

At a political level we have democracy, though limited and restricted, where the masses of the people have at least the right to decide who must govern them. Those who want to govern must present their manifestos to the people so that the people can decide the best political option by either voting or boycotting. The political rulers are at least subjected and made to account to the popular will of the people.

But in the workplace, the opposite happens. At AECI/AEL and other workplaces we have the dictatorship of the capitalist owners exercised through their management. They solely decide what to produce, how to produce it and how to distribute the wealth created. They solely decide who to employ, who the chief executive officer and who the directors must be. There is no democracy at AECI/AEL. We have a regime of factory despotism where workers have no say, are regarded as people who know nothing about the labour process, and are good only to receive and obey instructions. Through this factory despotism workers are made to slave, being reduced to mere appendages of the unthinking machine.

It is time now to demand democracy in the workplace. We must demand a greater say in the distribution of the R1,3-billion profit. Later this year AECI/AEL is going to get more than R1-billion through the sale of the land, land given to the owners as part of the apartheid regime's security set-up. Who is going to decide how this R1-billion is going to be spent?

It is time that workers discuss and formulate views and demands that can lead to the democratisation of AECI/AEL and to the equitable distribution of wealth. The time has arrived where workers are to put demands to ensure that there is no more the dictatorship of the few over the majority at AECI/AEL. ■

John Appolis is from the General Industries Workers Union of South Africa and Shaun Hattingh is a research and education officer at the International Labour Research and Information Group.

Foreign Zama Zamas:

Not everything glitters in Egoli

Illegal mineworkers or *Zama Zamas*, which means we are trying our luck, work under precarious conditions and are not protected by labour laws.

Janet Munakamwe argues that their activities can be formalised through legislation and unions can also mobilise and organise them.

By 28 February 2014, 24 bodies had been retrieved from the 'bloody gold' tunnel as described by one of the survivors of the catastrophic illegal mine shaft accident in the southern part of Johannesburg. He was referring to the old abandoned gold shaft where his brother and colleagues had perished; 23 of the bodies were of Zimbabweans of which seven were from one family while one was Mozambican. The last body to be retrieved on the eighth day was that of a young Zulu migrant male originally from KwaZulu-Natal.

Among those who perished, three were under 18 years of age and one was a female ex-soldier from Zimbabwe. 22 February 2014 marked the last day of these young people's lives in a foreign land. All their families would plead for – from Prophet Elijah and sangoma, Mama Fikile (not

their real names) was to ask the ancestors of the land and God's miracle in opening up the long tunnel which was by then flooded with water, mist and carbon monoxide. This, they believed would assist them to retrieve the bodies of their relatives to ensure the repatriation of their *amatambo* (bones) back to their respective countries of origin.

While illegal mining is a universal problem (among the local and foreign poor) in South Africa, this article reflects on foreign *Zama Zamas*, considering their political subjective nature, as revealed by the case of Durban Deep miners from which I draw my evidence. At the same time, the aim is to analyse 'illegal mining' which I argue, constitutes a 'sanguinary' or optimistic subset of the informal economy.

Using data gathered through participant observation and interviews with illegal miners



Mineworkers at platinum mine in Rustenburg.

and key informants, I argue that the fact that 'illegally mined gold' finds its destination in the formal economy where it plays an equally important role as 'legally mined gold' would justify my plea for decriminalisation of activities related to the sector, even if this could be controversial.

Illegal mining is a survivalist strategy aimed at alleviating poverty, argues Chen, and Grown and Sebstad. Despite the outside world seeing this sector negatively in particular because it is believed to involve 'underground and shadowy' activities, data gathered through interviews with illegal miners

and observations reveal that this sector is not just a spontaneous process but is an organised mode of extraction. For instance, questions like 'how do the mines locate sites of extraction and production'; 'who organises the shifts' and 'where do these illegal miners sell their gold' are very critical in providing a clear analysis of how these workers mobilise and organise. Whatever the outcome of the legal processes pertaining to illegal mining, such laws should abide by the spirit of the Constitution which is committed to advancing human rights and social justice.

Budlender defines foreign workers as those 'nationals who are either involved in economic activity or seeking to be involved in such activities'. At the same time, representation in this article refers to a situation where individual workers who, in addition to their operational roles in the enterprise stand for the needs of employees, management boards, boards of directors, supervisory boards, management councils, or any other similar managerial body, write Nel and Rooney. Representation also occurs when individual workers join organisations external to the enterprise and elect representatives, who will then interact with management on their behalf to negotiate for an enabling working environment and conditions.

BACKGROUND

South Africa is popularly known as a land of gold and is the world's fourth gold exporter. Gold deposits are mostly concentrated in the Witwatersrand region, Johannesburg in particular, hence its popular name Egoli (place of gold) as ascribed by foreigners who leave their countries in search of greener pastures in the southern African country. Mpumalanga province's Barberton district also attracts illegal miners because of its gold deposits. However, in the post-migrant labour regime, illegal mining has become prevalent as migration has increasingly become clandestine and individualistic.

