

South African labour bulletin

Volume 37 Number 1

March/April 2013

**Marikana & end
of honeymoon**

**Nactu embarks
on membership
growth**

**Transforming
SA media**
Unions suggest
alternatives

**Lula moment
for SA?**

SA role in Brics
What are the
benefits?

Trade unions, technological changes & production

Editorial



FROM THE EDITOR

Whenever trade unions talk of South Africa's economic problems they mention the triple crisis of poverty, inequality and unemployment. Inequality is not as visible at workplaces as seen in the wage gaps between workers and their bosses. Probably this explains why most recent strikes have been for living wages including that of farm, mine, metal, transport and other sectors.

The agricultural sector has been built on cheap labour and this explains why farm workers have been demanding at least R150 per day. Even with the announcement of a minimum wage of R105 per day by the minister of Labour, Mildred Oliphant, the struggle to better the living and working conditions of farm workers continues. However, Katishi Masemola writes on how farmers are threatening workers with retrenchment over the announcement of the minimum wage.

The Department of Labour, the National Bargaining Council for the Clothing and Manufacturing Industry, and the Southern African Clothing and Textile Workers Union (Sactwu) are forcing factories to close shop in Newcastle, KwaZulu-Natal, through 'compliance' drives for minimum wages. This forces labour-intensive firms out of business and in the process jobs are lost, write Nicoli Nattrass and Jeremy Seekings.

Far from it, replies Sactwu's Andre Kriel who argues that Nattrass' and Seekings' views are based on myth not reality. Ilan Strauss adds that any argument for lowering wages in the clothing industry promotes 'a race to the bottom,' which threatens gains that have been made on wages.

Johannesburg's fashion district's cut-make-and-trim workers are at the bottom of the pile of precarious workers. The mainly migrant workers who work in cramped rooms in run-down buildings are at the bottom of the value chain of a once vibrant clothing industry. Eddie Webster and Katherine Joynt look at why this is the case.

Technological change at the workplace should be seen as an opportunity for reorganising and unions should plan for it in advance so as to avoid retrenchments. Technology also brings with it new skills for workers writes Mondli Hlatshwayo.

The Marikana massacre signals the end of a honeymoon in South African politics, says Tinyiko Sam Maluleke in an interview with Musawenkosi Malabela.

The massacre shatters the innocence of a shared vision of a party and government that has workers' interests at heart. Instead it exposes an unholy alliance between unions, police and employers.

Even at the Commission for Conciliation Mediation and Arbitration (CCMA) workers have rights to be represented by an attorney, ruled the Constitutional Court in the case of the *Law Society of the Northern Provinces v the Minister of Labour*. In effect this ruling strikes down CCMA's clause 25(1), writes Tirelo Morule.

Transformation of the print media is a passionate issue for trade unions, as seen by the Congress of South African Trade Unions and the National Council of Trade Unions presentations at the Print and Digital Media Transformation Task Team. It seems the trade unions and media owners see media transformation using different lenses: unions with Marxist lenses and the owners with neo-liberal ones. However, we wait to see how the task team will handle the views they received from around the country.

The Lula moment, that basket of economic policies described as promoting pro-poor growth, were buzz words at Cosatu's 11th National Congress last year. The Chris Hani Institute, an independent think tank of the Left, then took a leaf from the congress and organised a roundtable discussion on the issue in Johannesburg. Speakers at this discussion, including Giorgio Romano and Ruy Braga, analysed the Brazilian experience, while others explained what lessons could be learnt for South Africa.

Brazil and South Africa are also members of the Brics, together with India, China and Russia. What economic benefits does this grouping bring to South Africa as compared to other international bodies that it already takes part in. Memory Dube analyses SA's involvement in Brics, which will be holding a summit in Durban in late March.

The National Development Plan (NDP) joins other policy documents in a conspiracy of silence when it comes to wages and living and working conditions of farm workers and people living in rural areas. Instead of addressing issues to improve livelihoods of the rural population, the NDP opts for waving populist flags of unity and illusions of solidarity in an unequal society, writes John Sender. ^{LB}

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.

Copyright © Umanyano Publications. All rights reserved. No part of this publication may be reproduced in any form or by any means, electronic or mechanical, including photocopying, without permission in writing from Umanyano Publications.

Published by
Umanyano Publications
89/00595/23
ISSN03775429
Physical Address:
5th Floor
Cosatu House
Cnr Jorissen and Simmonds Streets
Braamfontein
Postal Address: PO Box 3851
Johannesburg, 2000
South Africa
Phone: 011 403-3075
Fax: 011 403-9873
Email: salb@icon.co.za
Web: southafricanlabourbulletin.org.za

Editor:
Elijah Chiwota
Administrator:
Boniswa Tshiqi
Ambassador:
Lebo Zulu
Editorial assistance:
Di Stuart
Design and production:
Blue Apple Publishing

Printing:
Hay's Print
Johannesburg

EDITORIAL BOARD
Chris Bonner, Sarah Mosoetsa,
Molly Dhlamini, Jane Barrett,
Kally Forrest, Seeraj Mohamed,
Ebrahim-Khalil Hassen
Honorary Board Members
Edward Webster, Adam Habib,
Karl von Holdt

The views expressed by contributors are not necessarily those of the editorial board of Umanyano Publications.

SA Labour Bulletin would like to thank the following organisations for their support: · Strengthening Civil Society Fund (Department of Labour) · Open Society Foundation of South Africa (OSF-SA) · Friedrich Ebert Stiftung (FES)

Cover image: William Matlala



In the Workplace

Farmers' knee-jerk reaction
Dangerous & short-sighted
Katishi Masemola 4

Jobs destruction in SA clothing industry
Undermining labour-intensive growth
Nicoli Natrass and Jeremy Seekings 6

Sactwu responds to CDE report
Andre Kriel 10

Race-to-the-bottom labour policies
A dead-end
Ilan Strauss 12

Joburg's inner city clothing workers
A hidden world
Eddie Webster and Katherine Joynt 14

Trade unions, technological
changes & production
Mondli Hlatshwayo 17

Marikana & end of honeymoon
Interview with Tinyiko Sam Maluleke
Musawenkosi Malabela 20

Legal representation at CCMA
Tirelo Morule 22

Unlocking labour laws
Debbie Collier 24

In the Union

Nactu embarks on membership growth
Jo-Mangaliso Mdelela 26

Transforming SA media
Unions suggest alternatives
Elijah Chiwota 28

On politics & economics

Lula moment for SA?
Elijah Chiwota 32

Economic transformation in Brazil
Elijah Chiwota 33

Precarious development model
Ruy Braga 35

Fictions & elephants in rondavel
Response to NDP on rural development
John Sender 38

Sadtu's response to SoNA
Education not declared essential service
Sadtu 42

Is education an essential service?
Numsa says no
Irvin Jim 43



contents

Across the globe

SA role in Brics

What are the benefits?

Memory Dube 47

Uniting for democracy in Swaziland

Mario Masuku 51

Closing Zim's wage gaps

Lecturers get organised

Numurayi Mutyanda and

Chido Tecla Bvumisani 55

Review

*The Roots of Political Instability in Nigeria:
Political Evolution and Development in the
Niger Basin*, E.C. Ejiogu

Reviewed by **William Gumede** 58

After work

Workers' imbongi

Elijah Chiwota 60



Farmers' knee-jerk reaction

Dangerous & short-sighted

Since last year farm workers have been on strike demanding a wage increase of R150 per day. Although an agreement was reached for a minimum wage of R105 per day, some farmers have threatened to retrench workers, writes **Katishi Masemola**.

The Food and Allied Workers Union (Fawu) is concerned that, as expected, some farm owners will see it fit to make a knee-jerk reaction to the new minimums by unduly retrenching workers or, even worse by some farmers, by engaging in vicious victimisation in various forms such as unfair dismissals, illegal evictions and illegitimate deportations of foreign migrant workers.

Fawu wants to remind farm owners that South Africans cannot approve such conduct by some of them. It is almost 20 years since freedom and democracy with land still in the hands of largely white people, and 100 years after the institutionalised (1913 Land Act) takeover of the already inadequate land from black people and the creation of black farm workers. It is also 360 years since the violent occupation of land by settlers from indigenous people.

In light of this history, Fawu still calls on farm owners to be sensitive and reasonable when it comes to the plight of farm workers, farm dwellers, the landless and dispossessed majority. It is unacceptable for farm owners to behave as if there was no democratic breakthrough in 1994. There is also a need for faster redress to the plight of farm workers in the next few years.

We still hope that those farm owners who are truly experiencing cash-flow challenges will take advantage of the call by the Minister of Labour to ask for a reprieve based on financial information provided. Equally, we wish to caution the minister to deal carefully with such information and preferably in a forensic way as some complicated ways are being used on the farm balance sheets, which may even influence or affect the cash-flow picture.

ENGAGING FARMERS

Meanwhile, Fawu will seek to engage those farm owners who are talking of retrenchment and hopefully reach an understanding with them. If no agreement is unduly reached or where there is no union on a farm where workers are being victimised, we will immediately coordinate local consumer boycotts and international retailer boycotts. Fawu reserves its rights to take on such actions.

However, despite this reaction by farmers Fawu welcomes the short-term victory of a 50% adjustment in minimum wage for farm workers, from R69.00 to R105.00

Fawu is inspired by the courageous announcement by the Minister of Labour, Mildred Oliphant, and by the preceding

recommendations by members of the Employment Conditions Commission (ECC) to adjust wages by more than 50%.

