

# Contestation is good for the country

## Cosatu and democracy

In the run up to the ANC's December national conference the *SALB* examines democracy in various organisations. **Kally Forrest** explores impediments to a more vibrant democracy in Cosatu and puts forward some new approaches.

### COSATU AND INTERNAL DEMOCRACY

The Congress of South African Trade Union's media officer Pat Craven contends that Cosatu is 'remarkable' in its democratic practices particularly compared to union federations around the world. Its formal structures mirror the principle of workers' control. Federation policies are made at a national congress every three years by affiliate members with direct representation. Prior to the congress each affiliate has conducted a similar process so Cosatu resolutions reflect members' concerns. This process is replicated in provincial congresses and local AGMs. After congresses the role of leadership is to implement resolutions and decisions.

Craven believes that two key elements underpin Cosatu's democracy. These are its accountable shop steward structures based on mandates and report-backs and that workers 'employ' union officials through the payment of subscriptions to their union. In turn, affiliates pay dues to Cosatu so that, technically, its office bearers are employed by workers. In theory members can withdraw their subs if they are not satisfied with their union or Cosatu's performance.

A Cosatu unionist and member of

the SACP (South African Communist Party) concurs that Cosatu is more democratic than most organisations. In Cosatu and its affiliates, for example, the secretariat report is distributed well before a congress so that members can question its contents. Likewise, agendas and commissions are distributed well in advance of a congress or CEC (Central Executive Committee). By contrast, at the SACP Congress in July this year no agenda or commissions had been circulated beforehand so there was "nothing to ensure internal democracy".

In Cosatu and its affiliates if documents are not circulated beforehand workers have recourse to postponing the meeting. "Some would say this is bureaucratic, but such rules can be used to rally proper organisational democracy," says the unionist. When comparing Cosatu's democratic culture with that of Fedusa's (Federation of Unions of South Africa), the second largest federation, Cosatu shows a level of worker participation that is not present in Fedusa.

Part of this democratic culture is expressed through widespread collective action taken in Cosatu unions, often in the form of strikes. The substantial action taken in 2006 by security guards and by public sector workers this year are part of this assertion of a democratic voice.

Robust campaigns are also conducted by Cosatu and its affiliates in such areas as health and safety, sexual harassment and violence against women, around farm workers and on transport issues. Through such actions Cosatu's affiliates return to their members the respect that capital denies them.

Yet is it as simple as this? Definitely not, implementing democracy is never simple.

### LIMITATIONS TO ORGANISATIONAL DEMOCRACY

In reality wide ranging participation in national congresses is prevented by a number of factors such as gender, language, skill and confidence. Take women's participation. Women are often silent in affiliate structures. They have learnt that if they raise objections or ask for more information they could be embarrassed or humiliated or have rules of engagement thrown at them. Comments labour researcher Liesl Orr, "Male leadership uses jargon to intimidate people. Women need to stand up when they are silenced and ask, 'How am I out of order?' Women have to be tough to engage. They are bulldozed in meetings through such bureaucratic means as 'It's not on the agenda; we'll get a task team to look into it;



*Business delegation at Nedlac*

we'll discuss it at the next meeting; we'll have to postpone it' and so on."

Also, as unions have become more resourced and their pension funds have grown, leadership power struggles have erupted and the potential for corruption has grown. As Orr comments, "There is now more at stake because unions are operating within a capitalist society rather than from outside as formerly. Amongst leadership there is a degree of manipulation of workers and recourse to ethnic insults, story telling and rumour mongering."

In some unions there is a tendency for leadership to ignore its base and visiting local structures has become rare. Many unions have done away with workplace general meetings, which had in the past allowed membership to voice their issues. Such worker participation previously generated creativity and initiative at the workplace level.

Locals or area-wide shop steward councils are also not as vibrant as in the past, although Craven cites some lively locals such as in Johannesburg, the Carletonville local that has been active around the Khutsong issue, and the Western Cape local that has taken up housing, crime and fishing rights. In the past a strong workers' voice at a local level filtered upwards and gave direction to the union and federation.

In theory, workers' paying

subscriptions disciplines and makes officials accountable. In reality a worker disillusioned by a union's politics, lack of workers' control or bad servicing simply drifts away. When leadership struggles erupted in Nehawu (National Education and Allied Workers Union) for example, disenchanted members simply left the union. It was only through the hard work of the new general secretary who visited workplaces that some membership was won back.

When workers pay their dues they are paying for the right to a decent service. Democracy is thus about delivery. But this right is often abused in unions. One union official told of how her union had in 2007 obtained a worker's reinstatement after dismissal in 2002. In her opinion this five-year delay was due to union inefficiency and a low work ethic. The malaise that plagues the government civil service is also apparent in unions.

