Africa and Botswana. Kgosi Lenchwe's son, Isang Pilane, signed the deed of sale on behalf of his father. Dithlake Pilane co-signed the deed together with Dialoa K. Pilane who was the acting chief of the Bakgatla in Pilanesberg. The transfer for this purchase was thus registered in 1919 under the 'Minister in charge of Native Affairs ... in trust for the Bakgatla tribe under Chief Linchwe K. Pilane'.

THE 'OLD PRESERVED BOOK'

Although there is little trace in the official records of the 'sub-tribal' nature of the Wilgespruit purchase, the Matshego clan in Lesethheng possess valuable written evidence in what they call the 'Old Preserved Book'. Members of the Matshego clan have passed this precious record from generation to generation. Though not detailed, the



Abandoned tools at Wilgespruit farm. Credit: Sonwabile Mnwana.

book contains some crucial entries about the members of the Matshego clan who contributed towards the purchase of Wilgespruit and other farms. When collections were made for purchasing Wilgespruit a member of the clan recorded these contributions.

The information, which is written in Setswana in both ink and pencil, includes the following:

- A list of names of male members of the Matshego family who contributed different amounts to the purchase of Wilgespruit. The amounts are written next to each name. In one instance, five members of the Matshego clan together contributed £168.
- One of the pages records that a certain Mr Kgafele Matshego, who had earlier contributed £70 towards the purchase of Wilgespruit, had changed his mind. He went to kgosana Ditlhake and requested his

money back. It is recorded, apparently by other members of the clan, that [Matshego] '... go supa gore ga a reke' - 'this act means he did not buy'.

- On another page there is an interesting record titled: 'Molao oa Polasa sa Wilgespruit' - 'The Law of the farm Wilgespruit'. There is a brief explanation about its purchase. Of key interest is a declaration made in May 1919 by a certain Raiyana Pilane, who was apparently the acting kgosana in Lesetlheng at the time, due to Ditlhake's ill-health. Raiyane states: 'Ke le segela Polesa. Ka li kgoro o sa rekang ge baabo ba mokoba. Molato ga se oa kgoši.' ('I'm demarcating the farm. The clans that did not contribute should not come to the kgoši if they are chased out of the farm [by the buyers]. It will not be chief's problem.')

CLANS AND LAND-USE RIGHTS

Raiyane Pilane made this statement less than three months after Wilgespruit was transferred to the Minister of Native Affairs 'in trust' for the Bakgatla chief and his tribe. It supports a further claim by our informants, namely that Wilgespruit was sub-divided among the clans (dikgoro) that purchased it.

Although it is apparent that the kgosana was involved in early decisions about the demarcation of the farm, the constituent clans of the syndicate also seem to have had significant powers of land allocation within their ranks. It is said that each of the 13 clans that comprised the syndicate was allocated a large ploughing plot called panka (plural: dipanka). Each panka was further divided into smaller portions of cultivated plots called diakere (singular: akere). Each akere belonged to one of the families of that buying clan (kgoro). Some

informants even claimed that the size of the plots given to different clans was determined by the size of their contributions when the farm was purchased.

It was each clan's prerogative to grant portions of ploughing plots within their dipanka to non-buyers.

These included relatives, friends, neighbours and immigrants who became attached to certain clans in Lesetlheng. The following response captures the intricate process of allocating usufruct rights: 'The farm portions continued to be used by each clan until now. New members joined the clans through marriage and adoption as "refugees" from other villages or tribes. These families were allocated pieces of land within the portion of the adoptive clan to cultivate and feed the children. It is said that Kgosi Ramono was also allocated a piece to cultivate in the same manner. My uncle told me that the oxen and plough that were used to demarcate the farm into portions for each clan belonged to Nong Matshego, who was one of the buyers, and also my great grandfather.'

As we shall shortly see, the distinction between buyers and non-buyers has emerged as an important line of demarcation in the current land claim.

PRODUCTION AND DISPOSSESSION

Wilgespruit was one of the most productive farms in the Bakgatla area. Elders in Lesetlheng recall how their families used to harvest countless bags of sorghum, maize, beans, and many other crops. Literature also attests to this. Breutz, for instance, records that 221 bags of sorghum and 485 bags of maize were harvested at Wilgespruit in 1949 alone. The harvest of sorghum at this farm far exceeded other farms in that year, and it also produced the second largest harvest of maize. Every winter, after harvesting, the farm was opened for communal grazing.

However, when this study was conducted, most of the agricultural land at Wilgespruit had been fenced off for mining operations. Families who still had cattle were using the remaining land for grazing. It was becoming increasingly difficult for Lesetlheng Farmers to visit their cattle posts since the entrance was often guarded by heavily armed private security officers. In 2009 IBMR attempted to relocate the farmers on Wilgespruit but later abandoned the plan when Lesetlheng residents resisted.

There is also physical evidence of the former productivity of this land. The small mud and corrugated iron structures where people used to live during ploughing season are still there. It is also common to see old rusty ploughs and other farming implements lying around. Some of the former ploughing plots had small dams that various clans dug to water their crops.

Some of these dams were still there although most of them have dried up. The report of the Sedibelo Resettlement Project (that never took place) enumerated at Wilgespruit, 39 small houses, 8 dams, 29 crop fields, 3 bore holes, and 25 cattle kraals.

LAND CLAIM DIVIDED? DIBESO AND 'OTHERS'

Mining has introduced rapid socio-economic shifts in the villages of Bakgatla and, as elsewhere in the area, new tensions and divisions have surfaced in Lesetlheng. Many villagers refute the chief's 'custodianship' over the land, and in particular his 'right' to alienate it for mining purposes and control the revenues so derived. They mainly cite the historical injustice that their forefathers were forced to register their purchase in the name of the Bakgatla chief and tribe, rather than to the Lesetlheng syndicate. This discontent has led to the creation of a village movement called the Lesetlheng Land Committee (LLC). Its goal is to mobilise the villagers

on issues relating to land, mining impact and the distribution of mineral revenues.

Since its formation in 2007, the LLC has always enjoyed a popular following in Lesetlheng. Like other formations in the village, the LLC was perceived to represent the interests of the community as a whole. However, things took an unexpected turn in 2012 when the Land Title Adjustment Application Commission began its investigation.

The commissioner required the claimants to validate their claims by demonstrating who the original buyers were in each family, and how they were each related to members of the original land-buying group. Sensitive issues started to surface. Some of the elders had always known that not every family that was ploughing on Wilgespruit descended from the original buyers, but this had never disrupted their sense of community. The requirement for land claimants to produce family trees raised two contentious issues. The descendants of non-buyers who had been allocated usufruct rights were unable to submit family trees since their ancestors did not contribute to the farm's purchase. They were excluded. This in turn discouraged other villagers who did not belong to the clans that constituted the original land syndicate, and support for the LLC dwindled. The land title adjustment process thus exposed divisions between the buyers and non-buyers. It also revealed splits between the descendants of the 13 clans that had actually made up the land syndicate. The questions around which families or households would submit claims on behalf of each clan, and who would submit a claim on behalf of each family in a clan, proved contentious. This in turn revived other kinds of division.

According to informants, the actual families that bought Wilgespruit are called dibeso: Kgoro refers to a clan which is a group of

households that mainly share the same surname. However, some clans expanded by allowing other families who either married or sought refuge to become members of their *kgoro*. Apparently, the expansion was due to either a strategy to strengthen the clan or out of pure humility and compassion. For example, the Matshego clan in Lesethleng is made out of four surnames. Matshego is the *sebeso* ... (Interview: Pretoria, 10.11.2013)

The clan itself had never been an egalitarian social unit. In Lesethleng, for instance, it is said that some of the immigrant families were called *bagotsi-ba-mollo* (*bakgotsi*) – those who make fire for others. This term was applied to families who were adopted by clans of buyers. The *bagotsi* were usually landless immigrants of different ethnic origin. The host clans would grant them ploughing land on Wilgespruit, some cattle, and equipment. In return, the *bagotsi* were required to provide labour. Their daily task was to wake up early every morning and make fires for the main families in the clan. *Bagotsi* also performed various other tasks, including helping with ploughing and looking after cattle. They were, in effect, incorporated into these clans as labour tenants.

What is particularly fascinating about these older forms of differentiation is the way in which they are being mobilised, or perhaps even invented, as the basis of more exclusive identities in the land claim. For instance, some informants argued that the notion of *sebeso/dibeso* was recent. They said it emerged as a response to the challenge of distinguishing between the descendants of the buyers from the non-buyers.

Elderly informants in Lesethleng could not tell when and how the notion of *dibeso* came into being. One said: We grew up using the word *kgoro*. It was in 2008 when the word *sebeso* started to be used more and more.

Undoubtedly, the notion of *dibeso* expresses tensions that have emerged among residents, especially around exclusive rights to land in the context of rapid mining development. A village elder who was also an active member of the LLC offered the following explanation: '[Kgosi] Nyalala has been calling meetings and telling people that we, the people of Lesethleng, are claiming land which belongs to the 32 villages of Bakgatla. Look, people know that their [the chief's] forefathers never bought Modimo Mmalo [Wilgespruit]. They have never used that land. No other village has land that is divided according to clans. Our farm is divided according to the 13 clans – those who bought it. These clans must get their share of mining revenues first and then a certain percentage will go to the Bakgatla tribal office. That percentage will be shared by the whole community.'

Other social clan divisions surfaced around whether women should be allowed to submit claims during the application process. The majority of male elders felt that women were not eligible since, according to custom, women did not inherit land. An elderly man argued: 'It is the men who inherit the land. If there is some movable property like money, we share with the female siblings. But the land is shared among the males only.'

Due to this disagreement, the LLC handed the responsibility over to individual clans to decide whether to include women or not. Eventually most clans decided to include women. But a few women are still excluded by male elders. This exclusion mainly targeted three categories of women: those who joined the clan through marriage – *ngwetsi*, widows, and daughters or granddaughters of the original buyers who married into clans of non-buyers. The divisions are therefore multiple, tracing social cleavages of gender as well as political origin and settlement history.

SUMMARY

Three points have been established in this discussion of the Wilgespruit claim by villagers in Lesethleng.

First, there is strong oral and written evidence that this was a 'sub-tribal' land acquisition, organised by a discrete syndicate that at once stressed its independent political identity, formed through an earlier process of secession and reincorporation, but which was forced to register the purchase through the Bakgatla chieftaincy in terms of the tribal-trust regime. Second, the alienation of this farm for mining purposes has combined with widespread perceptions of chiefly corruption to generate a vibrant village land-claim committee. This is seeking to challenge the chief's 'trusteeship' of this property through a land title adjustment, which will in turn establish their rights in land-use decisions and the distribution of mineral revenues within the tribe. Third, the very process of making the claim however has revived and perhaps even created numerous divisions among the claimants.

These are rooted in older differences between buyers and non-buyers, clan members and affiliates, 'owners' and 'tenants', and men and women. The land claim struggle in Lesethleng has thus itself generated multiple and overlapping dynamics of inclusion and exclusion, articulated through contested notions of belonging and group rights. ¹⁶

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Motlhabe: 'ba-Kgafela' or 'ba-Kautlwate'?

The land struggle in Motlhabe is not only about seceding from Bakgatla, and benefiting from platinum mining companies but also on identity and youth employment, write **Sonwabile Mswana** and **Gavin Capps**.

Motlhabe village spreads over dry and rocky land, dotted with thorn bushes and traversed by rutted tracks. The narrow tarred road which runs through Moruleng and Lesetlheng villages ends abruptly some 10km from Motlhabe, as if to suggest that it falls beyond the Bakgatla territory. Where the tarred road ends, a dusty gravel-road begins. This skirts around PPM's enormous open-cast mine, whose thick dust and thundering trucks must be navigated to reach Motlhabe, along with wandering herds of cattle that used to graze on the land now fenced-off for its operations. Part of this land – the farm Witkleifontein 136JP – is subject to a land claim in Motlhabe, as too is Welgewaagd 133 JP, on which the village is located.

This land struggle has in turn combined with an attempt to secede from the Bakgatla traditional authority by a group whose freedom of association has also been the subject of a celebrated Constitutional Court judgment. This political dispute has deep roots, but it has gained new momentum with the frenetic expansion of the local platinum industry and the skewed distribution of its benefits. However, there are also doubts among some

residents about the secessionist strategy, particularly whether it might simply end up reproducing the logic of chiefly control at a more local level.