Fawu believes that this meets our short-term demand of a minimum wage increase for farm workers of not less than R105 per day.

This raise of over 50%, by the Department of Labour, is a meaningful step towards obtaining a living wage for farm workers. It is unprecedented to have a wage increase of over 50%, but it was the least that could have been expected in light of the unacceptably low minimum wage of R69 per day – enough to buy only four loaves of bread per day.

We will, however, fearlessly continue to push for higher wages in the sector, with the clarion call for a R150 per day minimum as our mandate. We will do so through any and all militant, but legal and responsible methods. Additionally, we will engage with all relevant stakeholders in our attempt to make living wages viable, including innovative methods such as possibly pushing for tax-breaks for farm owners, lower export/import duties, pushing for retailers, exporters, 'middle men' and traders to pay more to farm owners and possibly even government subsidies.

Our members, guided by their union, will also continue to

negotiate on a farm-by-farm basis and such negotiations should, hopefully, result in agreement on issues such as working conditions like hours of work and health or safety as well as on living conditions like shelter and services on electricity and water.

Where there are no farm-by-farm

agreements, we will not rule out industrial actions targeted at those specific farms as well as calls for domestic consumer boycotts and international retailer boycotts of produce or products coming from such farms.

Our short-term focus will now be on ensuring that farm owners

respect the law and pay workers no less than the new minimum wage. Our members will also be on the look-out for any unfair dismissals and illegitimate deportation of foreign nationals.

Katisbi Masemola is the general secretary of Fawu.

The Congress of South African Trade Unions (Cosatu) fully agrees with the Food and Allied Workers Union (Fawu) that these farmers have made 'a knee-jerk reaction' to the new minimums by 'engaging in a vicious backlash of victimisation... unfair dismissals, illegal evictions and illegitimate deportations.'

For decades farm workers and dwellers have been treated little better than slaves – paid poverty wages for working long and unsocial hours, forced to live in squalid houses, with no security of tenure. If they lost their job, they would often lose the house as well, and families could find themselves on the streets. In the worst cases, workers have been assaulted or even murdered.

The federation accepts that many other farmers have moved on, they abide by the labour laws, and some are already paying more than the minimum wage. We are always willing to sit down and talk to such employers and negotiate better wages and conditions.

Cosatu is however concerned at the comment attributed to Deputy Agriculture Minister, Pieter Mulder, that a blanket wage increase for farm workers would not be financially viable, as not all farm owners would be able to afford the new minimum wage. 'I think it's a mistake,' he is quoted as saying, 'to determine it for the whole sector. Some farmers in De Doorns can certainly pay it,

but some of the poorer farmers in Limpopo and even upcoming commercial black farmers can't afford to pay it.'

Mulder must also be aware that farmers can apply for exemption from the minimum wage. They do not have to go for retrenchments and evictions. But these have to be the exceptions to the rule. Others must comply with the minimum wage announced by the deputy minister's government.

DISMISSALS AND EVICTIONS

Cosatu condemns the action of bad farmers who are now threatening to dismiss workers en masse. This is nothing more than a political action by the farmers, who are unhappy about the fact that their days of Baasskap are over. They also feel they are less able to control every aspect of the farm workers' lives, when the farm workers earn a decent wage.

This dismissal threat is nothing more than an effort to spite workers and the government, and to try and turn an important step towards undoing the apartheid legacy around. This is a declaration of war against justice and fairness on farms; this is an act of hostility against the workers and the government.

Should farmers have legitimate problems of paying the new wages then they should apply for an exemption, as the law prescribes and the minister advised. None of the farmers who are now threatening dismissals

have applied for an exemption. So this confirms that it is just an attempt to undermine the move to decent wages.

Agri SA had through the Business constituency made an offer of R94 a day for labour at the Employment Conditions Commission, so clearly they had the ability to pay more. These steps on the part of bad farmers are just an attempt to try and secure the apartheid generational advantage, which is going to be undone, with greater fairness.

Cosatu calls on workers to oppose these dismissals and continue production on the farms, and to call on government to pay out these bad farmers who are promoting dismissals, when government takes their land. This land must then be distributed amongst good farmers and good workers to build a new partnership for agriculture.

There are clearly a number of bad farmers, advised by Agri SA who want to continue the historical hostility, between farmers and farm workers. We caution them and advise that an *Injury to one is an injury to all*, and we will as Cosatu use everything at our disposal to defend workers. This year the issue of land reform must be addressed and the farmers would do better to cooperate with change, than to try and continue with their apartheid-style attitude against workers. **LB**

Jobs destruction in SA clothing industry

Undermining labour-intensive growth

Labour-intensive growth is not receiving support from government, bargaining councils and trade unions that are in favour of high-end decent work. As a result, this approach is causing loss of jobs in the clothing industry in places such as Newcastle, write **Nicoli Nattrass** and **Jeremy Seekings**.

Successive government plans emphasise the need for job creation in South Africa, yet industrial and labour market policies are biased against labour-intensive growth. Nowhere is this more evident than in the clothing industry, where employment has collapsed in the face of rising wage costs and intensifying international competition.

South Africa's most labour-intensive firms, which produce basic clothes for the mass market in direct competition with China and other low-wage countries, have survived by relocating to lower-wage regions and/or paying below the legal minimum wage. Some firms have relocated production to Lesotho, where minimum wages are substantially lower.

The existence of the rump of labour-intensive manufacturing in South Africa is now threatened by a 'compliance drive' launched by the National Bargaining Council for the Clothing Manufacturing Industry (NBC) in 2010. Firms that do not pay the minimum wage are pursued through the courts and eventually forced out of business.

We estimate that about 16,700 jobs are directly under threat, with further job losses possible in other firms in the areas concerned. This has serious implications for labour-intensive growth as clothing is South Africa's most labour-intensive industrial sector, and the low-wage firms targeted by the NBC are its most labour-intensive.

The NBC was created in 2002. Resisted from the outset by several employer bodies, especially in KwaZulu-Natal (KZN), the NBC has never been representative of firms in KZN or in the country as a whole. Only about one quarter of the firms that are registered with the NBC (collectively employing less than half the workforce) are represented by employer associations and hence are 'party' to agreements concluded with the South African Clothing and Textile Workers Union (Sactwu). Nevertheless, successive ministers of labour have used the Labour Relations Act to extend wage agreements to all clothing firms in South Africa, whether party to the NBC agreement or not.

In June 2011, five small clothing enterprises from Newcastle, a low-wage region in KZN, initiated legal proceedings against the NBC and the Minister of Labour over the extension of minimum wages to them. The case was scheduled to be heard in January 2013.

At stake is the survival of 450 firms employing around 16,700 workers being targeted by the NBC in its compliance drive. This article locates the Newcastle story within the broader context of South Africa's clothing industry and related industrial policy.

MINIMUM WAGES IN CLOTHING INDUSTRY

Since the first national minimum wage agreement in 2003, nominal and real minimum wages have risen significantly in the lowest wage, non-metro areas of South Africa, including Newcastle. In 2000, when minimum wages were still set through the Employment Conditions Commission, minimum wages in Newcastle were half those in Cape Town. By 2011, after nine years of wage agreements in the NBC, they had reached two-thirds of the Cape Town level.

Employers represented in the NBC, who are largely located in metro areas, have gone along with the reduction of inter-regional differentials as this is of little consequence to them.

Although some of the firms that are party to the NBC agreements claim that they face competition from lower-wage producers, in fact they tend to produce for relatively protected niche markets (e.g. bespoke orders, promotional goods) or the 'fast fashion' end of the industry, where margins are higher and where longer-term relations can be forged with retailers.

These firms are not threatened by competition from low-wage, non-metro firms which produce different products for different markets, notably simple skirts, shirts and pyjamas aimed at middle- and low-income consumers for whom branding is less important.

The claim by the NBC and the umbrella employers' association, the Apparel Manufacturers of South Africa (Amsa), that the compliance drive is necessary to protect themselves against unfair competition is doubtful.

Amsa members have long co-existed in the presence of low-wage firms in South Africa, the destruction of which will benefit firms in China and Lesotho, not Amsa members. Amsa's support for the compliance drive should be seen rather as a means of putting pressure on government and Sactwu (because of the likely job losses involved) to agree to a new 'wage model' for the industry with more room for productivity linked pay.

Increased international competition, especially from China, caused in part by the appreciation of the rand between 2003 and 2011, has been the major factor behind the collapse of employment in South Africa's clothing industry. But this collapse

would have been even worse if many of the low-wage producers in places like Newcastle had shut down due to an inability to comply with the minimum wages imposed by the Minister of Labour. Non-compliance, however, has resulted in chronic conflict with the NBC.

CHINESE FIRMS IN NEWCASTLE

The five applicants in the court case are so-called 'Chinese' producers in that they originate from Taiwan, Hong Kong or China. Originally recruited by the municipality in the 1980s and 1990s to create jobs, Chinese producers brought with them the skills and networks needed to operate at the most labour-intensive end of the clothing industry. By the 2010s they had come to form a settled 'Chinese' community. It is a community that has had to weather a number of shocks, the first of which was in 1991 when decentralisation incentives (including wage subsidies) came to an end, and minimum wages were set by the Wage Board.