But why don't members complain if they are technically the employers? They do. They phone or come into union offices and complain (and sometimes wait long periods without attention), but they are not heard. It is a failure of democracy. In response some unionists have mooted the idea of a Service Charter which could be hung in all union offices to empower workers to demand their rights.

Perhaps too the structure of

Cosatu militates against workers' voices being heard. As Cosatu's 1997 September Commission commented, "Issues and mandates are filtered through the national structures of the affiliates before being voiced in the CEC or congress. This serves to filter out the realities and issues being faced by the *federation*... at regional and local levels;... it may filter out a large part of grassroots issues faced by workers in *communities* and *provinces*..." The Commission suggests that "... the local and regional voice could be institutionalised in the major policy-making structures of the federation. For example, regions could have 10% of the representation and vote at national congress and in the CEC; locals could have 15% in both structures. Likewise, regional congresses could ensure 20% of their representation comes from locals."

It may also be that Cosatu's democratic principles are undermined in other ways by its structure. Cosatu is structured in a democratic centralist manner where majority decisions are binding. A former Numsa (National Union of Metalworkers of South Africa) official has concerns about this system. He recalls the decision to establish a Numsa Investment Company. Five Numsa regions voted for it and four against. "That was a major policy decision and constituted a significant minority

who didn't agree. In parliament you need 75% in favour to change the Constitution."

In Cosatu's minutes the minority position, however, strong is never recorded and so cannot be revisited. Such minutes do not allow those not present to truly engage in the debate and to thus develop more complex positions. Acknowledging (sometimes strong) minority positions could inject new life into debates and allow for more vibrant participatory democracy. An observer, who was impressed at Cosatu opening its September Central Committee to the media, was nevertheless surprised that when debating the issue of the African National Congress (ANC) presidential succession there was so little discussion, despite certain unions having strong minorities that had reservations about the final resolution.

It may be time for Cosatu to consider a different model which could open its ranks to a more genuine democracy. A model that envisages voting on the basis of established platforms may be one to think about.

The current practice, say in a leadership contest, leads to a situation where once leaders have been elected they then control the union apparatus and it is difficult to vote them out. The acceptance of differing platforms could prevent the current situation where leadership has access to the organisational apparatus to promote their candidacy whilst the opposition is left to campaign in secret. All sides would get resources to campaign. Comments unionist and academic Dinga Skwebeu, "This absence of enabling mechanisms results in leadership and other policy battles becoming highly personalised and fractured. The process of coming to a majority is

very important"

The Brazilian federation CUT makes decisions on the basis of platforms. A CUT representative who observed Cosatu elections expressed the view that the process was too orderly and contained the potential for weakening unions. The Finnish labour congress operates on a mixture of representational and proportional democracy.

Communist, Christian, and socialist candidates stand and delegates can decide with which position to align themselves. In the international labour and progressive movement the concept of platforms is readily accepted. Comments Skwebeu, "The truth is we will never have an homogenous working class – there are differences of age, sex, region and so on. There cannot be one line, one army."

Permitting the existence of diverse platforms would also dispense with the uncomfortable practice of delegates being nominated to argue a position, or of justifying a national congress decision, which they don't agree with. Mbuyi Ngwenda a former Numsa general secretary recalled the difficulty of reporting back to his Eastern Cape constituency when Numsa made the decision in 1993 to leave the Tripartite Alliance. Another unionist remembered the difficulty of speaking to his union's opposition to a quota on women leadership at a Cosatu Congress when he did not agree with the position. This practice can stifle robust debate.

Historically, the South African left has not embraced diverse tendencies arguing from different platforms in one organisation. In Cosatu this has partly been due to a fear of creating divisions where unity is considered the basis of power. But suppressing the airing of diverse views also runs the danger of even deeper splits emerging.