Indeed, many illegal miners from around the region, from Zimbabwe, Mozambique and Lesotho, are attracted to the commercial city of South Africa where formal and disused mines are concentrated and become Zama Zamas as a survivalist strategy. Other than the gold ownership laws and the Mineral and Petroleum Resources Development Act (2002), South Africa does not have explicit laws to prosecute illegal miners other than drawing from trespassing laws. Parliamentary

debates on how to deal with the illegal mining scourge dominated particularly in 2009 but until today no specific Act has passed through parliament.

Policymakers and key players in law enforcement have in the past expressed unusual views. Some believe the only way to eradicate illegal mining is 'to rehabilitate the area'. Minister for Minerals and Resources, Susan Shabangu believes the best way to deal with the problem is to increase policing by the South African Police Service. This is a short-term measure according to the Democratic Alliance, the main opposition party in South Africa.

The lack of a clear strategy simply means the government acknowledges the instrumental role played by illegal mining in alleviating unemployment and poverty amongst poor communities. Illegal mining serves the purpose of 'cushioning' the inequalities which exist between the rich and the poor. From a Marxist-Leninist perspective removal of this cushion could stimulate some political uprisings or revolution if not 'diplomatically' managed, writes Castells.

MIGRATION

The post-migrant labour regime according to Crush is characterised by informal or clandestine labour migration trends especially after 1994. Indeed, recent mine migration trends to South Africa have been more individualistic, unlike before. Under the migrant labour system, contract mine labour would be formally hired through bilateral agreements signed between South Africa and the labour supplying countries. This would guarantee foreign miners employment in the formal mining sector as opposed to the informal economy.

Crush argues that today the migrant miner is more vulnerable and lacks protection from

exploitation due to the flexible recruitment strategies especially under labour brokers. It is quite clear that the manner in which this system has developed makes it difficult to mobilise workers. Not only have contract jobs dwindled for foreign workers, the contracts have become more precarious than before, but the vast majority of other migrant workers outside of the mining and agricultural sector, are employed outside of any specific protection framework, other than South African legislation.

Under this environment it is important to ask who is representing foreign and local illegal miners in the face of challenges related to health and safety, social wages, and death. While these illegal mine-workers elicited a sense of collectivisation and solidarity they lacked a formal institutional or organisational voice. This lack of representation is sometimes taken advantage of by 'gangsters' who claim to be owning some mining clamps within the informal mine shafts.

This led them to religious and spiritual leaders for guidance and protection as they underwent the arduous process of retrieving the bodies of their loved ones from underground.

INFORMALITY

The intersection between the informal economy and illegal mining in South Africa and elsewhere could be viewed from an informal economy lens. There exist three dominant perspectives which attempt to explain the informal economy, namely: the dualist, structuralist, and legalist approaches.

The dualist approach views the informal sector as survival activities performed separately at the periphery of the formal economy, which is as a result of either a rapid population growth or a deficiency in economic growth leading to lack of employment opportunities, write Castells and others. The dualist

perspective could also be perceived as the 'livelihood framework', which argues that the informal economy is a 'means of gaining a living, including livelihood capacities, tangible assets and intangible assets', argue Grown and Sebstad.

According to Castells, the state tends to be lenient to informal economic activities as a way to resolve the potential social conflicts. This means that social problems with or among citizens might erupt due to unemployment. To avoid this, the state would actually ignore these operators although sometimes they could be harsh, especially on some illegal undocumented im/migrant labourers', states the International Organisation of Migration report.

STRUCTURALIST SCHOOL

This comes from studies by Moser, Portes and Castells, in the late 1970s and 1980s. It can also be referred to as 'Neo-Marxist' and has a negative perception of the informal economy. It rejects the idea of seeing the informal economy/formal relationship as co-existing. They accuse informal workers as reducing labour standards by tolerating low wages as well as operating within poor working conditions. According to Women in Informal Employment: Globalising and Organising (Wiego) this school of thought views the informal economy as 'subordinated economic units' (micro-firms) and workers that serve to reduce input and labour costs and, thereby, increase the competitiveness of large capitalist firms'.

To Neo-Marxists, these two sectors are interconnected and interdependent in different forms of production. Their definitions are also dependent on each other, which simply means that we can define 'informal' because we have what we perceive as 'formal' and the opposite. Again a worker may be found in both economies during the same day. Webster and

Von Holdt give a good illustration of an informal street food vendor who buys her inputs from a formal, registered supermarket and later sells the food to customers – some of whom work in the formal economy. I would argue that the interconnectedness has vastly increased in the face of globalisation as shown by the different flexible forms of employment relations that have recently emerged.

Decentralisation of production brings about informalisation of the commodity chain, as large corporations distribute their production into the networks of small businesses that depend on informal labour. This could be through subcontracting/homework, outsourcing and casual work and in this case illegal mining. In all these cases the formal will be making use of the informal in order to achieve their set goals as well as manufacture their goods at a comparative cheaper price and at a lower labour cost.