Many ignored the wage determination and, by 1995, Sactwu had over 30 labour disputes with firms in Newcastle. Ebrahim Patel, then general secretary of Sactwu, was unsympathetic, saying that he would 'eat these fly-by-nights for breakfast'. Later, as minister of Economic Development (from 2009), he supported an approach to industrial policy which provides incentives for industrial upgrading conditional on compliance with legislated minimum wages. This, along with other aspects of industrial policy, has been intended to move the clothing industry towards the more capital-intensive, sophisticated end of the market. There is simply no place in this approach for lower-wage, more labour-intensive production.

The second major shock came when wage-setting through the NBC began. This coincided with the appreciation of the rand from 2003, which wiped out the large export producers. The remaining producers now concentrate on the low- and middle-income domestic market, competing directly with imports from lower-wage countries like Lesotho and China. Their relationship with the NBC has been fraught: many registered with it, but did not comply with the minimum wage agreement (although some raised wages in an effort to get closer to the legal minimum); others attempted to avoid the NBC altogether – an increasingly untenable strategy given the compliance drive.

The Newcastle Chinese feel betrayed by the transformed policy environment and by what they perceive to be racist slurs, such as calling them 'fly-by-nights' when they regard Newcastle as their home. They also feel that there was a failure to understand how difficult it is to compete at the bottom of the clothing market. Profit margins are very low, and tight deadlines are stressful for owners and workers. In this highly competitive environment, missed deadlines can turn a small profit into a major loss as penalties are imposed and orders cancelled. Some owners live on their factory premises, mobilising their family to work long hours in the factory if a deadline is in danger of being missed.

Mr Cheng, the owner of Lucky Industry, died of a heart attack late one night in 2011 as he worked five knitting machines while trying to complete an order. It is these pressures that have also sometimes resulted in labour practices that are clearly abusive, such as locking workers into the factory. In one infamous case, a worker gave birth to twins during a night shift, both of whom died because the



Textile factories used to employ many women.

owner could not be reached and relatives could not access the locked factory. This prompted the Department of Labour to inspect Newcastle clothing factories, finding other instances of abuse. It also prompted Sactwu to launch its 'operation clean-up' to end 'sweatshop conditions' in the area.

Some Newcastle firms still do not fully comply with the Basic Conditions of Employment Act or pay NBC-agreed minimum wages, but the situation defies simple characterisation. Some firms provide small payments to their workers during the off-season (a practice they might have to stop if they paid higher minimum wages). Others have experimented with worker co-operatives and various forms of productivity-linked pay. One model is to pay bonuses for production over and above a basic quota. Another is to offer low minimum wages plus piece-

work payments. These practices can result in significant variation in earnings. According to wage records for 2011, take-home pay for workers employed by one of the applicants in the case ranged from 15% below the NBC minimum wage to almost double it.

There is therefore no simple correlation between minimum weekly wages and total earnings, and not all workers would necessarily benefit if minimum wages rose to the prescribed level at the cost of reduced productivity-linked pay. Indeed, when one of the applicants in the court case attempted to increase his minimum wages to 70% of the legal minimum, he could do so only by reducing his piece-work bonuses. His most productive (and best paid) workers resigned in protest at their reduced total earnings.

COMPLIANCE DRIVES & JOBS DESTRUCTION

By the end of 2009, the NBC was in the process of taking action against over 400 clothing factories, mostly in low-wage areas of KZN (especially Newcastle), Botshabelo and QwaQwa. Some owners engaged in elaborate cat-and-mouse games with the NBC as they begged for time to implement the minimum wage whilst completing their existing orders and simultaneously making plans to shut down their companies. Some opened new factories with machinery leased from elsewhere (to avoid having these assets attached), often in different locations, forcing the NBC to begin the process anew. Others downsized to micro-enterprises in order to obtain an automatic exemption from the minimum wage, or re-organised along co-operative lines.

In 2010, the NBC compliance manager drew up a list of 65 priority 'offenders', escalating their action against them. Employers and workers protested the precipitous job destruction, various meetings were held, and, in December, a 'moratorium' on proceeding with writs of execution against non-compliant companies was imposed. Minister of Economic Development, Ebrahim Patel, announced that non-compliant firms had 15 months to become compliant on a phased basis.

He also encouraged firms to make use of the government's productivity incentives. These, however, were conditional on compliance with minimum wages and, historically, the Department of Trade and Industry (DTI) support for the clothing industry has been aimed at large companies like Sear del (part owned, ironically, by Sactwu). Such support has not prevented further retrenchments in the industry.

It is difficult to estimate precisely how many jobs might be lost if factories are forced to comply with the minimum wages agreed by the NBC and extended to non-parties.

It is difficult to estimate precisely how many jobs might be lost if factories are forced to comply with the minimum wages agreed by the NBC and extended to non-parties. It appears that there are 16,700 workers nationwide employed at factories which pay at least some workers' wages that are below the existing minimum. While it is not possible to say how many workers' wages would have to be raised or by how much, many of these factories operate on razor-thin margins, and any pressure on costs might result in closure. If the cost of compliance includes both raising minimum wages and paying unpaid levies to the NBC, outstanding pension contributions, etc., the

likelihood is that many factories will be unable to absorb the costs and will close.

The closure of the highly labour-intensive firms in Newcastle and elsewhere will have other consequences. The loss of clothing jobs in Newcastle, for example, would undoubtedly affect the viability of other businesses in that community. In addition, some of the compliant factories in Newcastle draw staff from non-compliant firms who act, in effect, as training institutions. If these factories are closed, training costs in compliant firms might rise, affecting their margins and viability, too.

There appears to be no grounds for optimism that the DTI/Sactwu vision of a high-wage, high-fashion, top-quality, 'decent work' strategy will create an employment growth engine anything like the low-wage, labour-intensive model currently under threat in Newcastle. Indeed, it implies that, if the industry is to exist at all, firms must compete only in

government's industrial policies.

The Sactwu/DTI vision is that only 'decent' jobs should exist in South Africa, and that labour-market and industrial policies should actively prevent any low-wage, low-productivity production as this is supposedly a 'low-road' to growth. But the hoped for 'highroad' of substantial job creation through skill and capital-intensive growth has yet to materialise, and the costs have been borne by workers in labour-intensive industry and the unemployed.

South Africa needs a more differentiated approach to wage-setting that enforces basic standards of employment but tolerates low-wage employment. Allowing low-wage producers in places like Newcastle to continue to exist will not harm jobs in the upper end of the industry. Instead, it will accommodate the needs of low-skilled workers, the unemployed and poorer consumers who purchase basic clothing rather than the pricier, branded, fast fashion products.

The extension of agreements, the NBC's compliance drive, and resulting job losses puts paid to the argument that South Africa's bargaining councils do not affect employment. Indeed, the story illustrates how, under the hypocritical guise of promoting 'decent work', labour-market institutions and industrial policies can create an unholy coalition of the state, a trade union, and metro-based, relatively capital-intensive employers whose actions can inflict massive job-destroying structural adjustment on a labour-intensive industry.¹⁸

Nicoli Natrass is professor of economics and Jeremy Seekings is professor of political studies and sociology at the University of Cape Town. This article comes from an executive summary of a non-commissioned report they wrote for the Centre for Development Enterprise. The full report can be downloaded from www.cde.org.za.

the 'high fashion', technical/quality end of the business. The destruction of low-wage labour-intensive firms is thus explicitly part of the DTI and Sactwu's structural adjustment programme for the industry.

CONCLUSION

The struggle of the Newcastle clothing producers to remain in business highlights the difficulties involved in promoting labour-intensive growth in South Africa. The firms have to contend with minimum wages set in bargaining councils dominated by unionised businesses in metropolitan areas, producing for the higher value-added top-end of the industry, often with substantial support from

Sactwu responds to CDE report

The Centre for Development Enterprise (CDE) report titled *Job Destruction in the South African Clothing Industry: How an Unholy Alliance of Organised Labour, the State and Some Firms is Undermining Labour-Intensive Growth* by Nicoli Nattrass and Jeremy Seekings is a completely biased and depressing perception of the clothing industry, writes **Andre Kriel**.

Myths, repeated often enough, can incorrectly be assumed to constitute reality or truth. Take, for example, the recent flood of clearly one-sided negative assertions about the clothing industry, falsely spewed out as facts. This drivel is disingenuously constructed to justify exploitation of mostly black women workers. Its broader aim is to dismantle our industrial relations system for even worse exploitation opportunities.

It is claimed that the industry's collective bargaining structure is just a cosy club of big business, the union (Sactwu) and government, who deliberately manipulate wage levels to the detriment of small companies. The facts are different: 87% of companies that are members of associations belonging to the bargaining council are small micro and medium enterprises (SMMEs). Sactwu represents more than 85% of these companies' workers. Government is not represented on the bargaining council at all.

The myth of an inflexible, 'one-size-fits-all' wage regime is also perpetuated. In reality, the industry's wage agreement prescribes at least 220 different

wage levels for the benchmark job category (machinists) alone, depending on location, experience and manufacturing operations type, spread over nine different geographic areas.

The industry wage agreement actually does provide for productivity-linked wage payments, contrary to false public perceptions being created that this is not the case.

Prescribed wages are actually very low. In an area like Newcastle, a machinist's gazetted starting minimum wage is only R369 per week for a 45-hour work-week.

The bargaining council is monsterised as the cause of wide-spread wage non-compliance. In fact, the council has not always assumed wage jurisdiction over non-metro areas like Newcastle. Prior to 2002, non-metro area employment conditions were set by sectoral determinations. Even then, the same employers deliberately refused to comply with the law. The bargaining council inherited this historic non-compliance when its registered scope was expanded to cover non-metro areas. It did not create non-compliance.