FROM MOTLHABE-MOGOLOGOLO: VILLAGE ORIGINS

Motlhabe is located on the farm Welgewaagd, about 3km north-west of the PPM operations. Many residents trace their origins to a group of Bakgatla led by Kautlwale Pilane, the firstborn son of the great Kgosi Pilane from the 11th house. During the second decade of the 20th century, this group lived as labour tenants on the farm Witkleifontein. It is said that Kautlwale's group was politically independent of the Bakgatla-ba-Kgafela, and there is considerable dispute about the seniority of the two royal houses. As was the case with the other brothers, like Tshokomankane, who split from Kgamanyane's Bakgatla, the colonial state never recognised Kautlwale's chiefship, even if his followers did. Nonetheless, it is generally agreed that Kautlwale assumed a leadership role over the group of Bakgatla who resided at Witkleifontein, and the elders in Motlhabe still call it 'Motlhabe-Mogologolo' – the old Motlhabe.

In 1932, as the first Land Act (of 1913) began to bite, the white owner of Witkleifontein expelled Kautlwale's people from the farm. At first they tried to resist but eventually drifted in small family groups to the farm Welgewaagd, where they established the present-day Motlhabe settlement.

The struggles in Motlhabe are twofold. First, there is a contestation over the ownership of the farms Welgewaagd and Witkleifontein. Second, there is a longstanding dispute about the status of the Kautlwale lineage, which has culminated in a recent secession attempt by a group of his descendants, who demand complete independence of the Bakgatla-ba-Kgafela under Kgosi Nyalala. We shall consider each in turn, as well as some of the other forms of resistance that have emerged in this village.

DISPUTES OVER LAND

There are two separate land disputes connected with Motlhabe. The first concerns Welgewaagd, which is registered as a tribal property and is the site of the present settlement.

In the official version of events, Welgewaagd was purchased on 6 March 1926 by the Bakgatla from Francois Hercules Du Toit and 10

other white owners. Kgosi Ofentse Pilane signed the deed of sale for a portion of this farm, which measured 2,370 morgen 503 square roods and cost £3,550. On approval of the sale Kgosi Ofentse was required to pay no less than £2,000 upfront – apparently on behalf of the tribe – with the remainder due over the next five years. In the event, the purchase was quick. By 1 June 1926, barely three months after the initial instalment, Kgosi Ofentse had paid £3,000 upfront, and by the end of August that year the outstanding balance of £550 had been paid. At that point, the farm was formally registered to the ‘Minister of Native Affairs in Trust for Bakgatla Tribe under Chief Ofentse Pilane’.

But the chief also had his own interests in the farm, acquiring a portion of it as his personal property. It was (and still is) quite common for the Bakgatla chiefs and other members of the local elite to hold private titles to farms in the Bakgatla area. The chiefs later sold some of their farms to the tribe or to individual Africans. Kgosi Ofentse, for instance, sold his portion of Welgewaagd in the early 1940s to Shadrack Makubire, an individual African buyer. However, residents in Motlhabe challenged the validity of the tribal registration of the greater portion of Welgewaagd, in a manner similar to the Lesethleng claimants. They argued that the purchase price was raised by an independent syndicate, which was comprised of the families that resided on Witkleifontein under Kautlwale. But, they were forced to register the purchase through the aegis of Kgosi Ofentse, presumably again in terms of the tribal-trust regime.

Since the early 1980s, Kautlwale’s descendants, have as we shall shortly see, led a group of villagers who contend that Welgewaagd should be registered to them. This claim has not advanced as far as the one in Lesethleng, but there is another involving the same group.

According to some informants, a restitution claim was lodged over the Witkleifontein in 1998 by the descendants of the ba-Kautlwale, who had been evicted from the farm in the early 1930s. However, for reasons that remain unclear, the claim was incorrectly registered in the name of Bakgatla-ba-Kgafela.

Moreover, Kgosi Nyalala has opposed subsequent efforts by the ba-Kautlwale to have their rights in the claim recognised, pursuing it instead on behalf of the entire tribe. As Mmuthi Pilane, one of the leaders of ba-Kautlwale puts it: ‘Nyalala is now claiming that the land, which only we as the a-Kautlwale ever occupied, belongs rightfully to him. He hired a lawyer to follow up the claim and paid him R20,000 a month collected from the community.’

The South African Development Trust (SADT) purchased Witkleifontein in 1937, which was subsequently integrated into the Bakgatla ‘location’. Since this farm was good grazing land, the people of Motlhabe continued running their livestock at a place called Phatswane. Some of this grazing land has now been fenced off for PPM mining operations. Unfortunately, it was not possible to investigate both of these land claims more fully during fieldwork. However, what was apparent were the very strong connections between these disputes over land and political authority.

SUCCESSION AND SECESSION

The secessionist impulse in Motlhabe has deep roots. In 1982, what would become a protracted succession dispute over the village headmanship was initiated by Mainole Pilane. Mainole argued that his grandfather, Kautlwale Pilane, was a headman at Witkleifontein, and that when Kautlwale’s people relocated to Motlhabe both his sons, Pilane Pilane and Kobedi Pilane had successively led the village as headmen.

The second of these, Kobedi Pilane, was Maniole’s father, but when Kobedi died the then Bakgatla chief, Tidimane Pilane, blocked Maniole’s ‘rightful’ succession. This, argued Mainole’s supporters, was a move to quash the historic independence of Motlhabe, which had been articulated through the Kautlwale lineage. And, as such, represented the culmination of a process that had been set in motion by the formal constitution of the Bakgatla-ba-Kgafela Tribal Authority in the 1950s, which subordinated all the previously autonomous Bakgatla groups to the singular authority of the Kgafela chiefs in Moruleng.

The dispute over the leadership of Motlhabe further intensified in May 1984 when Kgosi Tidimane Pilane attempted to appoint his own choice, Ramotwana Kgotsamaswe Moses Pilane, as acting kgosana in Motlhabe. Mainole filed an urgent objection through a local magistrate. He maintained that Kgosi Tidimane’s appointment of Ramotwana was in contravention of custom. As noted above, Mainole and his supporters also argued that Welgewaagd was a private purchase by the independent group of Bakgatla who were under Kautlwale’s leadership and resided on Witkleifontein in the 1920s. Kgosi Tidimane countered that the headmanship belonged to the descendants of Mantirisi, who had first settled at Welgewaagd and therefore had seniority over the Kautlwale lineage. Moreover, the farm had been purchased by the entire tribe, not by the small group of clans under Kautlwale.

The then president of the Bophuthatswana Bantustan, Lucas Mangope appointed a commission to investigate this dispute. This commission was chaired by H.A. Viviers. Due to constant rebuttal by Mainole and his followers, it took more than three years for the Commission’s findings and recommendations to be finally implemented. The Vivier Commission repeatedly dismissed Mainola’s claims to land and the headmanship.

In June 1986 President Mangope accepted it's finding that the 'rightful heir is Tlhabane Pilane from Mantirisi's lineage'. Since the latter was still employed as a school headmaster, Ramotwana Kgotsamaswe Moses Pilane was officially appointed as the acting kgosana. Mainola did not give up. He filed another claim, but lost again in 1991.

It is not difficult to see from the Commission's report and other official statements that the Bophuthatswana government was unwilling to entertain any challenge to Kgosi Tidimane's power. In order to protect the integrity of the Bakgatla Tribal Authority, it was the chief's version of custom and history that would prevail, as the following attests:

- In November 1982, the magistrate in Mankwe District remarked: Though [Mainola's claims and allegation against Kgosi Tidimane] may... appear to be true, they are not so easy to resolve as the chief's councillors are always ready to protect him at all costs. The tribal councillors regard Mainola as a troublemaker in the village. Some even suggested his complete expulsion from the tribal area.
- In April 1986 Viviers' Commission concurred in its findings that: Mainola ... is in great disfavour with the chief and his uncles. Recognition of Mainola will just create friction.
- In August 1991, while the outcome of Mainola's headmanship claim was still pending, Magodiri, the administrator in Mankwe District reported to President Mangope: Mainola Pilane has vowed publicly that if he can be appointed as headman of Motlhabe ... he will secede from the rule of the Bakgatla-ba-Kgafela.

Greatly alarmed by the centrifugal pressures building up in Bakgatla, Mangope summoned Mainola to his office in September 1991. What

transpired from that meeting is not clear, but Mainola again, lost his claim to headmanship towards the end of 1991. Nonetheless, his threat to secede from the Bakgatla chieftaincy would outlive both Mainola and Mangope's regime.

THE NEW SECESSION DISPUTE

In 2009, a group of residents identifying themselves as Bakgatla-ba-Kautwale and led by Mainola's son, Mmuthi Pilane, initiated a move towards the secession of Motlhabe from the political jurisdiction of the Bakgatla-ba-Kgafela Traditional Authority. A crucial part of their argument was that their ancestors bought Welgewaagd, as an independent syndicate, under Kautwale Pilane, and that they were the first to settle on the farm Witkleifontein before that in the early 20th century. Consequently, the land occupied by PPM belonged to them and the mine should negotiate directly with PPM, and not through Kgosi Nyalala.

The move to secede began with a notice in July 2009 from the leaders of the Bakgatla-ba-Kautwale group to the traditional council of Bakgatla. It declared that Motlhabe was no longer under the jurisdiction and administrative control of the Bakgatla chieftaincy. In February 2010, Kgosi Nyalala's threats of legal action materialised when the leaders of the ba-Kautwale group circulated an invitation to 'The Residents of Motlhabe Village' to a meeting to discuss secession.

Kgosi Nyalala filed an urgent High Court application to interdict the leaders. The interdict prohibited the Bakgatla-ba-Kautwale from convening any village meeting without the tribal council's permission. This was the beginning of a protracted legal battle between the chief and the secessionist group that would go as far as the Constitutional Court.

At the North West High Court on 30 June 2011, Judge Landman's judgement upheld Kgosi Nyalala's

interdicts against the two ba-Kautwale leaders and village activists Mmuti Pilane and Reuben Dintwe. The judge argued: 'Any action by a parallel but unsanctioned structure that is neither recognised by law or custom seeking to perform or assume functions that are clearly the exclusive preserve of recognised authorities ought to incur the wrath of law.'

The North West High Court and the Supreme Court of Appeal denied Pilane and Dintwe leave to appeal against this judgment. Lawyers from the Legal Resources Centre, which represented the two activists, took the matter to the Constitutional Court in a landmark judgment, set aside the three interdicts in February 2013 primarily on the grounds that they 'adversely impact on the applicants' rights to freedom of expression, association and assembly'. This not only set an important precedent for people living under traditional authorities, but handed the ba-Kautwale group a significant victory by removing all of Kgosi Nyalala's interdicts while reaffirming the constitutional right of villagers to meet without having to seek permission from the chief.

Just a few weeks after the court case victory, the ba-Kautwale leaders filed an application to be recognised as an independent traditional authority in terms of the Traditional Leadership Governance and Framework Act of 2003. The outcome of this application was still pending at the time of writing.

Yet the political battle also generated divisions among residents. Another group which maintained that they were Bakgatla-ba-Kgafela were against the move to secede. Apparently, though not in full support of Kgosi Nyalala, they were reticent about the strategy adopted by the leaders of the ba-Kautwale group. Some even accused them of using broader social issues, like the marginalisation of Motlhabe by the mine, to pursue their narrow political ambitions. Tensions between the

two groups were high. At one stage, the rival groups convened a village meeting where they attempted to conduct a 'referendum' on the question of secession by asking residents to write down which group they belonged to. As one informant recalled: 'Everybody must come and sign that "I am Mokgatla-wa-Kautlwale and you are Mokgatla-wa-Kgafela"'. Apparently, the meeting ended in a chaos because of the power struggle between the two groups.

WE WANT DEVELOPMENT! YOUTH MARGINALISATION AND RESISTANCE

A particular line of political division has opened up in Motlhabe between the generations. Many of the youth interviewed in this study argued that the leaders of the ba-Kautlwale group were more interested in gaining power than with confronting the bread-and-butter issues faced by ordinary residents. As one local activist, who had mobilised village youth to demand jobs at PPM, explained: 'As the youth we see that the mine is close to this village, but it is doing nothing for us. Unemployment is too high.

Development is very slow. We are oppressed by the chief. All the levies [revenues] from this mine [PPM] go to the Bakgatla-ba-Kafela in Moruleng. The descendants of Kautlwale are also fighting for chieftaincy and they claim that they bought this land.'