William Matlala



*Cosatu's deputy general secretary  
Bheki Ntshahlinshali*

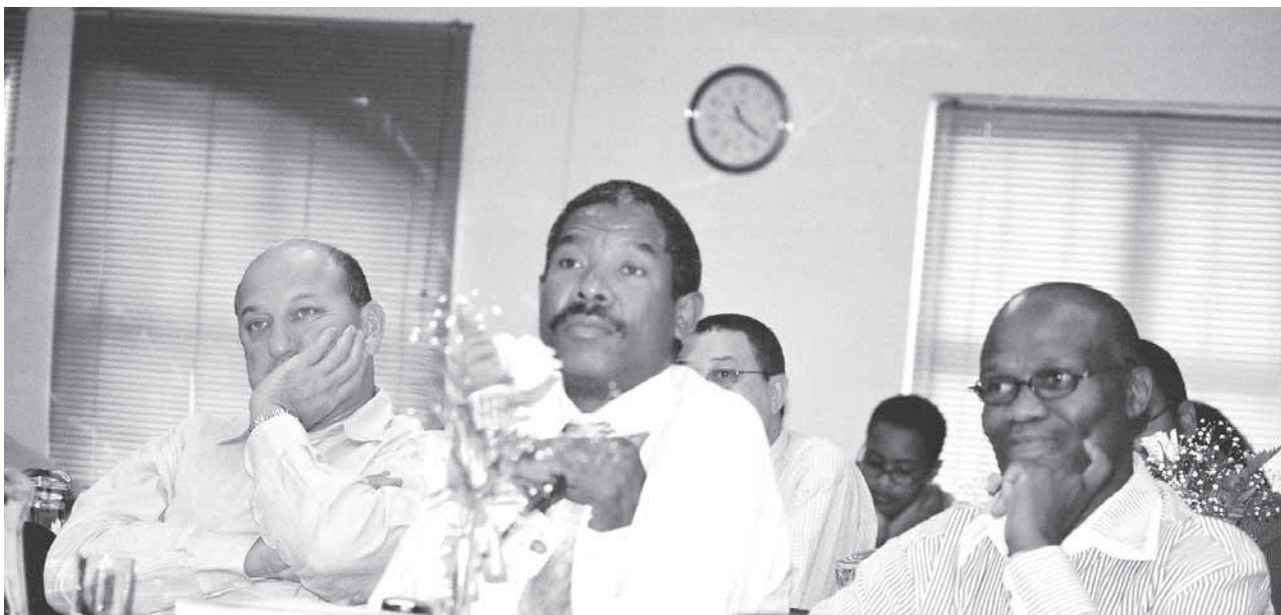
## DEMOCRACY AND COSATU'S WEAK CENTRE

Cosatu deputy general secretary, Bheki Ntshahlinshali, concedes that implementing democracy in Cosatu is complex. The issue of mandating and report-backs can sometimes be complicated.

At times, he believes, negotiations move too rapidly for involvement by membership. He cites talks at Nedlac (National Economic Development and Labour Council) as an example.

At Nedlac, unlike in union negotiations, continuous report-backs and mandating is not part of the culture, especially as there is often pressure to reach a decision. This can sometimes result in compromises unfavourable to workers' mandate as happened during negotiations on the Labour Relations Act in 1995 which in many other ways was groundbreaking. On the UIF (Unemployment Benefit Fund) Cosatu ended up agreeing to the payment of UIF only when exiting a job voluntarily and not on resignation. Also whilst Cosatu won the right to strike, employers won the right to lock out. "Sometimes leadership do not foresee things in the give and take of negotiations. You only see the distortions when you report back. In other situations you simply see workers rejecting the result," comments Ntshahlinshali.

He also believes that Cosatu sometimes fails to enforce workers'



Government delegation engaging in Nedlac structures. Outside, the ANC government can, and does, lobby against agreements reached in Nedlac.

rights when affiliates defy or fail to implement Cosatu policies. Cosatu has few powers to intervene. It usually waits for an affiliate or faction within an affiliate to appeal for assistance before it gets involved. Then it meets with the union and involves other affiliates. This can result in recommendations going to the CEC for discussion. Historically, in inter-union splits Cosatu has achieved some success in unions such as the commercial/catering union Ccawusa (now Saccawu), Nehawu and Fawu (Food and Allied Workers Union). But as Ntshalinshali remarks if the CEC condemns a union for practices such as poor servicing or membership poaching, affiliates often don't propose action as they themselves are guilty of similar practices and so the issue drags on.

The September Commission focused on this issue of Cosatu's weak centre saying, "Cosatu has very limited implementation and co-ordination structures. It has only two full-time national office bearers (NOBs). The role of Exco is to make decisions about how to implement policy and to monitor their implementation; in reality it does not *participate* in implementing or coordinating... Cosatu is driven by its secretariat of two... and has a relatively weak engine..." The Commission cited a more effective alternative, "The LO Norway has an

NOB structure and an Exco which are strong *working* structures. They strategise, make decisions, implement and co-ordinate... LO Norway has two strong engines to drive its work - the full-time NOBs, and Exco." Cosatu has not, however, acted on the recommendations of its Commission.

#### COSATU AND DEMOCRACY IN ALLIANCE

Cosatu has experienced bitter disappointment with its major Alliance partner, the ANC. Its consultative democratic tradition has not been reciprocated and repeated complaints and crisis meetings have not borne fruit.