Non-compliant manufacturers in non-metro areas do not compete with compliant metro-based manufacturers, because their product markets differ, it is claimed. This is not the case. Sactwu regularly engages in retrenchment negotiations with law-abiding companies, where the cause of job losses is verifiable loss of orders to illegal non-compliant companies.

HOW LOW CAN YOU GO?

The fiction is created that clothing industry job losses are primarily caused by high wages. Actually, wages are bitterly low. In Durban metro, for example, the current gazetted starting minimum wage for a machinist is only R364.10 per week. In Cape Town it is R446.50 and in Johannesburg it is R360.40.

This is lower than the R525 weekly wage recently prescribed for farm workers. It takes new clothing machinists at least 18 months to reach the top rate, which in itself is very low. In fact, even top rate clothing workers are the lowest paid in the whole of the domestic manufacturing industry. Yet, there is now an aggressive onslaught to drive wage levels even lower. How low can you go?

In reality, the main cause of the massive job losses which the industry had experienced were primarily attributable to the fast-tracked tariff reduction regime introduced under the Growth Employment and Redistribution (Gear) economic policy in 1996: tariffs were reduced at a faster rate than required by the World Trade Organisation (WTO) regulations and, in addition, to lower binding levels.

This was compounded by high levels of illegal imports and serious instances of widespread under-invoicing at our ports of entry. Fortunately, government has now

taken serious steps to correct the previous tariff reduction debacle. More needs to be done to stem illegal imports and under-invoicing, though.

False information is being spread that the clothing bargaining council is to close down 450 factories, causing 16,000 job losses. Has anybody taken the time to check the facts instead of just blindly throwing up propaganda? The bargaining council currently holds writs of execution against 297 factories (not 450) employing about 5,500 workers (not 16,000).

Most of these companies have

now actually taken steps to become compliant and everything must be done to reward their quest to legalise their operations. Many others still deliberately refuse. Their illegality cannot be allowed to continue. It causes job losses in law-abiding workplaces.

The issue is not a trade-off between jobs and decent work, almost as if the two issues are mutually exclusive. Competitive advantage cannot be based on illegality and a race to the bottom. ^{LB}

Andre Kriel is general secretary of Sactwu.



William Matlala

In a textile factory workers at VKC

Race-to-the-bottom labour policies

A dead-end

In response to Nicoli Nattrass' and Jeremy Seekings' report, **Ilan Strauss** argues that cheap labour policies do not promote development, but are a race to the bottom.

The renowned British economist, Joan Robinson, noted that 'the misery of being exploited by capitalists is nothing compared to the misery of not being exploited at all'. This is the essence of the argument provided by professors Nicoli Nattrass and Jeremy Seekings, as to why the demands of five low-wage Chinese clothing firms in Newcastle are worth supporting. The firms have taken the National Bargaining Council for the Clothing Manufacturing Industry (NBC) and the minister of Labour to court over having to comply with the legislated minimum wage. If bargaining council stipulations are enforced, thousands of jobs could migrate elsewhere, with the losers being South African workers.

It is a powerful argument. But is the economics behind it correct? And should it be supported? It is worth revisiting Robinson's views on the matter.

Reducing the real wage was defined by Robinson in 1937 as one of four 'beggar-my-neighbour' policy weapons. The others being exchange rate depreciation, export subsidies, and import restrictions. Within a single country, Robinson argued, a beggar-my-neighbour policy would have a similar effect to an increase in domestic investment. Assuming it led to a

rise in the trade balance, it would increase employment, output, and income. These similarities evaporate, however, when analysed from the global level, as a beggar-my-neighbour policy might increase a single country's sales but only at the expense of another's, said Robinson. The best-case outcome then is that global levels of employment, trade, and income remain unchanged. In contrast, Robinson noted that 'an increase in home investment brings about a net increase in employment for the world as a whole'.

BEGGAR-MY-NEIGHBOUR

In detailing this difference Robinson makes an important distinction, between competition which is unfair, since it competes in a zero-sum manner, and competition which is fair, as it facilitates the progressive expansion of the size of the economic pie. Competition based on technological advances and improved quality is fair. They expand the economic pie and potentially benefit everyone. Beggar-my-neighbour labour policies do quite the opposite. They compete through lowering the real wage and benefits, worsening working conditions, and engaging in unfair trade practices.

Turning to the facts, non-compliant Newcastle firms want to use beggar-my-neighbour labour

policies to save 16,700 jobs. These firms compete against low-wage producers from abroad for the domestic market. Despite thin margins and fierce competition, it is improbable that most of the 16,700 workers are at risk. This number is merely the estimated number of clothing workers who are paid below the legislated minimum wage.

As for working conditions, signed affidavits by workers employed at Newcastle firms describe working 15-hour days without overtime pay, having wages deducted for taking longer than 2-3 minutes for a bathroom break, being fired for falling sick, appalling health and safety 'standards', and being locked in the factory during 12-hour night shifts. In one case cited by Nattrass and Seekings, 'a worker gave birth to twins during a night shift, both of whom died because the owner could not be reached and relatives could not access the locked factory'.

Wages for machinists in non-metro areas are R40 to 60 a day, or R200 to R300 a week, according to Nattrass and Seekings. Based on the Southern African Clothing and Textile Workers Union (Sactwu) calculations, this will rise to R73 to R104 per day, or R369 to R534 a week, if the minimum wage is enforced. In comparison, farmworkers now earn R105 a day.

Central to Nattrass' and Seekings' argument is that if low-wage non-metro firms are exempted from minimum wages, skilled and higher paying metro firms will be unaffected. This assumes that metro firms who produce more expensive items do not compete for the same markets as non-metro firms making simpler goods. In practice, such a neat distinction does not exist, according to a long-time Cape Town clothing manufacturer (who asked not to be named). 'Newcastle labour constantly undermines employment in Cape Town', I was told.

Effective industrial policy first and foremost aims to create internationally competitive firms. It cannot be successful if held captive to promoting labour-intensive production. Good industrial policy will, over-time, generate employment through growth and industrial diversification.

Even if concessions are granted to these firms, as Nattrass and Seekings advocate, who can guarantee that still greater concessions will not be asked for when new lower-wage competitors emerge from abroad? The constant hunt for ever 'cheaper' labour creates a 'race to the bottom' on a global scale. This is apparent in the number of apparel firms which have relocated from South Africa to lower-wage Lesotho. This poses a conundrum; for if South Africa doesn't use cheap labour policies, then another country less concerned with enforcing minimum wage legislation might. South Africa's labour and wage standards will only be respected if government and trade unions face up to this challenge.

The crux of Nattrass' and Seekings' argument is that these firms provide 'labour-intensive' employment and so must be supported. For us to properly evaluate this, we need to consider the differences between industrial policy and employment policy.

Effective industrial policy first and foremost aims to create internationally competitive firms. It cannot be successful if held captive to promoting labour-intensive production. Good industrial policy will, over-time, generate employment through growth and industrial diversification.

Nattrass and Seekings provide no reasons as to why it would be good industrial policy to support these firms. Support cannot be given indefinitely to producers who are unable to become internationally competitive. And certainly not when paid for by consumers through higher prices.

CHEAP LABOUR UNSUSTAINABLE

More fundamentally, there is no guarantee that any advantage created by cheap labour can be sustained in global or domestic markets. *Sooner or later, technological innovation and mechanisation defeats cheap labour.* Cheap labour is not itself an engine of growth.

Extensive surveys conducted by Simon Roberts and John Thoburn and Mike Morris and Lyn Reed, show that clothing and textile firms in South Africa which competed most successfully in global markets post-1994 were those that invested in technology and human capital and entered into higher value-added niches.

As an employment or social policy, supporting these labour-intensive firms makes little sense. They are effectively already funded through a regressive tax (since poorer consumers who buy this clothing are paying for the quota protection against

cheaper imports); do not enhance competitiveness (compared with public works); and provide an unpleasant work experience with little training. The only point in its favour is that wages are a relatively high proportion of costs.

Unemployment should be addressed through investment, upskilling and training, a more targeted and efficient Expanded Public Works Programme, and support for small and medium sized enterprises. These and many other policies must be carefully explored.

National labour legislation is no longer effective against unfair competition based on cheap labour and the race to the bottom. The labour market is a global one, requiring globally agreed and enforced minimum wages and conditions. These promote a competitive raising of skills, efficiency and technique which can end up benefitting everyone.

South Africa might begin working towards this by joining with countries in the region, and other Brics (Brazil, Russia, India and China) members, to lobby at the World Trade Organisation for goods that are made using labour paid below an agreed minimum real wage to be labelled an unfair trade practice.

Beggar-my-neighbour labour policies are a dead-end. Increasing economic opportunities can be provided in a manner which expands the economy as a whole, enhances competitiveness, and without threatening basic labour standards. For this task an entirely different set of tools is required, most notably investment. ¹⁶

Ilan Strauss is an occasional staff member at Corporate Strategy Industrial Development (CSID), Wits University and is an economics consultant. This article was first published in the Business Day.

Joburg's inner city clothing workers

A hidden world

Clothing workers in Johannesburg's inner city work under precarious conditions of low pay and are at the lower end of the industry, write **Eddie Webster** and **Katherine Joynt**.