But, the title deed does not confirm their claim. We are confused. Whenever the ba-Kautlwale call a meeting they talk about chieftaincy - not about our needs as the community. If they want chieftaincy they must leave us alone. The youth want jobs. They want development!'

Motlhabe has experienced random uprisings ever since mining activities began next to the village in 2008. Residents' resistance was mainly targeted at PPM and the tribal authority. Sometimes the uprisings became violent. In May 2012, for instance, Motlhabe residents barricaded the gravel road next to



A shack at Wilgespruit. Credit: Sonwabile Mnwana.

the mine and burnt a PPM truck. They also demolished a block of single-roomed flats rented out by a local resident to migrant mine-workers. The mine had to suspend its operations.

Residents of Motlhabe historically used the land occupied by PPM for ploughing and grazing. Villagers felt that the tribal authority, as the recipient of revenues from the mine, was side-lining them. Villagers were mainly aggrieved by the lack of public infrastructure in the village. Except for the small post-office and a few schools that the villagers said they had fundraised to build, public services were - and remain - either poor or non-existent. With intermittent water supply from the Moses Kotane Local Municipality, many villagers had no option but to buy water from residents with boreholes in their yards. They sold water for between R5 and R10 for a 20-litre bucket.

The villagers also accused PPM of marginalising the youth of Motlhabe in its local recruitment processes. Some informants alleged that Kgosi Nyalala was behind this. They said that he instructed the mines not to employ the youth from Motlhabe because the villagers were challenging his authority. This allegation cannot be overlooked, especially when one considers that the tribal authority office in Moruleng played - and still plays - a critical role in local mine recruitment.

Kgosi Nyalala had previously appointed his own recruitment agents called the Youth Development

Officers (YDOs) or Youth Coordinators. The YDOs had become infamous for alleged corruption and other abuses of power. For example, they were accused of forcing youth to pay bribes, or perform other favours, in exchange for jobs in the local mines. A youth informant said: 'People were buying jobs ... I got a job at Anglo Platinum [Amplats] because I cleaned up the yard of the [YDO] coordinator'.

SUMMARY

The case of Motlhabe presents a particularly striking example of the reciprocal relations between disputes over land and struggles over political authority, and how these are rooted in village-specific histories. The long-standing claims by the descendants of Kautlwale Pilane and their followers over the farms Welgewaagd and Witkleifontein have intensified with the expansion of mining. But in contrast to Lesethleng, this has escalated into a full-blown attempt to secede from the tribe, which in turn revives an older dispute. There are also tensions between villagers who want to secede and those who don't. Generational cleavages are particularly apparent here. Many youth feel marginalised from the struggles over land and chiefly authority, and view them as driven by elite interests. Hence youth activists tend to mobilise for mining benefits outside the traditionalist identities constructed by the secessionists, no matter how valid their historical claims may be. ^{LB}

Beyond 'white monopoly capital'

Who owns South Africa?

The debate on 'white monopoly capital' has some blind spots as it omits the role of the state in ownership and control of the means of production. The state also controls the means of coercion and administration, writes **Lucien van der Walt**.

South Africa today is a morass of wretched inequality, racial tensions and class conflicts. Despite real gains in basic rights and welfare, and the abolition of apartheid laws, its transition remains limited and frustrating, 20 years on. Nelson Mandela's South Africa is profoundly better than P.W. Botha's, but is no paradise; and the legacy of the past remains everywhere in the present.

For many in the unions, Marxist, social democratic and nationalist left, the blame lies primarily with 'white monopoly capital', i.e. the giant apartheid-and segregation-era private corporations that remain central. These are seen as the main obstacle to radical change, and the African National Congress (ANC)-led post-apartheid state's main failure is seen as failing to tackle 'white monopoly capital'. The key strategic perspective then becomes changing the state, the better to intervene, whether through higher taxes, or a 'developmental state', more black capitalists, some nationalisation etc. This is really what lies at the heart of calls for a 'second transition' (by sectors of the ANC and the Congress of South African Trade Unions (Cosatu)), or 'socialism' (by sectors of the National Union of Metalworkers of South Africa (Numsa), the United Front (UF) and Economic Freedom Fighters (EFF)).

But this analysis and strategy, I argue, ignores major changes in the

political economy associated with the 1990s transition – notably, the denationalisation of the economy with massively expanded foreign ownership, and a growing black private corporate leadership – and also rests upon a very weak analysis of the state apparatus – both in terms of its class character and economic power. Claims that blacks have political power, not economic power, or that white private corporations have a stranglehold over the economy, remove the black economic and political elite from the picture, erasing it from strategic considerations.

Existing alongside vast private companies – not all of which fit the label 'white monopoly capital' is another massive economic force, the state apparatus – the biggest single employer, landowner, income earning institution, and by any reasonable measure, the dominant 'monopoly capital' in electricity, rail, roads, forestry, television, sectors of banking, higher education and elsewhere.

South Africa, I argue, is controlled by a single ruling class, divided into two sectors: a (largely white) private sector elite, and a (largely black) state elite. This is united at both a deep structural level, through common interests and interdependence, and at a more conjunctural level, by current neo-liberal programmes and alliances, among which note can be made of the Growth Employment and Redistribution (Gear) Strategy (1996)

or the fact that almost every single cabinet minister is a shareholder in one or more companies. It is not held together by the corruption of a few people, or by incorrect programmes, not by poor state leadership, not even by the ANC, all of which can be changed.

The state can no more be wielded against private capitalists than one brick in a wall can fight another – and capitalism and the state can no more lose their character of exploitation and domination than a wall can become an aeroplane. Efforts to capture the state can, at most, lead to a few people, mainly party leaders, joining the ruling class – nothing more. The strategic task must then become one of building a movement outside and against the private and state corporations and the state more generally, by the broad working class (including the unemployed), which is both victim and potential destroyer of the system.

The black elite, whether in the state, or in the private sector, is an active part of this system, and its beneficiary – not a bought set of black faces, not a 'petty bourgeoisie', not a 'comprador' layer, but a powerful sector of the ruling class, in its own right, with its own agenda. It cannot form a reliable ally of the working class, partly because its class interests and very existence rest upon the ongoing subjugation of the working class, partly because

it is part of an elite pact of class domination with private capital, and partly because its own agenda – survival and expansion – must clash with working-class interests.

CHANGES IN CAPITAL STRUCTURE

The left and labour focus on ‘white monopoly capital’ has the very real merit of revealing both continuities with the past, and part of the present problem – but it sidesteps massive changes in the private sector, including denationalisation and Black Economic Empowerment (BEE) and ignores the economic size and power of the state sector.

And, certainly, it is correct that ‘white monopoly capital’ has played a central role, both past and present. By 1987, over 83.1% of all shares on the Johannesburg Stock Exchange (JSE), now the Johannesburg Securities Exchange were owned by four giant companies, with Anglo-American (despite the name, a South African company) owning 60.1%, followed by Sanlam at 10.7%, argues Cosatu. With the 1990s transition, the Big Four were not subject to any penalties, were largely exempted from the Truth and Reconciliation Commission (TRC), and benefited massively from post-apartheid economic policies and state contracts (for example, construction in preparation for the 2010 World Cup).

In all parts of the private sector of the economy, the pattern of a few giant companies, persists: one effect is persistent price-fixing by cartels, exposed in sectors ranging from concrete to bread, by the country’s Competition Commission over recent years. These large private firms – mainly rooted in the pre-1994 period, historically white-owned and dominated, with a corporate culture marked by the apartheid era – may correctly still be termed ‘white monopoly capital.’

Several developments, however, complicate the picture. The first is that in the 1990s ‘white monopoly capital’ generally ‘unbundled’, i.e. focused on one industry. For example,

Anglo sold many of its holdings in banks and retail, in favour of a mining focus. They also globalised aggressively. For example, Anglo moved its main share listing from the JSE, to the London Stock Exchange in 1999. Its single biggest current project is Brazil, not South Africa.

DENATIONALISATION

The second is that the South African economy has been progressively ‘denationalised’ from the 1990s. The Big Four that dominated the JSE were all South African-based companies, albeit owned by white South Africans. The onset of neo-liberalism in the late years of apartheid under the National Party (NP) (from 1979) and the acceleration of neo-liberalism under the ANC (from 1993) changed the picture.

Tough capital controls that previously made it almost impossible for South African companies to move most of their assets outside the country despite political turbulence and economic decline, writes David Kaplan, forced ‘white monopoly capital’ to develop into giant conglomerates within the country. Despite limited exports of capital – Anglo had more investments in the USA than Unilever, according to one estimate, argues Duncan Innes – the strict capital controls meant Anglo evolved from being a mining house to having massive holdings in agriculture, industry, retail and media. The existing monopoly structure in mining (and state industry) was now systematised widely.

It was ANC-led liberalisation of capital and other controls that allowed Anglo to relocate its primary listing to London in the 1990s. Looser regulations were part of growing efforts to position South Africa as an attractive ‘emerging market’, and growing global flows of foreign investment have seen the JSE change. The NP had pioneered neo-liberal measures in the 1980s, mainly through austerity, sales of major state companies like Iscor and Sasol, and tax reforms.

The ANC continued these, but also opened the economic gates on a scale unseen since the early 1920s. It became more attractive to invest – sometimes, some would say, primarily, for short-term profits and speculation – but it also became easier: notably, from 2004, foreign companies could list directly on the JSE.

A major effect is that while South African companies controlled 83.1% in 1987, in 2012, foreign investors held 37% of all shares, and 43% of industrial shares, on the JSE writes Gillian Jones. While this ‘foreign’ ownership does include some ‘off-shored’ locally-based capital, i.e. South African capital, reentering via channels elsewhere, the change is significant.

So, while 10 companies control 50% of JSE capitalisation, a substantial part of this ownership is not traditional ‘white monopoly capital’, but also includes off-shored semi-South African firms, South African-based firms, and other foreign firms, argues Roger Southall.

BEE AND STATE CAPITAL

A third change is that, despite (white) private corporate hesitancy on BEE, around a quarter of JSE-listed company directorships are held by people of colour (‘black’ in South African law) according to M. Sibanyoni writing in the *City Press*, with the proportion of senior managers in the private sector at 32.5% (2008), adds Southall.

Now, directorships give real control of means of production, as well as economic ‘ownership’, i.e. the ability to make key decisions on use, even if the directors are not themselves majority shareholders. Given that 37 to 43% of JSE shares are not owned by South Africans, white or black, it is not entirely obvious how much this ‘black’ control is in South African companies, although a substantial proportion must be, since foreign investors are exempted from BEE commitments like share deals and affirmative action.

Finally, the state is the elephant in the economic room. Standard images of the post-apartheid economy partially capture the reality: blacks have political power (or, more accurately, a black elite has state power), and whites have economic power (or, more accurately, a white elite has private corporate power). Crudely, this captures a simple truth: a (mainly black) political elite, its power centred on the predominant ownership and control of means of administration (e.g. the state bureaucracy) and coercion (e.g. the police) through the state, is allied to a (mainly white) economic elite, its power centred on the predominant ownership and control of means of production (e.g. the mines), through private corporations. These two sectors comprise, together, the South African ruling class.

But this basic division should not obscure the profound economic power of the state apparatus. The distinction between the two ruling class pillars – one, the political elite/state managers/means of coercion and administration; and two, economic elite/private corporations/means of coercion and administration – is real, but not absolute. The (mainly black) political elite of state managers has, through the state, direct control over substantial means of production e.g. state corporations like Eskom (see below); and the (mainly white) economic elite of big business has, through the private corporations, direct control over substantial means of administration and coercion, for example through corporate managerial and security systems.

STATE CAPITAL

To make this concrete: a focus that stresses the (mainly white) private sector elite vanishes not only the black elite in the private sector, but the powerful and wealthy black elite in the state sector, which controls around 30% of the economy through the state, including state banks (e.g. the IDC), state corporations

(e.g. Eskom, South African Airways (SAA)), state facilities (e.g. the water grid and harbours), mass media (e.g. South African Broadcasting Corporation (SABC)), a world-class weapons industry (e.g. Denel), high-end research (e.g. the universities); plus 25% of all land (including 55% in the provinces of Gauteng and the Western Cape), making it the single biggest landowner in the country; as well as wielding an Africanised army and police, and state bureaucracy, making it the single biggest employer in the country; through the taxation system, it also receives more income from South Africa than any other single institution operating in the territory, writes M. Mohamed.