It is a fact that some legitimate informal economic activities also make indirect valuable contributions to the national economy. Also, the functions of the welfare state are rendered back to the citizens instead of the government taking care of its own citizens. For instance old people, widows, orphans, the disabled and the unemployed should be taken care of by the state under normal circumstances. Orphaned children as well as those from single unemployed parents should be catered for under government grants so that they do not indulge in informal activities in order to raise funds to pay for their fees. Lund argues that nowadays as a result of the HIV and AIDS pandemic, most grandmothers are left with the burden of caring for their grandchildren and therefore have to resort to the informal economy for survival. The same applies to child-headed families

who have to engage in street vending, shoe-shining or illegal mining in order to meet their daily needs. In a more functional situation, the state is expected to ensure that all its citizens receive basic daily needs.

LEGALISTIC APPROACH

It could also be referred to as the neo-liberalist perspective. This theory was popularised by Hernando de Soto, a Peruvian economist and adviser to the World Bank. He attributes the existence of the informal economy to the rigid laws as well as unnecessary bureaucracy that makes it difficult for entrepreneurs to legally register. As a result, people choose to operate illegally or to some extent criminally. According to Wiego the main reasons for this include tax evasion, avoidance of commercial regulations, reluctance to pay rental fees as well as meeting other costs of operating formally.

According to De Soto, the fact that the informal operators are generating profits demonstrates that there is hope for development if these activities are formalised. This is also supported by Rakowski when he states that there is optimism for capitalist development among informal operators only if the state deregulates the market as well as eradicate the bureaucracy barrier associated with business registration. De Soto also contends that property rights be awarded to operators for a conversion of the assets into real capital, arguing that without legal title, these assets are just as good as 'dead capital'. These property rights, he said, would be used as collateral in the informal operations.

However, while De Soto's argument carries weight to some extent, it falls short of certain practical aspects. It should be noted that these small-scale operators make profits because they do not pay taxes. Again, they make use of cheap labour – for instance family members – or mere exploitation of

workers therefore cutting down on costs. On the other hand, the big legal businesses are disadvantaged by these state regulations through payment of taxes, formal rentals, making use of regulated labour as prescribed by laws. All these aspects have to be taken into consideration before one concludes. With regard to illegal mining activities, the most relevant question would be whether miners want to operate 'big' businesses or prioritise freedom of operation through decriminalisation of this sector.

MOBILISING

While illegal mining, to some extent, is associated with negative practices such as land degradation, environmental pollution, crime (gangsterism) or corruption (usually with police involvement), I maintain that a human rights framework where all workers are valued, respected and exercise their labour rights would be the most ideal. As most of the illegal mine labourers form part of the poor working class from predominantly black families and foreigners, this might be a good starting point for all progressive workers' solidarity movements interested in 'tapping' into this promising but most vulnerable section of the working class.

Illegal miners, because of poverty, have no other alternative but to indulge in the 'illicit' activity despite the nature of the industry which is exploitative, precarious and hazardous. Indeed, the global economic crisis has aggravated the situation for the poor majority through job losses, casualisation and ultimately increased feminisation of poverty, which forced the deceased woman mentioned earlier to go underground in search of the precious metal. Not only are they physically affected (in the worst scenarios loss of life), most respondents admitted to psychological trauma as a result of the 'fear of death' every time they go underground.

While trade unions preach the gospel of socialism towards communism, the paradox is that they are rigid towards vulnerable, informal, illegal, including foreign, workers and are not receptive to these disadvantaged groups of workers. The question is about who is responsible for organising and representing precarious workers in line with ILO Conventions 87 and 98?

It is sad that the criminalisation of illegal mining has precluded the enforcement and protection of foreign and local illegal miners' labour rights, in particular The Labour Relations Act and the Basic Conditions of Employment Act. If the rigid laws surrounding illegal mining continue to prevail, illegal mine-workers will continue to operate in unsafe and dangerous conditions and will be denied access to protective safe equipment and clothing, health, social, police and rescue services in the event of catastrophes. ^{LB}

Janet Munakamwe is a PhD candidate at the African Centre for Migration & Society (ACMS), University of the Witwatersrand and a National Research Foundation grantee and Global Labour University alumni.



NUM on illegal mining

The national executive committee (NEC) of the National Union of Mineworkers (NUM) is concerned that poor people are made to take risks for a pittance while syndicates derive pleasure and extract millions from illegal mining. When the foot soldiers are arrested and charged the real big guns of organised crime are never brought to book.

The desperate unemployed poor people are lured into a cycle of dirty money so long as the big guns are not effectively pursued. In this regard the NUM calls on government to intensify efforts to track down the kingpins of illegal mining operations in order to protect the poor from falling prey to this dangerous cycle.

This also undermines the South African economy and it cannot be left unattended. Any business and government that is serious about its people must take urgent steps to tackle this. This NEC further urges all companies to put more effort and seriousness to close and tighten deserted mines. Illegal mining is not only a manifestation of negligence by mining companies, it is also a challenge to the security of the state and must be responded to accordingly.

This is an extract from a statement issued after an NUM NEC meeting last year.