Yau starts his day at 5am in Orange Farm where he catches a minibus taxi to go to work in inner city Johannesburg. Here, amongst fellow Malawian immigrants, he sews jackets in one of the small cut-make-and-trims (CMTs). Like many other CMTs housed in the cramped rooms of the dilapidated building where he works, Yau's CMT is struggling.

He makes an average of US\$50 per week to support his wife and child, US\$15 of which he uses for transport to and from work. The job does not entitle him to any benefits. Yau hopes that he will be able to access loans so that he can buy more material to establish his own business. But the enterprise is not registered and it will be difficult for him to obtain a loan.

This is the story of many people working in the clothing industry in inner city Johannesburg where competition is tight and customers are few. Some factory owners reminisce about the heyday of the district which was once a thriving hub for the clothing industry in South Africa.

Large Full Package Manufacturers (FPMs) which operated the entire manufacturing process of clothing dominated the industry and provided employment for thousands of machinists. Today, FPMs are few and the industry is decentralised,

with hundreds of small, unregulated and informal CMTs being common in the industry.

The CMTs and micro-enterprises which have multiplied in the inner city are either sub-contracted by larger factories or supply small retail outlets directly. Forced by international competition into the periphery of the industry, they operate in abandoned or hijacked buildings in South Africa's inner cities. The so-called 'Fashion District' in Johannesburg's inner city is one such example.

Johannesburg's inner city 'Fashion District' covers 34 blocks in the Johannesburg Central Business District (CBD) and consists of over 1,000 small and medium-sized enterprises, most of which are in the clothing industry. Visually, the district is vibrant and diverse.

In the countless small rooms in tall buildings, businesses range from informal driving school offices and nursery schools to traditional healers. There are also CMTs which sew custom-made garments, bridal gowns and traditional African dresses.

On the mosaic patterned pavements hawkers cook and sell food. Other activities include informal hairdressing salons that offer haircuts, people collecting paper for recycling and women who stuff cushions with mattress foam cut-offs.

Studies say the Fashion District emerged when the clothing industry moved away from its protectionist past towards a more open and integrated economy. From the 1960s to the late 1980s, the South African economy – including the clothing manufacturing industry – was insulated from the global market place.

The apartheid government had introduced a range of import substitution and policies aimed at developing the internal manufacturing industry. One of the main instruments was the use of tariffs. For the clothing and textile industries, high tariff walls effectively prevented imports penetrating the local market place or putting any pressures on local industry. Sanctions helped protect the industry too from global pressures.

In 1994, South Africa was signatory to the Marrakech General Agreement on Tariffs and Trade (GATT)/World Trade Organisation (WTO) agreement, where the country agreed to embark upon a massive liberalisation of tariffs on manufactured goods, including those of the clothing and textile sectors. Inefficiency and corruption in South Africa's customs administration intensified the impact of tariff liberalisation. Bennet says large quantities of clothing, mainly from the Far East and from the Southern

William Matlala



Worker sews clothing in Mayfair.

African Development Community (SADC) region, entered the country without any duties being levied at all, or without the relevant 'rules of origin' being adhered to.

As clothing and textile industries were previously amongst the most highly protected of South Africa's industries, enterprises faced intense pressure to become more competitive and cut costs.

An estimated 80,000 clothing workers lost their jobs in the 1990s as cheaper clothing and textiles were imported from East Asia.

Under the impact of liberalisation, labour's collective power was weakened by fragmentation of the labour market through decentralisation of production, casualisation, part-time work and the accompanying outsourcing of workers to a third party. Guy Standing has described this trend in the labour market as the growth of a precariat.

'Below the core are the new legions of the precariat', writes Standing, 'flitting between jobs, unsure of their occupational title, with little labour security, few enterprise benefits and tenuous access to state benefits. They include the more fortunate of the vast informal economy... (they) lack employment security, being in jobs usually regarded by employers as short-term or casual, and seen that

way by those doing the work. Often they have no employment contract, or if they do it is casual'.

Following the International Labour Organisation, we define work in the informal economy in terms of the precarious nature of the employment relationship. This includes not only self-employed workers but also casual, part-time, temporary and outsourced workers that could be employed in registered formal enterprises.

The main effect of the emergence of this precariat was to reduce wage costs, especially indirect costs, through the lack of benefits. As Castells and Portes argue, 'By lowering the cost of labour and reducing the state-imposed constraints on its free hiring and dismissal, the informal economy contributes directly to the profitability of capital'.

It also undermines, Castells and Portes continue, the power of organised labour in all spheres. These spheres include economic bargaining, social organisation and political influence. Undeclared, unprotected labour, small units of production, networks rather than socialised labour processes are also undermined. Other effects are homework rather than factories, unstable relations of production, multiple intermediaries between labour and capital, segmentation of labour along age, gender, and ethnic lines, and dependence of the job upon the absence of legal control.

All these factors, they conclude, 'contribute to the de-collectivization of the labour process and to the reversal of the material conditions that historically allowed the emergence of the labour movement as an organised force'.

It also, they argue, blurs class differences through the emergence of intermediaries. There are still exploiters and exploited, work authority relationships and submissive work, yet between the structural logic of production and appropriation of the product and the actual social organisation of

these processes, there are so many mediations that the experience of labour and the emergence of stable class positions do not correspond to each other anymore. Thus, the women sewing at home for a 'friend of the family' who is a middleman selling to a commercial intermediary of a large department store, cannot be socially equated, nor does she equate herself, with a garment-factory worker.

Finally, they argue, the diversity of working situations is generally reinforced by the specific characteristics of the workers who tend to be involved in the informal economy – women, immigrant workers, ethnic minorities and the young. Castells and Portes, note that 'It is in this sense that the process of informalisation tends to reinforce some specific social groupings that differ markedly from those associated with stable class lines'.

In this article we give background to the working conditions of the new informal proletariat – or precariat – that has emerged in the clothing industry in the inner city of Johannesburg.

Drawing on the results of in-depth interviews and non-participant observation, this article provides a portrait of work in the clothing industry in Johannesburg. We began our research in 2007 by interviewing 21 workers in different types of clothing enterprises in the inner city of Johannesburg.

In 2011 we revisited the site and conducted in-depth interviews with a further 18 workers. These face-to-face interviews were conducted at clothing factories and places where workers ate lunch. From the results of the interviews it was possible to establish workers' conditions of work according to different characteristics of their employment, regardless of whether they work in formal or informal enterprises. In addition a clothing enterprise profile provided us with a micro-level understanding of the shortcomings and advantages of different enterprises in the inner city.

RESTRUCTURING AND CLOTHING VALUE CHAIN

According to Etienne Vlok before 1994 the clothing industry was highly protected, focusing on import substitution and predominantly producing low value-added clothing for the local market. With the ending of apartheid, and membership of the World Trade Organisation (WTO), the South African clothing economy was opened to international trade. During the late 1990s and early 2000s exports of low value-added products increased and the industry remained competitive against imports. In part this was the result of an undervalued rand and the incentives from the Duty Credit Certificate Scheme.

However, with the appreciation of the rand after 2002 and the influx of Chinese imports, the industry entered its third phase characterised by unprecedented job loss and reduction of production capacity. Currently the industry is battling to compete and maintain employment levels. The trend for global clothing production networks is that higher skill functions such as international branding houses are located in countries in the North, while low-skill functions such as CMT are generally located in countries in the South.

Global competition between different CMTs for tenders linking them into these global production networks is tight and usually depends on who can offer the most competitive price in relation to quality. This price hinges on the only flexible input; the cost of labour. In the global apparel industry costs of labour are a small proportion of the total costs in the production of clothing. On average wages constitute less than one-half of 1% of the retail price of branded sweatshirts.

In her assessment of the South African clothing sector, Miriam

Altman asserts that the South African clothing industry is unable to compete with cheaper Asian clothing imports on the basis of price. This is due to the low cost of labour in those countries and therefore the low cost of production with which they yield a competitive advantage.

While it is true that South Africa's clothing industry is battling to compete on the basis of low wages, the low prices of Chinese goods are also due to the fact that the textile and clothing industries in China receive generous state subsidies. According to studies about 32% of enterprises in clothing/textile industry in China in 2001 were state-owned with a growing trend of government spending and lending to combat the current financial crisis, while many private sector clothing factories receive tax subsidies, favourable input prices and preferential loans and grants.

Vlok further says South Africa's clothing and textile imports are growing significantly faster than its exports. China is the most important source of clothing imports making up about 74.3% of imports, while India makes up the second largest importer at 5.4% and Hong Kong third at 4.6%, while imports from other African countries are shrinking at the expense of regional development.

Official data underestimate the level of imports due to under-invoicing and other forms of illegal imports such as changing labels of origin. The level of illegal imports has been conservatively estimated at between 10% and 30% of total clothing and textile sales. According to Vlok 'even at 10% of domestic production this would amount to 15,000 jobs'.

In response to competition in international and local markets post-1996, many South African factories downsized through retrenchments or closed down

altogether. Other factories relocated, either to rural areas in South Africa where bargaining council wage rates are lower than in urban areas, or to countries such as Botswana where there are government incentives such as subsidised wages for the first five years and fabrics brought in from neighbouring countries are not charged import duty.

The largest clothing factory in Gauteng, which employed about 600 workers, moved to Lesotho in 2003 where, according to a factory owner 'there are no unions or any of that nonsense and wage rates are very low'.

Through the restructuring of the industry, the value chain for the production of clothing is becoming more and more decentralised, with retail chains and big branding houses controlling the network of links between small 'informal economy' CMTs, FPMs and 'formal economy' CMTs.