Some of these operations run on a for-profit basis (notably, Eskom and SAA), albeit with uneven success, making them almost completely indistinguishable from any ‘white monopoly capital’, beyond the fact that management is likely blacker. Private corporate ownership, as noted earlier, has a long and dismal history in South Africa: this includes a history of corrupt, and monopolistic practices. Yet it is also incorrect to see the state’s operations as more desirable, with problems like political cronyism, waste, corruption, lack of maintenance and investment a mainstay of both the NP and ANC periods.

TAKING THE STATE SERIOUSLY

None of this is captured by the ‘white monopoly capital’ formulation, which therefore ignores the largest employer and largest landowner, as well as the dominant ‘monopoly capital’ in a range of sectors. It also ignores the ways that the state itself acts as a site for accumulation, whether illicitly (e.g. ‘corruption’), legally (e.g. MPs earning R85,000 monthly alongside numerous perks), informally (e.g. being ‘in’ on contracts given to the private sector). This is besides the role of the state in promoting the conditions for accumulation, both

generally (e.g. political stability) and for specific categories (e.g. Afrikaner capital under the NP, and BEE capital under the ANC).

In contexts like that of South Africa, this function of the state as site for accumulation becomes exceptionally important for the rising black elite, which is in many ways still quite marginal in a private sector locked down by giant firms. It is less the case of billionaires winning elections, and then returning to their firms after their terms, than of politicians becoming billionaires by winning elections.

The (mainly black) state elite is no mere ‘comprador’ layer, but a powerful ruling class sector, with its own agenda, of survival and expansion. This involves using the might of the state to prise open the doors of the boardrooms of the private sector, where black capitalists remain a minority, through measures like BEE; it also includes accumulation through the state apparatus.

In both of these ways, the black ruling class sector has real and independent effects on the political economy, ranging from the problems caused by corrupt, ineffective municipal administrations, to the challenges of affirmative action, to the opportunities of working with black capitalists and politicians to score lucrative state contracts, generating bitter battles for state office and factionalism and administrative dysfunctions in the state.

NATIONALISATION?

It is here that the endless factionalism of the ruling ANC, as well as within state departments and corporations, as well as within rival parties, has its roots: leading offices in the state are limited, the competition for them exceedingly fierce; as different factions emerge, each seeks to lock down control of resources for itself, leading to purges of rivals and splits (e.g. Mbeki’s expulsion of Zuma, Zuma’s expulsion

of Julius Malema), and elections operating as a means of getting to the state coffers. The ANC, as I have argued elsewhere, is a 'bourgeois-bureaucratic black nationalist party', representing primarily the interests of the emergent black capitalists and the (largely black) state elite – and a key channel for access to state resources for the lucky few.

Advocates of nationalisation should pause to consider the existing mess. In the 2013/14 financial year, South African Post Office executives failed to meet most planned targets, misspent R2.1-billion on tenders, and stumbled from crisis to crisis; while Post Office workers waged a series of massive strikes in 2013 and 2014. It emerged that top managers – who plead poverty when faced with workers' demands for higher wages and better jobs – awarded themselves a 26% wage increase, write Sikonathi Mantshantsha and Karl Gernetzky in the *Business Day*. The idea that nationalisation is, in any size, shape or form, socialist, is completely mistaken: all it means is shifting resources between the private and state wings of the ruling class, not shifting them to the working class; state ownership is not working-class ownership.

RETHINKING CLASS

Underlying this blind-spot on the state are both Marxist and liberal habits of thinking, in which 'the economy' is seen as something outside of the state, and in which 'classes' are seen, basically, as layers within 'the economy'. However, even in today's neo-liberal world, states remain massive economic actors, and inequalities in wealth and power – the basis of class – correlate as much with the upper levels of states (including state corporations), as they do with the upper levels of corporations.

It is more reasonable, then, to use an anarchist/syndicalist class model, in which the ruling class comprises not just those who personally and

legally own substantial means of production, but also those who have effective economic control over those means, including heads of state corporations; further to include in the ruling class, also those who have effective ownership or control over the means of administration or coercion, which means, primarily, those who control the state. Given the hierarchical character of the state, 'those who control the state' are those at the upper levels of the state: the layer that controls state companies, departments, institutions, local governments, and security, a layer that includes MPs, ministers and directors, mayors and municipal managers, vice chancellors and rectors, senior judges and police chiefs.

To summarise, private capitalists are part of the ruling class, but only part, and exist in a balance with the state elite, which has its own resources and its own agenda, and thus, its own agency and its own guilt; crudely, the ruling class centres on capitalists and state managers.

STRATEGIC IMPLICATIONS

But also reinforcing the blind spot on the state, is a certain naiveté regarding the class character of the state. As indicated in the opening, many – I would say, most – South Africans believe the state itself has an empty place of power, that is, an empty drivers seat, at the top: with the right driver (party, individual) and the right map (policy, programme), it can go anywhere. Thus, the fetish of parties, the fetish of elections, the fetish of great (or flawed) leaders as solutions. But the state is locked in an endless embrace of capital, since, just as capital needs the state, the state needs capital. Further, the state is vastly more than the talking heads of parliament and cabinet, despite the obsessive media coverage of this layer, and its upper layers are inherently part of the ruling class, and finally, the state is both site of accumulation, and promoter of accumulation.

This is a deep, entrenched, system, its current form – the white/black elite pact – representing a historical epoch of the system in South Africa – not something that can be changed by an election or two. This is not a conspiracy, based on hidden networks or manipulations; its domination and exploitation of the working class rests on open, centralised control and ownership of means of administration, coercion, and production – or, crudely, on officials, guns and money. Conversely, direct ownership of means of production by most South Africans, regardless of race, is extremely minimal, living in the shadow of giant private and state companies. Even the 13% of land for black Africans in former homelands is effectively held by the state in 'trust', and controlled by state-paid kings and chiefs.

That being so, the notion that the state can really be changed through elections – let alone wielded by the working class against private capital, or 'white monopoly capital' – is profoundly flawed. Private capital and state cannot be played, one against the other, and neither can be wielded by the working class; replacing the ANC with a new party, or Jacob Zuma with a new ANC head, would make no more difference than replacing Thabo Mbeki by Zuma did.

The state cannot be changed or captured or contested; it can only be fought. Since the state, like private capital, operates in structural antagonism to the working class that it helps exploit and dominate, it must be resisted by its victims, outside and against its structures. This requires a bottom-up class-based movement, with a different logic and different imperatives – a movement that is, at once, anti-capitalist, anti-statist, self-managed and libertarian, and, ultimately, revolutionary. Time to stop choosing rulers at the ballot box. ^{LB}

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Voice from the Left

Response to six myths on post-apartheid political economy

South Africa's young democracy is facing a number of socio-economic and political challenges. The debates on these have tried to answer the following questions: what are the main causes of poverty, inequality and unemployment, but more importantly, which policies should be introduced to address these triple interrelated socio-economic challenges, asks **Khwezi Mabasa**.

These challenges are found in all areas of social existence, and have occasionally led to violent clashes in various communities. Many commentators have attempted to characterise the nature and primary causes of the challenges and have provided both oral and written accounts of their perspectives on the post-apartheid developmental impasse.

The different answers emanating from this public discourse are inherently linked to the post-apartheid class struggle. They are a product of the contending views on what constitutes a just socio-economic order. The most dominant set of answers in the current epoch are those advanced by supporters of economic liberalism. This ideological hegemony cannot be separated from the power configuration of the country's political economy. Karl Marx highlights this point succinctly in the *German Ideology* (1848) when he states that:

'The ideas of the ruling class are in every epoch the ruling ideas, i.e. the class which is the ruling material force of society, is at the

same time its ruling intellectual force. The class which has the means of material production at its disposal has control at the same time over the means of mental production'.

This article will debunk the major arguments presented by this school of thought on the major challenges facing the post-apartheid political economy. It will illustrate that the analysis produced by supporters of economic liberalism is not based on sound empirical evidence. These commentators have advanced superficial arguments, which are solely driven by dogmatic ideological beliefs. Advocates fail to appreciate the deeper structural causes of poverty, unemployment and inequality. This shortfall will be highlighted by providing coherent counter arguments to the 'six myths' of economic liberalism in post-apartheid public commentary.

UNIONS ARE STRONG

The first myth is related to the unsubstantiated claim that unions in South Africa are too strong. Supporters argue that union strength is one of the primary

impediments to economic growth in the post-apartheid era. The corollary of this perspective is that countries with high union density cannot achieve sufficient levels of economic growth or human development. This argument is based on perception and not a concrete analysis of the labour market. Only 29% of the labour force is organised (belongs to a union), and these workers mainly belong to the public sector. Union membership in the private sector decreased from 35.6% in 1997 to 24.4% in 2013 writes, Bhorat and others.

The assertion made on union strength and its correlation to sluggish economic growth is also misleading. It is based on the assumption that economic development can only be achieved in contexts where unions are weak. The developmental experience of other countries with higher union density challenges this belief. For example, countries such as Denmark and Sweden – where close to 70% of workers are unionised – have managed to achieve consistent levels of economic growth and



Laundry time at Ramaphosa settlement. Credit: William Matlala.

development (before the global crisis). In fact, the reconstruction of these economies in the post-war era was largely influenced by the active participation of strong unions. More importantly, these nations are also ranked highly on the Human Development Index.

RIGID LABOUR MARKET

The second myth promoted by advocates of economic liberalism is the rigidity of the South African labour market. They argue that the labour market in the post-apartheid era is too rigid, and this is the primary cause of the triple challenge. Again, this assertion is not based on an objective analysis of labour market trends. All the research on labour market restructuring in the post-apartheid political economy refutes this belief. Informal and precarious forms of employment are expanding whilst formal and standard employment is declining. This indicates that the nature of work has changed drastically over the past 20 years clearly proving that the South African labour market is not rigid at all.

Moreover, most workers in SA are deprived of their labour-related socio-economic rights. The fourth 2014 Quarterly Labour Survey illustrates this exploitation by pointing out that 53% of workers' salary increases are determined by employers alone. It also highlights the fact that only 22% of the labour force was represented by unions during salary negotiations, and 6% of workers had no consistent increment. All this evidence indicates that the argument of labour market rigidity is not based on an analysis of employment trends. It is rather motivated by deeper ideological interests, which seek to promote greater employment flexibility in the pursuit of generating extra profit. The prevalence of precarious forms of work is the primary cause of poverty and inequality in South Africa.

INSIDER/OUTSIDER THEORY

The third – and probably most potent myth – advanced by liberal analysts is the 'Insider/Outsider' theory. According to this belief, unemployment is primarily caused by the high wage agreements in various sectors. Supporters argue that large enterprises and unions agree to unjust

wage agreements, which prevent small businesses and the unemployed from entering markets. The logical conclusion of this argument is to propose lower wages as a solution to the unemployment crisis. This popular theory is flawed, because it is based on an assumption that has not been proven.

The link between wage variation and the unemployment crisis in SA has not been sufficiently substantiated by liberal economists. Most literature indicates that there are deeper structural causes of unemployment. For example, the expansion of non-productive sectors of the economy which are characterised by lower labour absorption rates. More importantly, the share of wages in the national income has declined drastically since 1994 but unemployment continues to increase.

UNSTABLE CURRENCY

The fourth belief entrenched by liberal theorists is related to currency volatility. They argue that fluctuations in the value of the rand are solely caused by poor governance and labour market instability. This argument is very reductionist – it

overlooks the following underlying structural causes of currency volatility. First, the negative effects of the short-term investment associated with the growth trajectory of the post-apartheid era. Second, enhanced financial liberalisation, which has allowed capital to flow freely in and out of the country and diminished the state's capacity to regulate financial transactions. Third, the over-reliance on primary commodities for foreign currency earnings.

INVESTMENT

The fifth story told by liberal developmental commentators' concerns investment. They argue that the country must adopt a 'catch all' strategy, and ensure that it attracts large volumes of Foreign Direct Investment (FDI). This is the logic behind the investment argument raised in all debates, especially the ones on macro-economic stability. Advocates argue that we should maintain this stability at all costs in order to attract greater volumes of foreign investment. Many proponents in government and the private sector view the above-mentioned strategy as a panacea for the nation's developmental challenges. Their conviction is based on the assumption that increased FDI will lead to job creation and economic expansion.

The uncritical acceptance of this belief ignores the nuances of the

relationship between investment and economic development. South Africa has attracted the wrong type of investment which is short-term and directed towards the non-productive sectors of the economy. Most of the FDI accumulated in post-apartheid SA has been generated from mergers and acquisitions. These transactions have led to job losses and enhanced economic concentration. The accumulation of all types of foreign investment is not the perfect solution for our developmental challenges. In other words, the focus should not be on the quantity of investment but rather the nature of FDI. This specifically applies to the linkage between FDI and the nation's industrialisation strategy.