On broad policy Cosatu and its Alliance partners, including the SACP, often agree. According to Ntshalinshali conflict arises when the ANC in government translates broad positions into concrete policies for implementation. He complains that Nedlac, a tripartite institution representing government, labour and business where genuine discussion takes place, is in the end only a consultation forum. Outside of Nedlac, the ANC government can, and does, lobby against agreements made and argues that it doesn't need the Alliance to tell it how to run the country.

In theory an Alliance summit should meet twice a year to

evaluate the implementation of programmes but in reality comments Ntshalinshali, "We only meet when there is a crisis between us and shake hands and go away. Lack of consultation then leads to further tensions." This pattern endlessly repeats itself. "It's like an abusive husband who beats his wife and then goes back and says he's sorry and then does it again. When we met in Stellenbosch in 2002, for example, we agreed to halve unemployment by 2014, which meant creating a certain amount of jobs per annum. This was negotiated at Nedlac. Now government says this is not possible. But we took this decision and it must be implemented. There is often tension between government and ANC's interpretations. The content of policies gets changed by people in government," observes Ntshalinshali.

Cosatu, however, feels this state of affairs can be changed through a multipronged strategy. In this process it hopes to strengthen the voice of the ANC outside of government to be able to challenge the ANC in government.

Firstly, it believes that a strong political centre needs to be created where policy matters can be discussed and which also addresses policy implementation, although "not in small detail". The ANC and Cosatu engaged constructively at the ANC's June policy conference



and the federation came away optimistic that consultation and agreement was possible. Yet already problems have arisen as Cosatu has disputed the content of documents emerging from the conference.

Another strategy that Cosatu embraces is that of the SACP fielding its own candidates as a workers' party in elections. The SACP Congress however rejected this possibility.

Cosatu has also mooted negotiating a pact with the ANC before the 2009 elections in the spirit of, "What are you going to give us in exchange for delivering the workers' vote?" Up to this point Cosatu has not produced the content of such a social contract, but will presumably do so next year. However, the ANC has shown little interest in pursuing it. There are

dangers too for Cosatu in entering a pact where the ANC is clearly the more powerful partner.

Finally, Cosatu has adopted a strategy of changing the composition of the ANC NEC to reflect a more democratic, labour friendly and pro-poor position. The left has, however, been unable to produce a strong candidate for a future ANC president. Cosatu has thrown its weight behind the deputy president, Jacob Zuma, but his policies remain vague and poorly articulated. The *Business Day* also recently reported that in a speech to investors from Merrill Lynch, one of the US's biggest investment banks, Zuma stated, "There would be no major shifts on economic policies post Plokwane [ANC December Conference venue]...".

This top down approach to politics has had a negative effect on Cosatu's culture of democracy. It has eroded the voices of members on the ground, especially women in the federation. The ANC's 'macho' political culture as Drew Forrest in the *Mail & Guardian* observed seems to have tainted Cosatu. The succession race has led to a climate where it is permissible to humiliate and embarrass individuals in an environment devoid of contested policies, programmes or ideas.

Despite Cosatu general secretary, Zwelinzima Vavi, calling for a leadership gender balance there is little evidence of this in Cosatu's leadership, or in its list of preferred ANC executive members. Women know if they raise objections to Zuma they may be marginalised and humiliated. There is evidence that some women in Cosatu support Zuma's candidacy despite his patriarchal stance and his poor record on gender equality. But there is also evidence that women (and membership in general) are ill-

informed. Orr cites a Cosatu meeting where women supporting Zuma were surprised to learn that he is not a member of the SACP. They had also trusted Cosatu's leadership to promote a leader with pro-worker policies and were again concerned to hear that this was not necessarily the case.

Considering the above, it appears that Cosatu's tactical approach will not strengthen democracy and may yield few changes. In this dead end landscape the left needs to seriously posit alternatives.

In this regard Skwebu proffers the idea of moving away from a single centre of power. This could mean, amongst other things, the electorate voting for the president. In such a process a wider range of candidates would canvass their policies and programmes, which would result in more meaningful discussion on the country's political and economic policies. Orr believes that because of a fear of open contestation around policies and practices, politics becomes petty and back stabbing. She comments, "We have leadership slugging each other off in public. Such tactics are not questioned because you need to defend your faction. This undermines democratic practice and is opposed to the traditions of the labour movement, which is about thinking for yourself when employers exploit you."

Whilst Nshalinshali speaks of developing a strong political centre, Skwebu contends that different centres and contested positions may be a lot healthier for the country. He observes, "Formalising the Alliance could in fact lead to less vibrant politics with a deadening effect on Cosatu's constituency who will sit outside of Alliance trade offs. Contestation is good for the country and creates a vibrant democracy." LB

William Matlala



If women raise objections they may be humiliated or face rules of engagement