In conclusion, we argue that a four-tiered employment structure has emerged, with four main types of clothing enterprises in the area, each linked differently into the value chain for the manufacture of clothing, offering different working conditions and experiencing different challenges. The enterprises which offer the least security are survivalist CMTs in which the precariat, consisting of mainly foreign male clothing workers, work in enterprises that are the least connected to the value chain for the manufacture of clothing. We will explore the four-tier employment structure in the next issue. **LB**

Katherine Joynt is a Pbd candidate and Eddie Webster is professor emeritus in the Society Work and Development Institute at the University of the Witwatersrand. Part of this article was first published in the Journal of Workplace Rights.

Trade unions, technological changes & production

When it comes to technologically influenced production changes at the workplace trade unions should be more innovative in defending workers' interests and jobs, writes **Mondli Hlatshwayo**.

William Matlala



Raymond Scannel, a labour commentator, raises the following sharp point, 'If production decisions are left completely in the hands of management, with unions restricting their role to bargaining over the impact, then organised labour will become adept to negotiating funeral arrangements'. Negotiating retrenchment packages as a result of displacement of workers by new technology and reorganisation of production represents a setback in workers' struggles since such negotiations are akin to bargaining around the costs of a burial undertaker instead of keeping the worker alive.

A reactive trade union response to production leads to unions becoming skilled negotiators of workers' 'funeral arrangements'. Therefore, in order to defend workers' interests and jobs, trade unions have to adopt a proactive approach which seeks to deepen the union's understanding of developments in a plant, industry, national and global levels. A proactive approach heavily relies on independent trade union research on production and full participation of union members.

ARCELORMITTAL VANDERBIJLPARK PLANT

The case study of ArcelorMittal Vanderbijlpark (the company was called Iscor till early 2000) illustrates that a reactive approach to technological changes can have disastrous effects on

work, workers and trade unions. Job security cannot be guaranteed by merely signing collective agreements with the bosses. There has to be a concerted effort which seeks to ensure that wages and production struggles are combined with the view to defend and advance positions of workers at the workplace.

One appreciates the fact that trade union responses to technological changes and work reorganisation tends to be shaped by the balance of forces between capital, labour and state – from the plant to the national level – as well as the global level. Despite the balance of forces being in favour of capital, workers and trade unions have been able to extract gains from capital through struggle. In fact, it is these localised struggles which can play a role in shifting the balance of forces in the long term.

The ArcelorMittal Vanderbijlpark Plant, the largest inland steel mill in sub-Saharan Africa, is situated in the town of Vanderbijlpark in Gauteng Province, about 70 km south of the city of Johannesburg. In 2011, the plant employed 4,616 people who are almost 50% of ArcelorMittal South Africa's workforce which has operations in Vereeniging, Saldanha Bay, Pretoria and Newcastle. The head office of the ArcelorMittal SA is at the Vanderbijlpark Plant.

ArcelorMittal SA's global standing is further enhanced by being part of the world's largest steel producer, the ArcelorMittal International Group which employ 316,000 people on a global scale.

In its Annual Report of 2010, ArcelorMittal SA makes a point about a need for it to continuously improve its technological platforms in the production process. 'Yet another factor is the need to continually re-invest in plant and equipment to keep pace with technology or market growth or both'.

The two main unions that are organising workers at the plant are the National Union of Metalworkers of South Africa (Numsa), a predominantly black union, and Solidarity, a

predominantly white union. Numsa membership at the plant is generally semi-skilled with a sprinkling of skilled workers. On the other hand, Solidarity's membership tends to be in skilled positions such as artisans and production workers.

UNION RESPONSES TO TECHNOLOGICAL CHANGES

Changing workforce at Iscor SA

In the main, workers with less formal education became victims of displacements by technology and work reorganisation. The unskilled workers were not the only category of workers that was affected by the reduction in the number of workers. Workers in the administration, human resources and hostel administrators, and managers were also affected and these are positions that were occupied by white workers.

Technological changes and work reorganisation have also transformed the workforce of ArcelorMittal SA fundamentally. Out of 9,233 employees, there are only 353 unskilled workers. In other words, 93% of the workforce is either skilled or semi-skilled.

A small permanent workforce and increased productivity

In 1988 there were 58,100 workers and this number was reduced to 9,886 workers by 2011 at Iscor South Africa. This means that about 50,000 workers have lost jobs since 1988. In 1989 the average revenue per employee at Iscor South Africa was R106,000 and there were 56,200 workers employed at that time.

In 2011 there were 9,866 employees and the average revenue per employee was R3,285 million. The increase of revenue per employee between 1989 and 2011 was R3,179 million. The revenue per employee increased 30 times since 1989. On the other hand, the period from 1989 to 2011 also saw a decrease of employees by close to 50,000 workers. Therefore technological changes, unbundling and work reorganisation led to fewer workers but greater productivity.

Trade union concerns

In analysing technological changes in the labour process both unions strongly argued that there was a lack of consultation in the process and they saw technological change as an imposition from management. Meanwhile, Numsa policy on consultation concerning technological changes states that, 'A company must give six months' notice of the introduction of new technology. This notice period must be before the decision to purchase the machinery has taken place'.

Participation

Omega, a work reorganisation programme which was also accompanied by technological changes, was introduced in the 1983 and 1989 and early 1990s for white and black workers. *Omega* was introduced when Numsa was still grappling with the difficulties of privatisation and the basic organisation of workers.

The project caused divisions within the union because workers and members of Numsa saw it as a threat to their job security. In addition, they also saw shop stewards who participated in the *Omega* workshops as collaborators who sided with management. This conflict became violent and led to the killing of Numsa members and shop stewards in the Vaal region.

Research

Paul Joubert, the head of research at Solidarity, was asked if the union conducts research on the role of technology in work processes. The response from Joubert was, 'Well. [The research is] not directly [on technological changes] but most of the time it does come in as an incidental factor... We have not looked at it as subject specifically'.

In the majority of cases the research of the union focuses on wages. This entails an analysis of company reports, an analysis of the socio-economic situation and the formulation of wage demands.

While Numsa has generally focused on wages as part of its collective bargaining, in 2009 and 2010 the union conducted important research related to production in the automobile sector.

Unlike Solidarity, Numsa has at least tried to engage research on 'production' but that has only been at the level of the automobile sector. Numsa is advanced compared to Solidarity because there are labour support organisations and researchers who are trying to help the union in dealing with production matters.

Education

It can be argued that Solidarity's education programme tends to be largely about basic union issues such as 'handling of labour cases and wage negotiations', according to Reint Dykema, a Solidarity spokesperson. On the other hand, Numsa has a broad education programme which includes shop steward training on labour laws, as well as a political economy education programme.

Perhaps Numsa can be regarded as a union that has an intense education programme in the South African context. However, the limitation of Numsa's education programme is that it has not examined in detail the question of production and technology. This is possibly because Numsa's general focus is on wages and broader political issues without integrating these areas with knowledge about developments related to changes in production and technology.

Wages and production

Dinga Sikwebu, Numsa's national education officer, also reflects on the work of the union. He explains, 'If you take the bulk of union work, it is around negotiations, bargaining on wages and all that'. On the other hand, Solidarity pursues a strategy and a wage focus which includes a strong dimension opposing affirmative action. Arguably, this strategy has been viewed as part of protecting white privileges.

Union resources, union work and structures tend to focus on wages. Even collective actions such as strikes tend to be geared towards putting pressure on management largely during wage negotiations. This is understandable because workers use their income to purchase goods and services so they can continue to reproduce themselves and their families. However, this is again a one-dimensional strategy which also focuses on distribution of value created in a plant implicitly and practically grants management an uncontested power to change production in a manner which suits the interests of plant owners.

The national congresses, regional structures, local meetings, and membership meetings of both unions tend to focus on wages and broader political issues. Technological change gets discussed only when it affects job security. These could be platforms and spaces of sharing and generalising union experiences with technological changes and work reorganisation.

The structures of the union at head office are not geared towards addressing technological changes at the plant. Numsa is in the process of reviving Research and Development Groups (RDGs) which are meant to help the union to grapple with work reorganisation and the economy.

Way-forward

An understanding of the following can help unions to develop a proactive approach to production. This includes understanding the industry itself, financial position of companies, the plant, its production methods, technologies, and interaction with workers who produce technologies. Additionally linking health and safety issues with production technologies, workers' control of all forms of union interventions, proactive research and hiring of engineers and technicians who have an in-depth understanding

of work processes and technologies should be understood

Reflecting on his involvement in work reorganisation in the context where management wanted to close down a plant in Germany in the late 1980s, Konrad Siegel, a former shop steward of IG Metall, argues: 'The pilot [initiated by the union] project started in 1989 and went on until 1993 when I left the company. In all these case autonomous teams led by myself restructured work and productivity increased on average by 20%. In some cases it was 40%. There was a good market situation we had relative job losses; not absolute job losses... Now the plant is one of the productive plants [in the industry] worldwide.'

He also states that restructuring led by workers and the unions in a plant had the blessing of union membership and workers in general. There were general meetings which provided workers with updates. Workers were also enthusiastic about the changes because jobs were saved. Workers were also paid for 'thinking' about productivity. Initially these processes led to debates and conflict within the union.