EXPANSION OF FINANCIAL AND BUSINESS SERVICES SECTOR

This last point is linked to the sixth liberal belief that needs to be challenged. Many commentators have argued that SA should expand the financial and business services sectors. These analysts state that the global political economy has shifted towards knowledge-based economic activities, and SA should develop its services sectors in order to remain competitive. This point of view is based on promoting the financialisation of the economy and expanding the non-productive sectors. Krippener describes this trend well

by stating that it refers to a 'pattern of accumulation in which profit making occurs increasingly through financial channels rather than through trade and commodity production'.

This argument will not produce economic development required to address the triple challenges. These sectors have a low-labour absorption rate and their expansion will coincide with a contraction of the more productive sectors of the economy such as manufacturing. Furthermore, expanding these sectors will exacerbate the challenge of a skills mismatch in the economy. High-end service sectors require advanced skills, which most of the unemployed population does not have. South Africa should rather focus on expanding and developing the productive sectors of the economy because they are characterised by higher rates of labour absorption and lower skills requirements.

This article raises the following fundamental question: what should be done to address these developmental challenges? I suggest the following policy strategies should be introduced:

- place industrial policy at the centre of the nation's developmental strategy
- implement measures to promote decent work as defined by the International Labour Organisation
- enhance regulation of the financial sector and introduce exchange controls
- use state-ownership to restructure the economy towards localisation and industrialisation
- link land and agrarian reform towards the goals of building local economies and industrialisation
- direct investment towards long-term economic activity and the manufacturing sectors. ^{LB}

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Children play near a tap near Germiston. Credit: William Matlala.

New world re-ordering

What should we call the current era? Post-everything? Or perhaps, the interregnum? Whatever the name it should be given, the current period is characterised by neo-liberal trans-nationalisation. In addition, US hegemony has been under question since the beginning of this period. In fact, the Empire is no longer US-American and a change in hegemony is in full swing, writes **Mario Candeias**.

Despite what world-systems theorists such as Giovanni Arrighi suggest, the balance does not seem to be tipping towards China. Nevertheless, as Niall Ferguson points out, it is moving towards Chimerica a term coined by Niall Ferguson and Moritz Schularick describing the relationship between China and the United States. Furthermore, since the beginning of the global financial crisis, no project has been in sight that could reorganise the active consensus of the subalterns, move perspectives on accumulation one step up the ladder, and provide a position capable of establishing a new world order.

Attempts to secure neo-liberal positions through authoritarianism are now facing a new transnational cycle of movements. Alongside numerous attempts by Islamist movements, the remaining great powers are sparring for spheres of influence, whether in Eastern Europe or through the appropriation of African resources. At the same time, the United States is endeavouring to prevent further losses of its room to manoeuvre. Russia is striving to expand its influence through

energy and resource policies, and arms trafficking, whereas China has linked its imperial ambitions to the provision of foreign aid.

IMPERIAL WAY OF LIFE

More than ever, the imperial way of life, according to Brand and Wissen is proving incredibly attractive, and this is particularly the case for the new middle classes of the Global South. However, resistance is forming – both on the left and the right of the political spectrum – and it ranges from indigenous movements in the Andes, to new democracy movements in Sao Paulo, Istanbul and Madrid, to the reactionary right in Venezuela and Thailand and rising Islamist forces in the Arab world.

This situation is reflected in attempts by the European Union to enclose itself within a ‘ring of fire’, which it is promoting through hasty and clumsy forms of diplomacy such as EU policy on Ukraine. It seems that the strategic partnership with Russia has been forgotten: this need not bother the United States, however, since neither Russia nor the European periphery plays a significant role for the US economy. This point is further illustrated

by the US ‘pivot to Asia’, which is leading the US to develop long-term links (and competition with) the largest economic power centres in the world. At the same time, the privileged insular status of the US means that it need not pay too much attention to good neighbourly relations, and this is particularly relevant because of the country’s successful moves toward energy self-sufficiency. In short: unlike Europe, the US can at least partly ‘afford to act unilaterally’, writes Daniljuk.

WHAT FORM OF NEW WORLD ORDER?

None, as yet. It is conceivable, however, that zones of uncertainty will form beyond the old and new capitalist centres. Direct (military) intervention to pacify and develop market-economic, liberal-democratic states has failed in Somalia, Bosnia, Afghanistan, Libya and Iraq. It seems we are already seeing the end of Francis Fukuyama’s ‘end of history’. The market has failed to produce order, and occupying the markets with ground troops is no longer an option. Limited operations and air attacks, however, and especially the use of drones, enable relative control to be exercised from a distance. Nevertheless,

complete control over such zones of uncertainty is unnecessary as long as they remain enclosed. In worst-case scenarios, direct intervention can be undertaken under the guise of the 'responsibility to protect' (for a critical review see Obenland). This illustrates the point that the institutions of collective security, (including the UN and the Organisation for Security and Cooperation in Europe (OSCE), have been marginalised.

The result is a form of 'gated capitalism': protected zones of global capitalism that guarantee the exploitation of resources, and free trade - even if no functioning community exists within the zones of uncertainty. However, this new strategy was borne out of necessity, and it is not running smoothly. States such as Syria and Iraq are disintegrating and this has led to the foundation of a new caliphate in the heart of the Middle East. Accordingly, control is being lost and we are facing a situation in which friends and foes rapidly change sides.

Disintegration is by no means restricted to the periphery. The EU states are still facing crises and are unable to stand on their feet. This situation is made worse by the fact that European democratic institutions are rapidly losing support. In Portugal, Spain and Greece, however, new left-wing forces are developing. Be this as it may, extreme right-wing and fascist national-populist movements and parties are gaining strength throughout Europe. This is not only the case with Eastern Europe, it is also occurring in the old centres: the Front National and UKIP constituted the largest parties in the European parliamentary elections in France and the United Kingdom respectively. Society is becoming increasingly polarised while disintegration continually marches on. In this situation, European societies need to ask themselves why thousands of young French and German Muslims can see no future in Europe and instead are joining the Islamist Jihad.

In the wake of the crisis, zones of uncertainty have long been established in the United States. The inner city of Detroit, for example, represents both a counterpart to the gated communities mentioned earlier and an expression of social polarisation. Although public infrastructure is falling apart and inequality continues to rise, the focus remains on the top 0.1% according to Piketty. Killing sprees occur regularly, and firearm fanatics, police and gangs continue the everyday violence. The system is partly responding to this situation with a privatised model of prisonfare - the management of the 'underclasses' in prisons, writes Wacquant. (Institutional) racism is now expressed in the open, as with the town of Ferguson, where the police shot an unarmed black youth. In the political field, polarisation is worsening between the proto-fascist Tea Party and the liberal 'Wall Street' Democrats. At the same time, new left-wing forces are developing albeit mostly at the local level, argues Mogilyanskaya. Despite this, controlling the zones of uncertainty and the budding forces on the left and right of the political spectrum is both impossible and unnecessary.

Controlling these zones and groups remains superfluous as long as they do not affect US-American or European solid institutions of power, argues Porcaro. This system, is strengthened by a form of authoritarian constitutionalism that only passes with great difficulty as a 'market-driven democracy', adds Merkel. This is because growth and profit rates are continuously flattening out, but the current level of surplus value absorption is more than enough for the super-rich.

Global resource grabbing and free trade agreements are destroying local habitats and economies in the Global South and cause new flows of refugees that are then instrumentalised in right-wing propaganda. This is nowhere more evident than in EU policy in Africa. Free trade agreements are being

concluded that enable competition from what are often highly subsidised companies from the north to destroy smallholder production in the Global South. Of course, countries such as France intervene whenever destabilisation goes too far, and they also secure the EU's external borders against flows of refugees to avoid additional 'burdens' on the dwindling social cohesion within the EU. However, this merely confirms an aspect that characterised the debate on globalisation: traditional foreign policy is rarely ever conducted and it has been replaced with a form of global domestic policy, if not global crisis management. This illustrates the point that European foreign policy actually runs under the name of Frontex.

LEFT-WING PERSPECTIVES

Left-wing 'foreign policy' should not be limited to security; rather it must also include social, economic and environmental aspects. How should we assess the current geo-economic changes? Which issues are currently gaining in strategic importance? Moreover, what might constitute an appropriate left-wing response?

Beyond clear positions against military intervention, left-wing foreign policy needs to develop a 'policy of peace by peaceful means', according to van Aken, that address the causes of conflict with just economic relations, social-ecological paths of development and the construction of social infrastructure. Specific entry projects that have begun to do so include the Yasuní Initiative, which proposed rejecting the exploitation of oil in the Ecuadorian jungle, while providing international compensation; or new institutions of economic cooperation, such as the Latin American Alianza Bolivariana para los Pueblos de Nuestra América (ALBA) agreement. ALBA is based on social, political and economic integration of Latin America and the Caribbean countries. The alternative development bank run by the Brazil Russia India China

South Africa (Brics) countries is another example. Even the implementation of an alternative trade mandate within the EU would represent a step towards fairer trade. However, one factor should not be forgotten, the Left needs to put an end to arms exports and implement just transitions for the conversion of former arms industries.

More often than not, however, the Left becomes entangled in false differences: one side argues that worsening conflicts demonstrate that there is no alternative to military intervention; the other argues against military intervention on principle. This debate generally leads to nothing but unilateral declarations of solidarity and abstract commitments, because peace policy measures are rarely ever developed. Only differentiated assessments of power (relations) can enable us to side with the subalterns, instead of merely with one side of the debate. How then can these issues be addressed while ensuring they remain coupled to discussions about a (demonstrably lacking) transformational perspective? Which international condensation points enable the development of exemplary, effective alternatives? More specifically, which strategies could provide civilian crisis prevention and conflict resolution? Moreover, where can the Left really make a difference? Calling for the repeal of the Kurdistan Workers Party (PKK) ban, for example, which has long been anachronistic, would provide a voice to an issue that is otherwise never heard. ¹⁸

This article was first published in The Bullet No. 1125. Mario Candeias is the director of the Institute for Critical Social Analysis and editor of the review LuXemburg. Translated from German by Eric Canepa.

Standing together

Story of Bonakele Wilson Fundani

Workers' history can sometimes be told through the life stories of individual workers. *Standing Together: The Story of Bonakele Wilson Fundani a Trade Unionist and his Time* by **Ray Lazarus** does exactly that. Below are excerpts from the 75-page book.

GROWING UP AND MOVING TO TOWN

As a boy, Fundani lived from day to day, without really thinking much about the future. He did not imagine that things could be different, except perhaps that one day, when he was an adult, he might have cattle of his own. But like many young people who had grown up on the farms and in the rural areas, later on he decided to find work in one of the bigger cities. He had seen others go away to Cape Town or Johannesburg and come back with money and wearing smart, new clothes. He wanted the same for himself.

Passes or pass books, also known as the 'dompas', were a form of internal passport system designed to segregate and severely limit the movements of people classified as African (called Native or Bantu under apartheid). The government used passes to manage urbanisation and migrant labour.

Only Africans who were born in and had always lived in a specific urban area or had worked continuously for 10 years for the

same employer had rights (called section 10 rights) to live there. Even then the right to remain in an urban area could easily be taken away. All other Africans could only be in an urban area for a limited time (generally on contract for one year at a time), or they were supposed to live in a particular 'homeland' area.

Before the 1950s, only African men had to carry passes. Attempts in the 1910s and 1950s to make women carry passes were met with huge protests, but in the end women, too, had to carry passes. Protests against the pass system continued, with the Sharpeville protest in 1960 the most well-known.

Africans had to carry pass books with them all the time. Police, other officials or any white person could ask an African person for his (or her) pass. Someone who could not produce a pass showing section 10 rights or a contract to work for a particular employer was usually arrested and 'endorsed out' to their 'homeland'.



Bonakele Wilson Fundani

Hundreds of thousands of African people were convicted each year for breaking the pass laws. Eventually it was clear even to the apartheid government that the system was no longer working. The pass laws were finally repealed in 1986.

In about 1945, when he was 19 years old, Fundani went to Cape Town to look for work. In those days, people like Fundani did not know much about work in factories, so they looked for work on farms in the area. It was not difficult to find work – you just went on foot from farm to farm till you found something that suited you.