To sum up, unions cannot just have a uni-dimensional struggle of wages and 'politics'. As part of the struggle for workers' control of production and defending jobs, trade unions have to engage with production. Of course, this has to be driven by union membership, consultations and mandates. ¹⁸

Mondli Hlatshwayo is a researcher at the Centre for Education Rights and Transformation at the University of Johannesburg. The paper, on which this article is based, was commissioned by the Friedrich-Ebert-Stiftung (FES) South Africa Office and presented at the Automotive Conference organised by the Numsa and Industriegewerkschaft Metall in October 2012 in Johannesburg. This article does not reflect the views of FES.

Marikana & end of honeymoon

Tinyiko Sam Maluleke, professor and deputy registrar at the University of South Africa, says the Marikana massacre signals the end of a honeymoon phase in South African politics. He talks to **Musawenkosi Malabela**.

MM: What are your general views on the Marikana massacre?

TSM: Well, firstly, I am glad that you are calling it a massacre because that is what it is. I know that part of the 'war of words', that has broken out since the massacre, and you can almost tell where a person is coming from by how they refer to the event. Some call it the Marikana tragedy while others talk of an unfortunate event. In the 2012 E'skiel Mphahlele lecture – delivered in Polokwane by Professor Muxe Nkondo – he referred to the event as the Marikana disaster.

So the question of what you call it becomes very important, because it already indicates your stance, your basic reaction to it, and the potential basis of your future actions. I think it is fair to call it a massacre because more than 30 persons were massacred in a relatively short space of time. It is a massacre because this was – primarily – the state against citizens. It was a situation where one side, by virtue of its training and weapons, was far more superior to the other.

There is one newspaper picture which was very similar to a Sharpeville massacre picture which I recall – with people lying down and one person trying to get up

because they were just injured. Some people have reacted very angrily when comparisons have been made between Marikana and Sharpeville saying: 'It is not the same: that this is not an apartheid state and so on'.

What is the same is that it is state violence against citizens and civilians. That the state is not an apartheid state is significant but to the dead citizen, does it matter whether one was killed by an apartheid state or a democratic state? In some ways Marikana is worse than Sharpeville in that these dead striking workers – at least the 34 – in all probability are some of the people who voted this government in.

So they have every reason to regard this as 'their' government, and therefore did not expect to be killed by members of a police force under the command of a democratic government. You can't say the same for the people who died in Sharpeville. They died in the hands of a police force under the command of a government they did not vote for.

The Marikana massacre is certainly the Sharpeville of post-apartheid South Africa. Nothing close to it has happened since independence in 1994. It is a watershed event.

Marikana means several things to us. It shatters our child-like innocence about what it means to be a democracy. It smashes our pretence that we are a country that is at peace with its citizens and with itself. All our assumptions about a caring state that is pro-poor and worker-friendly have been thrown into confusion. This then is the end of our honeymoon – between citizens and the ideas of liberation and democracy. In this sense we must 'read' the Marikana massacre not in an isolated manner – because it's easy to do so.

This insistence of the contextualisation of the Marikana massacre within the post-apartheid story of South Africa was the hallmark of Professor Nkondo's lecture. Relations of trust seem to have broken down between workers and their union leaders – perhaps a long time ago. This is shown especially by the relationship between certain sections of the leadership of the National Union of Mineworkers (NUM) and the workers.

This is not to generalise NUM-worker relations as bad and poor. But clearly there seems to be a growing distrust between the workers and some leaders. This too is the end of an incredible

honeymoon during which mine-workers made gain after gain under the leadership of the NUM. Has the NUM reached its plateau? Have post-apartheid labour relations – at least in the mines – reached a turning point? Do the vast majority of mine-workers still assume that the NUM has only their interest at heart?

There is another dimension to the ending of the honeymoon. This pertains to the fact that everyone who died is black – all the 56 workers who died in the strife in the platinum mines in 2012. It is not insignificant that in the 18th year of democracy overseen by a government of the *African National Congress*, and *Africans die*. A question that is being asked, albeit in hushed tones is [being] black cheaper or has it gone down in value since 1994? One would have expected the opposite.

I think it's also the end of the honeymoon between bosses and workers. We have gone through a time when the Congress of South African Trade Unions (Cosatu)'s interventions and those from government, were seen as coming from 'our' trade union and 'our' government. Workers had a sense that even the bosses had the same understanding.

Its problems notwithstanding, the National Economic Development and Labour Council (Nedlac) bargaining forum is a product of a shared vision, between labour, government and management – a vision born out of a shared struggle. This shared sense of past and future has been shattered.

Workers are beginning to question: 'Maybe we don't have a shared vision, or have been duped into thinking that there is such a thing when it actually doesn't exist'.

Another level at which the honeymoon has come to an end, is at the level of the ANC and the people who vote for it. The ruling party sometimes spends too much time talking about its

members as if they are its most important constituency when in fact the voters of the ANC are more numerous and in some ways more important. But it is the vast majority of South Africans who place their hope and future in the ANC. I have a sense that the honeymoon between the ANC and the people is also fracturing in very significant ways. Marikana is an illustration of this, but is not the *only* illustration and therefore must be situated within a long period of so-called service delivery protests.

Violence, for example, has come to characterise the protests. We saw that in Marikana people were carrying weapons, and we have also seen the return of the 'necklace' in the killing of so-called sell-outs. There were reports and indications that many Marikana workers were rejecting the NUM, and in some ways the Association of Mining and Construction Union (Amcu). Although others think that Amcu was behind the strike, I am not sure that even Amcu was always in control of what was happening there.

It is as if workers went to the backyard of the homestead instead of the pretty and shining front and caught their leaders with their pants down, and saw the unforeseen. They discovered the link between union leaders, political leaders, mine bosses and the Black Economic Empowerment (BEE) elite and connected the dots. The moment of awakening had come.

MM: What caused the massacre?

TSM: What can ever make it necessary to kill 34 people in seconds or 11 people in a week? So the question is annoying because nothing should cause a massacre in a democracy.

There is a cocktail of socio-economic issues that caused the massacre: the poor living conditions of the mineworkers and the shameful salary gaps. There were

debates on whether R5,000 was better than R4,000.

'No, no they don't really get R4,000, its R5,600' – as if those saying this could live on that amount. The bottom line is that the gap between the salaries of workers and mine bosses, workers and trade union leaders is too big.

Then you have the police being let loose on the people to 'take charge of the situation'. Were all options exhausted? Where were the ANC leaders from Luthuli House? Where were the relevant cabinet ministers? Where was Cosatu? Where were NUM and Amcu? I mean for a week or two the workers of Marikana were on their own. By the time the political and union leaders tried to intervene publicly, it was too late.

That week I missed Winnie Mandela more, in a way I never thought I would. In her younger and healthier days – when she had the energy – she would have been the first to arrive after the first death, and the first to arrive after the massacre. As a non-military person I still do not understand why the police could not camp round that koppie and talk to the workers. What was the rush? Were the police thinking they could just go and frog-march workers back to work at the barrel of the gun?

The police commissioner, Mangwashi Victoria Phiyega, has told the nation that the police had to do what they had to do. I am no military or security expert but the video clips I have seen so far, portray a panicking and disorderly police force. ^{LB}

Musawenkosi Malabela is a researcher in organisational renewal with the National Labour and Economic Development Institute in Johannesburg. This is the first part of the interview with Professor Tinyiko Sam Mahuleke on the Marikana massacre. The interview was done in October 2012.

Legal representation at CCMA

Workers can now get a fair deal after the Constitutional Court recognised rights of representation, even at the Commission for Conciliation Mediation and Arbitration (CCMA), by ruling that rule 25(1) was not valid under the Constitution, writes **Tirelo Morule**.

For a long period, legal practitioners and progressive organisations have argued that their constitutional rights and those of workers have been infringed by the CCMA rule 25(1)(c). This rule governs arbitrations conducted in terms of the Labour Relations Act 66 of 1995 (LRA), Rules made by the CCMA pursuant to Section 115(2A) of the LRA which confers upon the CCMA a wide competence to regulate in instances where such arbitration is conducted.

Rule 25(1)(c) provides that, in arbitration before the CCMA, particularly linked to dismissals to do with employees conduct or capacity, the employee may not be represented by a legal practitioner. This is the case unless the commissioner and the other parties consent, or the commissioner concludes that it is unreasonable for a party to deal with the dispute without legal representation: 'having regard to the nature of the questions of law raised by the dispute, its complexity, the public interest and the comparative ability of the parties or their representatives to deal with the dispute'.

BACKGROUND

The application was made by the Law Society of the Northern Provinces and opposed by the minister of Labour and the CCMA,

whilst the minister of Justice and Constitutional Development chose to abide by the decision of the court.

The court contended that when commissioners are charged with arbitrating disputes, they are given sufficient powers including those to subpoena witnesses, place them under oath and enter premises of employers to seize documents and interview witnesses. In exercising these powers, they are required to do so as governed by the law, but carry out their duties in any manner they please with minimum legal formalities.

The court recognised that an arbitration constituted under the LRA is not a court. Thereby, they perform an administrative function, and as the law stands, there is no general representation in areas in which disputes are dealt with except in courts. However, the courts observed that 'under Section 3(3)(a) of the Promotion of Administration of Justice Act 3 of 2000 (PAJA), administrators including presiding officers in administrative tribunals, must consider on a case by case basis whether a person on whose right or legitimate expectation are potentially, materially and adversely affected

by administrative action should be given an opportunity to obtain legal representation.'