His first job was on a chicken farm in Kuils River, but he was not satisfied with the working conditions and pay and the way the farmer treated workers, so he gave notice. From there he moved to a dairy farm in Philippi, where his job was to milk the cows.

This was a time when the white government was making it more and more difficult for Africans to get permits (called passes) to work in the cities. Fundani did not have a pass when he first came to Cape Town. But in 1946, when he was working at the dairy farm, government officials came to the farm to register Africans working on the farm. That was when he started having to carry a pass. At first it was just a printed document and not the pass book that Africans later had to carry with them all the time and show to police

or government officials when asked for it. Fundani was lucky never to be arrested for breaking the pass laws because his pass was always up to date.

A LIGHT GOING ON IN MY MIND

In 1950, when Fundani was working in East London at Modern Engineering, there were mass protests against laws that discriminated against black South Africans throughout the country, including the Eastern Cape. Although he did not get involved, Fundani was aware of what was happening and talked with someone he knew who was active in politics about the reasons behind the protests.

After the National Party (NP) won the 1948 elections, it immediately started tightening and extending laws and regulations that discriminated against African, coloured and Indian people. In December 1949 the African National Congress (ANC) decided on a Programme of Action to oppose these laws. The first major protest action was a one-day national stay-at-home on 26 June 1950. In the Eastern Cape, especially Port Elizabeth, there was an almost total stayaway.

During 1951, the ANC together with other movements began to prepare for a much more sustained Defiance Campaign. The first protests and demonstrations took place on 6 April 1952. This was the day that the government had set aside to celebrate the 300th anniversary of the arrival of white settlers at the Cape.

On 26 June 1952 groups of volunteers around the country began to defy unjust laws. The action was again strongest in the Eastern Cape. Students at Fort Hare College in Alice were amongst those who participated.

Despite arrests, the action spread from cities to smaller towns across South Africa. By the end of the year more than 8 000 people (the majority from the Eastern Cape) had gone to jail for defying apartheid laws and regulations.

The Defiance Campaign did not succeed in getting the government to repeal unjust apartheid laws. But it was the largest non-violent resistance that had taken place in South Africa and the first mass campaign involving Africans together with other groups. It succeeded in making thousands of black people aware that it was possible to fight against injustice.

In 1952, back in Alice once more, Fundani watched closely as the Fort Hare students, as part of the Defiance Campaign, ignored laws that made it an offence for black people to use the 'Europeans Only' entrances to shops or public buildings like the Post Office, or to sit on benches marked for 'Whites Only', or to be out after a certain time at night.

Seeing what was happening 'was like a light going on in my mind'. It made him realise that people could stand up against laws and practices that discriminated against black people.

From that time on, Fundani took an interest in what was happening politically. Later, in Cape Town in the 1960s – 'a very hot time' – he often discussed politics with people he knew who were politically active. But generally, when it came to politics, Fundani was not a front-line activist. Rather he was cautious, watching and weighing up what he saw, listening to various points of view and taking his time to reach a conclusion. He always kept an open mind, but was also ready to defend his beliefs if necessary. This was a way of doing things that he took with him when he later became involved in organising his fellow workers in the meat industry.

STANDING TOGETHER FOR OUR RIGHTS

But by mid-1977 a majority of Cape Slaughter's 600 workers had signed up as members. When management heard through its informers that workers were joining the Western Province Workers Advice Bureau (WPWAB), they called in officials of the Department of Manpower, who

tried to discourage workers from joining the WPWAB. Instead, they said workers should accept a liaison committee. But workers knew that this was a consultative body, which could only make recommendations that management might or might not accept.

Differences between various kinds of representation:

- **Liaison committees:** up to half the members appointed by management, consultation only
- **Works committees:** for Africans only; members elected by workers; right to raise workers' concerns with management; could register with government
- **Workers' committees:** non-racial, elected, raising workers' concerns with management, but operating without being registered
- **Union recognition:** union recognised by company as having right to represent its members in negotiations.

Zono had warned the workers that management would try to divide them and that the only way to win their demands was to remain united. So the Cape Slaughter workers were prepared and stood firm. They did not allow management to divide them and stuck by the decision they had taken to demand an elected works committee. This was the demand made in a letter to Cape Slaughter in 1977.

It was many months before management finally agreed to recognise the right of a democratically elected works committee to discuss workers' grievances and demands with management. It was a difficult and long drawn-out process to get the works committee registered and its constitution accepted.

This was achieved in late-1977 and was a victory not only for the Cape Slaughter workers, but also for the WPWAB. Although the Cape Slaughter management was not prepared to deal with the WPWAB directly, they agreed to speak to workers knowing they were members of

WPWAB and were being advised by it.

'What I remember about Fundani was his extraordinary dignity and a sort of animated calmness. He had a quiet serenity about him, but when he spoke his eyes flashed, his voice silenced others without shouting, and he captured his listeners with his voice', remembers Mike Morris, former GWU organiser, Durban.

Fundani was a shop steward on the Cape Slaughter works committee, with another worker, Sam Zono, as chairperson. The union provided some training for shop stewards on the functions of trade unions and worker rights. They were also able to learn from the experiences of other organised workers who were members of the union.

Shop stewards needed this kind of support because, at the time, although the union might write a letter to management about a problem, organisers did not attend meetings. So shop stewards were responsible for raising workers' grievances and demands with management. These included day-to-day grievances of workers on how supervisors and management dealt with coming late to work, absenteeism, overtime and, especially, dismissals. Dismissals were often unfair. For example, workers might be told to put meat in the cars of foremen and then dismissed for theft.

Fundani loved his job as a shop steward fighting for workers. Management on one occasion tried to promote him to the position of supervisor, probably as a way to reduce his influence with workers. But, though it would have meant a higher wage, Fundani refused as he could not be both a shop steward and a supervisor.

MEAT STRIKE

On Monday 19 May, at about 11am, the majority of workers in all the organised meat factories – about 800 workers and close to 90% of the workforce – walked off the job. They made it clear to their own managements that they were doing

so to show their concern about the Cold Storage situation and that they planned to return to work the next day.

But, on Tuesday 20 May, when the workers came to work, they found themselves locked out of their factories. There were riot police there – in some cases with dogs – to enforce the lockout and they ordered the workers to leave the area. To avoid confrontation, Fundani and other shop stewards persuaded the workers to leave their workplaces and go to Langa for a meeting, where they could discuss what to do.

It seemed that the meat bosses were hoping to use the dispute to deepen and exploit any weakness or divisions amongst the meat workers and to roll back the gains that had been made. They were helped by the divisions between coloured and African workers, with many – but not all – coloured workers refusing to join the strike. But, if management hoped to break the workers' commitment and make it possible to re-employ selectively and exclude worker leaders, they were wrong.

Workers responded to the challenge by refusing to return to work unless two demands were met: all workers in all the meat companies must be reinstated and workers' committees must be recognised at both Cold Storage and National Meat Suppliers (Meat Supply), another company where workers had been struggling to get their management to agree to recognise their workers' committee.

The support for the Cold Storage and Meat Supply workers was particularly significant because most meat workers had section 10 rights to permanent residence in Cape Town, while the Cold Storage and Meat Supply workers were contract workers – migrants without residence rights. The workers did not allow this to divide them.

SUSTAINING THE STRIKE

The strike went on for 12 weeks. At first, workers met every day at a hall

in Athlone on the Cape Flats to hear reports from their shop stewards and to discuss plans for taking forward their struggle. Strategies included a campaign to boycott red meat products and attempts to discourage unemployed people from taking the strikers' jobs. Later, the government banned meetings of more than 10 people at which 'politics, strikes or boycotts' were discussed and it became more difficult to have regular contact with workers. It was only possible to update workers when they came together on Fridays to collect relief pay from the union.

Shop stewards like Fundani, workers and union organisers were involved in meetings to persuade butchers (particularly in coloured and African areas) not to stock red meat. They also attended community forums to explain why people in the community should not buy red meat. Community volunteers were also involved, sometimes using force to discourage community members from buying or selling red meat. The boycott was only partly successful, but did result in widespread awareness of the strike and the reasons why workers had gone on strike.

This was not the first time there had been community support for workers' struggles in the Western Cape. In 1979, there was widespread support for a boycott of Fatti's and Moni's products to back up demands to reinstate about 80 workers dismissed for striking and for improved wages. However, effective support for the 800 meat workers had to be on a much larger scale. This was a time of heightened struggle against apartheid, including in particular a lengthy schools boycott. The workers' demands for recognition of democratically elected workers' committees made sense to people who were themselves involved in grassroots struggles for democratic rights. The tough response of the meat companies and the police left communities in no doubt about the need to support the meat workers. **LB**

Worker education in South Africa

Lessons and contradictions

Worker education played a crucial role in the development of the trade union movement in South Africa and in the broader struggle for social transformation – especially in the two decades since the re-emergence of worker militancy in the early 1970s. Despite that rich tradition, worker education has suffered a serious decline in the post-apartheid years, write **Salim Vally, Mphutlane Wa Bofelo and John Treat.**

In order to understand this decline and draw the appropriate lessons, it is vital to view South Africa's experience with worker education against the backdrop of the socio-economic and political shifts that accompanied the end of apartheid, and to grasp the economic and ideological agendas that inform worker education discourses and practices. It is also useful to review both the richness of the worker education tradition that played this vital role and some of the key points in its trajectory.

Worker education was simultaneously a consequence, a platform, a site, and a weapon of struggle for the oppressed people of South Africa generally and the black working class

in particular. With its humble origins in the adult night schools education movement throughout the first half of the 20th century, the tradition of South African workers' and their allies to provide emancipatory, politically meaningful learning for themselves and others would eventually achieve their fullest expression in the dynamic 1980s, with its dramatic upsurge in literacy programmes, workers' cultural manifestations, and educational efforts to support trade union organising and industrial action. These activities both arose out of and catalysed the vibrancy in the union organising of those years, which would ultimately play a crucial role in putting an end to white minority rule.



Workers at a Cosatu workshop. Credit: William Matlala.

The strike wave of 1972–1973 and the Soweto uprising in 1976 led to the legalisation of black union structures (albeit within tight constraints) by the apartheid state in a failed attempt to control workers and tame their militancy. The dramatic upsurge in union membership and activity that followed changed the conditions for, and the nature of, worker education in the ensuing years. These activities took a wide variety of structured and unstructured forms, and were often marked by remarkable ingenuity and creativity – particularly considered against the backdrop of decades of ferocious repression, and the apartheid state's 'Bantu' education system. The latter inspired Steve Biko's saying, 'The most powerful weapon in the hands of the oppressor is the mind of the oppressed'.

Formal worker education efforts took the form of highly structured seminars, workshops, and training programmes. Informal efforts varied from treating mass transportation of workers as 'rolling classrooms' to a dizzying range of cultural and mass-media forms, including the writing and production of plays, poetry readings, songs and musical choirs, and dozens of community-based and trade union newsletters. These efforts aimed to provide everything from general literacy and technical work-related skills to running democratic and accountable union structures, organising, political consciousness and social mobilisation.

Trade unions in this period were referred to both as 'schools

of labour' and 'laboratories for democracy' where workers could test out new ideas, arrive at new understanding, and develop and enrich collective practices. In the context of an apartheid system, where basic democratic processes were denied to the majority, unions played a crucial role in introducing concepts such as accountability, representation, participation, report backs, and the principle of recall.

Through their informal learning experience as well as the intensive education carried out in shop steward councils and workshops, worker representatives gained confidence to engage with their unions' officials on contested organisational and political issues. It was a period in which 'workers

searched memory, each other, history, the world, political texts, for ideas and knowledge, bringing everything into their intellectual embrace', write L. Cooper, S. Andrews, J. Grossman, and S. Vally.

Education was grounded in the structures of the unions (where education committees linked to shop steward councils featured prominently in some of the more militant unions), and played a key role in linking the struggles of workers who were geographically dispersed and located in different industries. Union education also encouraged the development of a large leadership layer of workers who, despite limited formal education, went on to play a crucial role in the strengthening of the broader anti-apartheid movement. During this period, as Cooper and others write:

'The production and sharing of knowledge was consciously linked to cultural work such as the production of songs, plays, and poetry and mass media was used to inform workers and build the basis for campaigns. Even more significant were the schools of labour where workers developed important new insights and understandings through a wide range of experiences: everyday struggles on the shop-floor, experiences of meeting, organising, and taking part in collective decision-making, and the experience of mass action such as strikes or stayaways'.

While worker education played a vital role in the genesis and rise of the trade union movement in South Africa – and thus in the eventual overthrow of the explicit policy of apartheid – macro-economic and educational policy decisions in the years following the 1992–1994 transition decisively reshaped the policy, political and material environment in which such efforts were pursued. Those changes seriously undermined the robust and self-

consciously political tradition of worker education in South Africa.

RADICAL WORKER EDUCATION

While systematic and widespread worker education in South Africa only emerged in the wake of the 1973 strikes in Durban, the country's tradition of worker education can be traced back to the formation of the first union for black workers in 1919. That year, the first black trade union was formed by dock workers in Cape Town: the Industrial and Commercial Workers Union (ICU). Shortly after its establishment the ICU formed branches in all of South Africa's provinces and claimed a membership of 100,000, explain Lacom.

However, the ICU was prohibited from organising at the mines or the railways – key points in South Africa's production processes – and so was effectively limited to rural areas and townships. Internally, the organisation had no clear structures ensuring worker control, and suffered from serious ideological differences as well as widespread corruption. This combination of external constraints and internal divisions led to its decline in the late 1920s. The expulsion of Communist Party members robbed the ICU of a number of people centrally involved in worker education activities.

Worker organising and education efforts were severely impaired over the next several decades, not least due to the election in June 1948 of the National Party (NP) government and imposition of the party's racial policy of apartheid. Black trade unions remained illegal and all but non-existent until the Commission of Inquiry into Labour Legislation also known as the Wiehahn Commission finally called in 1979 for the legalisation of trade unions. The Commission was established following the

Durban strikes of 1973 and the Soweto uprising of 1976, and its report called for sweeping reforms, including most crucially the granting of legal recognition to black trade unions (albeit with tight restrictions).

The 1970s were decisive in the emergence of intensive worker education programmes in South Africa. Rising worker militancy encouraged the formation of a range of organisations committed to worker education. This rising militancy was the result of several factors. Repression and division of black workers through the 1960s combined with increased monopolisation of key industries brought dramatic increases in economic growth, even as the majority suffered increasing poverty. Inspired by liberation struggles in neighbouring countries, conscientised by the Black Consciousness Movement, and outraged by the glaring inequality produced by the system they served, workers felt increasingly compelled and emboldened to challenge the state and capital.

The first sign of the emboldened workers' movement was a series of strikes in 1972 and 1973. Over the course of 1972, roughly 20,000 Namibian contract workers brought the mining industry to a halt, wrote Lacom. The strike – a direct attack on the migrant contract labour system – was broken by force, with mass arrests and killings.

The peak of strike activity in the period was reached in 1973 when an estimated 100,000 workers participated in a series of short but widespread industrial strikes mainly in the then Natal province, mobilised around the slogan 'Ufilumuneti, Ufe Usadikiza!' (The person is dead, but his spirit is alive!). In the first three months, 61,000 workers were involved in 160 strikes. The scale of this strike

wave was likely due in large part to the fact that Durban's industrial working class was concentrated in large factories located in close proximity to each other, facilitating the rapid spread of action from one factory to another. As a result of this strike wave, workers' wages increased 15% to 18% throughout South Africa.

The success of this wave instilled a new sense of confidence and consciousness among black workers, leading to a marked resurgence of radical trade unionism. This resurgence in trade union militancy in turn quickly renewed interest in worker education programmes. In response, a range of new educational projects were initiated throughout the country, and existing initiatives saw rapid expansion. The Urban Training Project (UTP), which had been formed in 1971 in Johannesburg, soon had branches in several additional cities (Durban, Port Elizabeth, Vereeniging, Pretoria and Klerksdorp). Activists with the South African Students' Organisation (SASO) and the Black People's Convention (BPC), many of whom had been deeply influenced by the writings of Paulo Freire, were keenly involved in non-formal education, setting up the Black Workers Project in 1972. The following year saw the formation of the Institute for Industrial Education (IIE) in Durban and the Industrial Aid Society (IAS) in Johannesburg.

'Countervailing initiatives set up by capital, such as the Institute for Industrial Relations (IIR) (formed by Bobby Godsell and Alex Boraine of the mining multinational Anglo-American in 1976), sought to counter this burgeoning militancy and political consciousness and shape worker attitudes in favour of employers', writes Seftel.

UTP and IIE were instrumental

or closely involved in the formation of the Council of Unions of South Africa (Cusa) and the Federation of South African Trade Unions (Fosatu) respectively, the forerunners of the National Council of Trade Unions (Nactu) and the Congress of South African Trade Unions (Cosatu). UTP is particularly important as it served the educational needs of Cusa, of unaffiliated unions such as the Commercial, Catering and Allied Workers Union of South Africa (Ccawusa) and the Food and Canning Workers Union (FCWU), as well as some Fosatu affiliates; UTP also served NACTU until 1990.

UTP arose after the Trade Union Council of South Africa (Tuca), a union of several dozen mainly white and mixed unions, had changed its constitution in 1969, effectively excluding black trade unions from membership (after having allowed them membership a mere seven years earlier). By 1973, UTP had initiated the formation of 11 different trade unions, which together formed the 'Consultative Committee of Black Trade Unions'.

From its earliest days, UTP foresaw a close relationship between education and organisation; its aims were 'to educate workers on how their lives and needs as people can be met, for example, through establishing sound workers' organisations and independent trade unions with leaders elected by the members'. This ambitious, worker-centred vision found fertile ground amongst the rapidly radicalising black working class.

In 1975, attendance at its courses and seminars stood at less than 1,000. By 1985 it was recorded that 24 unions with a combined membership approaching 200,000 used UTP's services. Throughout its existence, but especially during the heady

period of 1984-1986 - seen as a period of heightened mass mobilisation and increased state repression - UTP's personnel faced harassment from the state, with several educators detained at various intervals.

In its educational activities, UTP recognised and strove to apply what it called 'generally accepted worker/adult education principles.' These included:

- education to be active and not passive
- education to actively use the experiences of course participants to highlight significances of events affecting them
- education to be based on the needs of those receiving it thus respecting their self-determination and
- education to equip those receiving it to help themselves.

These principles were manifested through a method used by the Young Christian Workers' (YCW) organisation, and adopted by UTP. The YCW called this the 'See, Judge and Act' method. It was similar to Freire's method of 'conscientização,' stressing solidarity of labour and aimed at securing concrete change in the reality of the lives of working people through action.

Among UTP's first worker education activities was the publication of a 'Workers' Calendar'. Between 10,000 and 20,000 copies were distributed in the first few years (initially through churches, later through unions at factories). They contained minimal text (written in isiZulu, seSotho and English), relying heavily on illustrations, and were designed to serve not simply as calendars but as organisational and educational tools. According to UTP founding organiser Eric Tyacke quoted in Seftel notes: 'We decided on a calendar because it would not be kept in people's pockets



Strikes and marches are part of worker education. Credit: William Matlala.

but put in their homes, so that when visitors came it could be a discussion point.'

Each edition of the calendar would focus on issues directly affecting workers that year, so that it became part of the organising programme of the unions. The first edition, for example, covered the inadequate regime of legal protections and benefits available to workers. In 1973, to coincide with and support the tentative steps toward forming independent unions, it focused on collective action at the workplace. For 1974, it highlighted and explained the differences between 'liaison committees' formed by management and trade unions formed by members. Later editions would explore the functions and duties of unions and their members, as well as issues such as the basic conditions of employment, health and safety rights, grievance procedures, retrenchment (or layoff) policies, working hours and leave policies. Many of these continued to serve as valuable reference points and discussion tools long after the year for which they had been printed.

The initial courses convened by UTP consisted of five two-hour sessions, generally only loosely structured, and organised around participants' needs and priorities. Specific activities included discussion groups, simulation games, and role plays; the latter were found to be especially important due to the lack of self-confidence amongst participants. In response to the dramatic increase in demand for worker education opportunities that accompanied this upsurge in membership and organisation, residential courses over a period of two to four days became the norm and courses were conducted in languages preferred by workers.

Union membership and activity rose dramatically in the years following the presentation to parliament in May 1979 of the report from the Wiehahn Commission. This resulted quickly in the formation of two new trade union federations: Fosatu and the Council of Unions of South Africa (Cusa). Union membership around the country rose dramatically, and new union formations and

structures proliferated. As Cooper and others note:

'Amongst all these unions, the influence of the 1976 student generation was evident. Growing worker militancy was expressed in the large number of strikes in the early 1980s, and in a number of cases, workers began to enjoy systematically organised and widespread solidarity action from students and the community at large'.^{LB}

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Transition to democracy & worker education

The coming of democracy in 1994 as well as the collapse of the Soviet Union affected worker education which tended to move more towards supporting capitalism than building a socialist society write, **Salim Vally, Mphutlane Wa Bafelo and John Treat.**

When attempting to come to terms with the precise nature, dynamics and constraints of the ensuing shifts in worker education, it is important to bear in mind the dramatic nature of the social and political backdrop against which the negotiations with the apartheid state and the discursive shifts took place. Despite fierce repression by the state in defence of capital, the workers' movement continued to grow in strength and sophistication. The dramatic increase in worker-led resistance of the 1980s, combined with increasing international pressure, eventually compelled the apartheid government to agree to enter into talks with the liberation movement aimed at negotiating an end to minority rule. At the same time, international developments at the end of the 1980s and early 1990s dramatically shifted the terrain against which these negotiations would proceed.

Neville Alexander recounts how the collapse of the Soviet Union and the rise of what has come to be described as a new configuration of dominant capitalism called 'neoliberalism' together profoundly reshaped the landscape for political struggle in many colonial and industrialising contexts. Although

such factors undoubtedly had a significant effect in determining the timing of South Africa's political transition, he argues, the primary impetus for that transition must be seen to lie in 'the overt and covert internal struggles of the oppressed people of South Africa against the economic and social deprivations of the system of racial capitalism coupled with international sanctions and diplomatic isolation'.

Nonetheless, the loss of a supporting superpower after the fall of the Berlin Wall, for the ANC in particular, all but eliminated militarised resistance as a viable tactic in pursuit of revolutionary social transformation, requiring radical reconsideration of strategy and tactics. The ANC faced substantial additional pressure to adopt peaceful, 'realistic' tactics from the various liberal and capitalist donors and western countries. Although the ANC had been from its inception a multi-class organisation, Alexander observes that its 'dominant, indeed hegemonic, ethos' has always been that of 'the upward-striving black middle class'.

According to Alexander: 'The complete pragmatism of the ANC leaders in matters economic is now well attested. Mandela's

notorious somersault on the question of 'nationalisation' (of mines, monopoly companies, banks, etc) is one of the more dramatic examples of this phenomenon. The ditching of the social democratic Reconstruction and Development Programme (RDP) for the neo-liberal Growth, Employment and Redistribution (Gear) strategy was the logical outcome of this trajectory within the global context of the transition.

In part due to this highly radicalised recent history of the liberation movement, Alexander suggests that the ANC's rapid and enthusiastic embrace of neo-liberal orthodoxy caught many by surprise – including crucially the ruling apartheid National Party (NP). Simultaneously, from the perspective of the intellectual and economic elite representing the 'white' Afrikaner minority, although they may not have secured all they had hoped from the process of negotiations, they were clear and resolute as to what they were unwilling to give up.

It is against this backdrop, Alexander argues, that the 'Madiba factor' can and must be understood: the decisive role played by former President Mandela – one of Alexander's fellow prisoners

on Robben Island – in effecting the negotiated settlement that brought political democracy, even as it effectively entrenched existing economic relations, advantages and incentives through the new constitution's property and sunset clauses. The politics of reconciliation and 'social partners' thus became essential components in the process of suppressing awareness of real, material divisions and managing majority dissent and unrest. Mandela's unmatched combination of political savvy, personal charisma, 'struggle credentials', and commitment to parliamentary democratic institutional forms made him the ideal leader of such a project.

Alexander summarised the net effect of these contextual factors, movement dynamics and exceptional personalities – 'the entire dilemma and tragedy of the national liberation struggle' – as follows: 'To put the matter bluntly: the capitalist class can be said to have placed their property under new management and what we are seeing is the sometimes painful process of the new managers trying to come to terms with the fact that they are managers certainly but not by any means the owners, of capital ...'

'Ownership and control of the commanding heights of the economy, the repressive apparatuses of the state ... the judiciary, the top echelons of the civil service, of tertiary education and strategic research and development, have remained substantially in the same hands as during the heyday of apartheid.'

The ups and downs of worker education can only be meaningfully comprehended with these broader political and economic developments firmly in view. Even as negotiation talks started, the state and capital continued their attacks against progressive forces. Thousands of workers aligned to progressive structures were

murdered by 'third force' groups supported by the apartheid state machinery, Inkatha in the then Natal province, the Witdoeke in the Western Cape province, and others. The trade union movement itself was deeply divided, with powerful factions eager to cooperate with capital interests in reaching a settlement that would prevent radical shifts in economic and social relations to serve the interests of the long-oppressed minority.

As Cooper and others note: 'By 1988, it was clear that the broad movement was being led into a course of negotiation with the apartheid state. The labour movement came under pressure to review its role, as well as its strategies for change and its vision of the future. In line with the newly dominant politics of a negotiated settlement in the late 1980s and early 1990s, the trade union leadership responded by shifting its declared vision from that of opponent and adversary towards a stated goal of "equal partner" with business and government ... Increasingly, the leadership of the labour movement insisted on a partnership with the former "capitalist enemy" and a common commitment to international competitiveness and appeals for foreign investment.'

Accompanying this conceptual and ideological shift, the dominant conception of 'worker education' increasingly changed. From a tradition in which the dominant self-conception of workers' engagement with their own learning involved images of worker-led choirs, plays and poetry – aimed at entrenching the self-consciousness of the working class as a force capable of demanding progressive change in the interests of the oppressed – new images came to dominate, of individual employees earning certificates and filling out paperwork in pursuit of their own advancement.

'This would have two main impacts on worker education

activities: Firstly, the priorities, form of delivery, and key target audience of trade union education were shifted; secondly, the labour movement was to become increasingly involved in workplace training issues guided by a new commitment to increased productivity and international competitiveness', add Cooper and others.

In the years following the 1994 transition, the trend continued of a rapid move away from mass worker education and towards the provision of more specialised, modular training programmes for sharply defined groups of workers. Dramatic changes to the country's economic, social, and political environment in the wake of the transition had profound implications for the trade union movement, and consequently for worker education. As Cooper observes, this led to a change in the role of the leading labour formations from being in an adversarial relationship with the state, to attempting to negotiate as an 'equal partner' with business and the state. Despite its stated commitment to socialism and worker control, the Congress of South African Trade Unions (Cosatu) has been key to the Tripartite Alliance's retention of unassailable political dominance.

Unsurprisingly, shifts in the conception and forms of worker education in post-apartheid South Africa largely parallel the wider shifts that have occurred globally with the rise of neo-liberal macro-economic policy regimes and political imperatives. By 2000, the radical vision of worker education that had animated so much of its practice during the struggle against apartheid had dramatically dissipated, having lost ground with the rise of a dominant 'consensus politics' led by the ANC, which 'assumes the essential compatibility of all stakeholder interests,' argued Cooper and others.

As Hamilton, drawing on Cooper, argues, with the transition to a liberal democratic political regime, worker education has gone from having 'a strong emancipatory objective, emphasising the value of experience in the collective struggle to build new knowledge and in developing democratic participation and decision-making for a socialist society' to one in which 'a human capital approach to worker education, which emphasises individual access to vocational educational and training and upward educational and economic mobility' has become dominant within trade unions. Unions now 'outsource' the training of shop stewards to accredited private providers in order to access training funds available through Sector Education and Training Authorities (Setas).

At the level of terminology, this has led to a rise to dominance within policy discourses of terms like 'adult education' and 'lifelong learning'. Of the latter term in particular, Mojab writes that it 'shifts the burden of increasing adaptability to the workers and at the same time, offers it as a ray of hope for a more democratic engaged citizenry. Stated another way, implicit in this shift in conception is the notion that unemployment can and should be attributed to "deficits" among the un- or under-employed - to a "skills gap".'

Another key development affecting worker education in post-apartheid South Africa was the introduction of the 'National Qualifications Framework' (NQF) in the mid-1990s, which imposed a standardised set of principles, guidelines and definitions for the creation of a national certification system for educational qualifications, overseen by the South African Qualifications Authority (SAQA). Hamilton cites Jones' observation that the NQF 'looks both ways ... [to] social

upliftment through enabling access to educational opportunities for people to improve their lives, but at the same time commodifies education, training and experience and ascribes it with a market value; a credit currency.

While some unions continue their own shop stewards' training, whole departments within unions and federations have been established to engage with education and skills development structures, often, at the expense of trade union education. In the skills terrain alone, trade unions are represented in 21 Setas with representatives from government and business and many require more than one representative from each stakeholder to serve on their sub-structures.'

Ngcwangu summarises Samson and Vally's critique of the NQF's 'outcomes-based' qualifications framework for education and training as follows: '(1) the NQF system would create an unwieldy bureaucracy with Standard Generation Bodies and similar structures resulting in an extensive "paper chase"; (2) international experience indicates that outcomes-based systems focus on what people can do, to the exclusion of other knowledge which they may have; (3) one of the underlying assumptions of "human capital theory" is that there is a direct link between education and economic growth [which obscures or underplays other, more important causes of unemployment]; and, (4) post-Fordist production methods would influence the logic of the development of the NQF: For post-Fordists, investment in education and training must be justified by proof that they are an efficient means of ensuring increased productivity.'

In a subsequent article, Samson and Vally identify further challenges the NQF would pose to union education in South Africa: (1) the NQF's focus on clearly

identifiable performance outcomes reinforced these trends and further marginalised more overtly political, class-based forms of mass worker education; (2) linking union education and training efforts to the NQF in order to satisfy training certification requirements would undermine the ability of unions to maintain control over their own education programmes; (3) disparities between level of training achieved and level of employment opportunities available - an unavoidable disparity over which unions have little if any control - would tend to result in 'educational inflation' (i.e., higher and higher credentials required for jobs that neither utilise nor remunerate workers according to the required skill level); (4) learning moments such as strikes and experiences of building and controlling organisations collectively, which are important elements of worker education that cannot be certified through the NQF system, could become devalued and marginalised; (5) limitations on the number of days off to pursue training would translate into pressure on workers to emphasise industrial and skills-based training over other forms of union training aimed at organising and collective advancement of workers' struggles; and, (6) outcomes-based training and education models define outcomes in terms of individual displays of competence and hence learning understood as a social process would be undermined.

Continuing, Samson and Vally write: 'The issue of collective vs. individual learning and evaluation processes highlights larger issues regarding the NQF's focus on generic competencies that are applicable in all spheres of learning. One of the 10 'essential outcomes' proposed by the Inter-Ministerial Working Group is 'solving problems and making decisions'. The ability to make decisions and solve problems is by no means



Worker education also include choral music. Credit: William Matlala.

a 'natural', neutral or singular thing across different contexts, however. For example, a manager may be very talented at quickly identifying what s/he sees as a problem, formulating a solution, and instructing others to carry it out, and at the same time completely incapable of participating in a joint identification and assessment of a problem, facilitating the collective development of a solution through a consensus-based decision-making process, and participating in a collective strategy to implement the group's proposed solution. Two very different sets of competencies are involved in these two different scenarios, and the skills applicable to each are not transferable to the other. Canadian and Australian critics of outcomes-based education have drawn on the vast body of work on learning processes and have argued that in fact there is no such thing as a de-contextualised generic competency or essential outcomes.

The discourse of 'Adult Basic Education' (ABE) – and later 'Adult Basic Education and Training' (ABET – had replaced the previous, informal discourse in which the term 'literacy' was dominant, understood to encompass more than the ability to read and write, but familiarity with the structures and forces that shape lived opportunities, and a sense of self-driven agency to engage with them. Soliar argues that this was more than a mere change in terminology, but rather an indicator of the rise to dominance of a conception of education for economic skills, with the discourse and practice of ABET focusing mainly on the 'T' for training and leaving aside any suggestion of education that would encompass the full range of skills, values, capabilities and competencies that equip one to participate in the transformation of power and social relations.

Thus ABET, 'lifelong learning' and the construction of 'worker education' to focus on certification together promote a widespread 'flexibilisation' of the workforce through a state-led training regime to maximise economically exploitable skills for the production of value within the (private) formal economy, and to increase a 'reserve army' of skilled labour in advance of market demand. Even as it adopted struggle language of empowerment, participation and a people-centred approach, ABET discourse and practice remain firmly within, and in service of, a political economy of vocationalism, market values and individualism. This is reflected in the fact that the Recognition of Prior Learning (RPL) in higher education institutions and in the private sector are focused on – if not restricted to – providing access to education and the market on the basis of established norms and standards in these institutions.

Within trade union structures, these changes have decisive impacts on roles, responsibilities and self-conceptions. Perhaps most significantly, they promote the conversion of shopstewards – arguably the single most important function within unions for sustaining political consciousness, and therefore a site of often fierce contestation – into ‘trainers’ (or even ‘trainers of trainers’).

CONCLUSION

Roux presciently notes: ‘Trade unions all over the world have had, and still have, noble aims regarding their education programmes, but it is interesting to see how differently these aims are applied. Unions may have many wonderful sounding resolutions, but it is their concrete plans, strategies and programmes and how these are applied in practice that spell out what their resolutions really mean.’

It is crucial to bear in mind that if worker education is to serve an emancipatory purpose, it must be grounded in the contexts and experiences of working people themselves. For this reason, it is important to resist the temptation to pursue the ‘right’ or even the ‘best’ conception of, and approach to, workers’ education, outside of an active and concrete engagement. Scholarly research and analysis can provide evidence and conceptual resources for use by working people who are engaged in struggle – not merely for improved working conditions but for deeper collective self-consciousness and greater self-determination – but in the absence of such grounding and accountability such scholarship can quickly become irrelevant or even distracting. Additionally, as Cooper and others observed ‘a tight definition of worker education is difficult because its boundaries are fluid and dynamic, moving within the full range of learning experiences of workers’.

Cosatu’s position on worker education is currently under review

in the wake of a rejection at its 2009 Education and Skills Conference of a proposal to adopt accreditation processes and standards for union education programmes and activities, in favour of a more explicitly radical and collectivist conception of worker education. This renewal of interest in more politically responsive forms of worker education may indicate resistance among rank-and-file members of Cosatu’s member unions to the increasingly de-politicised and individualistic conception of worker education that has been operative in recent years.

The effectiveness of worker education efforts in shaping political consciousness and in supporting workers’ struggles for fundamental social transformation depends to an important degree upon the opportunities those efforts provide for learning through and from concrete activities of resistance and struggle. For this reason, it remains vital that formal union structures actively resist tendencies towards formalisation, technical functional division, and the rise of certification schemes and standards. In South Africa, this resistance has not been sufficient to prevent a profound de-politicisation of trade union structures, and of political consciousness among workers. Nevertheless, there remains a significant legacy and influence of the traditions of worker education and militant trade unionism in South Africa among some trade unions, community-based organisations and social movements. Perhaps most noteworthy among these are the National Union of Metalworkers of South Africa (NUMSA), South Africa’s largest union, which is currently in conflict with the ANC/SACP; independent trade unions whose members have left the Alliance, such as the General Industrial Workers Union of South Africa (GIWUSA), associations of ‘shack dwellers’ such as Abahlali base Mjondolo, and other social movements rooted in working-class communities.

South Africa’s proud history of resistance in and through education continues. The ‘peoples’ education movement’, ‘worker education movement’ and ‘popular adult and/or community education movement’ are examples. This praxis, relative to the struggle against apartheid has diminished but still exists, and its centre of gravity today has shifted away from trade unions to the new organisational forms, as workers and the unemployed resist the impact of neo-liberalism and increasing poverty and inequality two decades into post-apartheid South Africa. Tendencies towards de-politicisation can be countered and even reversed through worker education that is critical, but this requires structures, activities and arguments that favour independent, democratic control, and that foster skills of critical thinking, building and maintaining solidarity, and cultivating collective self-awareness aimed at the self-emancipation of working, poor and oppressed people.

While the legacy of worker education in South Africa is a rich and proud one from which an enormous amount can be learned, new developments brought about by ongoing capital accumulation as well as the waxing and waning and changing forms of class struggle have brought forward new challenges. Only a few of the most notable among these are the widespread casualisation of labour and the rise of ‘precarious work’; social, political and economic challenges arising from the movements of migrant workers, including xenophobia; and, the accelerating ecological crisis wrought by continuing, unfettered industrial expansion. It is more vital than ever that worker education efforts remain clear, vigilant and resolute in their analytical, organisational and practical commitments. ¹⁸

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