Respondents on this matter raised three points In Limine. According to the CCMA In Limine refers to 'a hearing on a specific legal point which takes place before the actual case referred, can be heard. It is a process that addresses the technical legal points, which are raised prior to getting into the merits of the case, and relates to matters of jurisdiction'.

The first point was that, to the extent that the challenge is based on unfair discrimination as prescribed by S9 of the Bill of Rights, the case should have been brought in the Equality Court and not the High Court. In dismissing this point In Limine, the court cited relevant authority particularly that Section 169 of the Constitution which provides that a High Court may decide any constitutional matter except for matters reserved for the Constitutional Court.

The second and third points In Limine were essentially that the disputed sub-rule is permitted by Section 115(2A)(k) of the LRA read together with Section 3(3) of PAJA.

JUDGMENT

In dealing with the reasonableness of the rule the court observed that in all arbitrations before the CCMA, the litigants have an *unrestricted* right under rule 25(2)(b) to appear in person or be represented by a legal practitioner. However, as an exception, in matters relating to the employees *conduct or capacity* including dismissals, the rule imposed restrictions by excluding legal practitioners unless the nature of the case as evaluated by the commissioner before the case warrants it.

The court relied on the fundamental principle that the exercise of public power at every level is only legitimate when lawful. The principle of legality requires amongst others that conduct in the execution of public power must not be arbitrary or irrational. Therefore, the CCMA rule in question ought to have passed that test.

Within the above context, the court dismissed CCMA arguments that 'disputes about whether individuals or groups of employees have breached company rules or are incapacitated to an extent that justifies their dismissal are less serious, regulated in terms of a detailed code of practice and should be adjudicated swiftly and with the minimum of legal formalities'.

The court proved that 'in a great number of cases, the employee's job will be a major asset' therefore, the loss of a major asset is a serious matter.

The court recognised and accepted the 'presence of lawyers within the arbitration process will, more often than not, lead to obfuscation, unnecessary complications of the issues and time wasting'. However, the court recommended that as that also occurs in court, the CCMA must follow the court example

and pre-empt such eventuality by appointing qualified commissioners to deal with such aspects.

On the matter of arbitrariness, the court considered a previous decision of *Netherbum Engineering v Mudau NO & Others* where Musi JA found that Section 141(1) of the LRA was rational. He held that the admitted seriousness of arbitrations concerning dismissals for misconduct did not by themselves justify legal representation.

Musi JA found that a commission could routinely determine before the arbitration whether legal representation was appropriate. He further ruled that it was rational to make a distinction because dismissals based on misconduct and incapacity constitutes a majority of the disputes arbitrated by the CCMA.

The court departed from this ruling on the basis that:

- 'A case which appears before it starts as straight forward', can turn out to be very complex.
- To identify and distinguish cases without consideration of full merits of each may lead to arbitrariness.

The respondents finally had complained that a change to the current regime which permits legal representation might significantly add to the work load of the CCMA. However, the court dismissed that as well as the 'state would be obliged to provide the means to ensure that constitutional and labour rights are protected and vindicated'.

SUMMARY OF RULING

In summary the court ruling was as follows:

- a. The respondents did not succeed in establishing that the limitation of the right to legal representation imposed under the rule is reasonable and justified and complied with section 36 of the

constitution. The rule was therefore considered arbitrary.

- b. The CCMA rule 25(1)(c) was accordingly declared unconstitutional and invalid.
- c. The declaration was however suspended for a period of 36 months to enable the relevant parties to consider and come up with a new rule.
- d. The court expressed no opinion whether litigants in such arbitration matters can rely on legal aid.

CONCLUSION

In conclusion three observations can be made. Firstly, whilst the rule has been declared unconstitutional, but suspended for 36 months to allow the CCMA to formulate a new rule, it is in effect still applicable, but commissioners will no doubt take into account that refusing legal representation would be acting on a rule which is unconstitutional.

Secondly, it is difficult to imagine how the rule can further be amended to make restrictions constitutional than the present justification.

Finally, as per public observations made by Johan Botes, a director at Cliffe Decker Hofmeyer: 'It would be a victory for justice and the rights of employers and employees when every litigant can decide whether or not to use legal representation'. The challenge in my view could arise from employers using their deep pockets by briefing leading legal professionals to dodge workers' efforts to exercise this right.

An alternative to the above and a key victory could also be if workers are allowed to access legal aid to support legal representation in arbitrations in line with this judgment. ^{LB}

Tirelo Morule is a legal officer with the National Union of Mineworkers.

Unlocking labour laws

No pay increase in 8 years!

QUESTION:

'I am employed as a cleaner and work for a news organisation. I earn R1,700 per month and my salary has not increased since 2005. What legal action can I take against my employer?'

ANSWER:

Unless an employer has agreed to pay a salary increase, the general principle is that an employee does not have a right to a salary increase. Although there are mechanisms in place to assist the employee to negotiate for a salary increase, and depending on the nature of the business, there may also be a minimum wage or minimum increase prescribed by a sectoral determination. Although South Africa does not have a general minimum wage in place, there are a number of sectoral determinations which do dictate minimum wages and salary increases which must be paid by employers that operate within the applicable sector.

Whether or not the employer in this particular case is obliged to pay an annual salary increase will therefore depend on a number of factors, and the employee concerned should consider the following questions:

1. Is there a collective agreement in place which regulates the employee's salary?

A collective agreement is one which is negotiated and concluded in a bargaining council, by the parties to a bargaining council, or it is negotiated and concluded between an employer and a union representing employees at an organisation.

If there is a collective agreement that regulates salary and annual increases, the employee should follow the dispute procedure set out in the collective agreement and may refer a dispute about the interpretation

or application of a collective agreement to the Commission for Conciliation, Mediation and Arbitration (CCMA) for conciliation or arbitration.

If the employee is a member of a trade union, the employee should approach the trade union for assistance, although it appears as if the employee does not belong to a union.

2. Is there a contract of employment between the employer and employee which makes provision for an annual increase to be paid?

If the answer is 'yes' and there is such a contract and a contractual provision for an increase, then the employer may be in breach of contract. This type of dispute is called a rights dispute (because the employee has a 'right' to an increase). If the employer refuses to abide by the terms of the contract of employment, the employee has a number of options to choose from. Firstly, the employee could approach the Labour Court as the Labour Court has jurisdiction over matters concerning contracts of employment.

Although the CCMA and bargaining councils have jurisdiction over some rights disputes, they do not have general jurisdiction over all contractual terms. The employee could possibly request private arbitration or could also pursue the matter as a breach of contract claim in the Small Claims Court and would not need an attorney for this or in the Magistrate's Court, but



this would require an attorney. In my view, if the employer refuses to abide by the contract the Labour Court, which is better placed to consider employment-related disputes, is probably the best route for the employee to pursue. The employee could approach the Pro Bono programme offered in the Labour Courts by South African Society for Labour Law for assistance.

However, before approaching the Labour Court, the employee should approach the employer to discuss the breach of contract. The employee should also request for an agreement on the payment of the increase in the future, and on payment of back-pay in respect of the years in which an increase was not received, notwithstanding the terms of the contract.

Again, if the employee is a member of a trade union, he or she may approach the trade union for assistance, although it appears as if the employee does not belong to a union.

3. Is there a sectoral determination which governs the employment relationship?

Although there is no general minimum wage in South Africa, the Basic Conditions of Employment Act (BCEA) permits the minister of Labour to prescribe certain minimum terms and conditions of employment, including minimum wages. The minister does so by way of sectoral determinations, which are periodically revised, particularly in the sectors in which vulnerable workers are employed including, for example, the domestic sector, the private security sector, the farm worker sector and the wholesale and retail sector.

The employee in this particular case states that he or she is 'a cleaner and works for a news organisation'. It may be therefore that one of the following sectoral determinations will apply:

Domestic Sector Determination

This determination typically applies to workers who are employed in residential rather than commercial workplaces and it is therefore possible that the employee would not be covered by the determination. The minimum wages determined for this sector vary from R1,491.86 to R1,746.00, depending on the geographical location of the workplace.

Contract Cleaning Sector Determination

This sector involves cleaners on a fixed-term contract. It would appear from the facts that the employee concerned is on an indeterminate contract. However, if the employee is employed on a fixed-term contract and the determination applies, the minimum wages for this sector vary from R13.09 to R14.45 per hour, depending on the geographical location of the workplace.

Wholesale and Retail Sector Determination

This determination applies to categories of workers in the wholesale and retail sector, including a 'general assistant', the definition of which includes a person responsible for cleaning in a wholesale or retail business. The minimum wage for a general assistant varies from R2,177.98 to R2,922.83, depending on the geographical location of the workplace.

If there is a sectoral determination that is applicable to this employment relationship, and if the employer is in breach of the terms of the sectoral determination, the employee may request the assistance of a labour inspector from the Department of Labour in terms of chapter 10 of the BCEA.

As stated above, if the employee is a member of a trade union, the employee may approach the trade union for assistance, although as mentioned before, it would appear as if the employee does not belong to a union.

Finally, if there is no collective agreement, no contract of employment and no sectoral determination which can assist the employee, the question then arises whether the employee can rely on the mechanisms established to resolve disputes of interest.

4. Is there a dispute of interest which the employee may be entitled to act on?

Whereas a dispute of right (for example a breach of contract dispute) involves an existing right, a dispute of interest on the other hand involves the formulation of new rights such as higher wages (that the employer has not yet agreed to). A dispute of interest is usually resolved by means of negotiation and industrial action (strikes) if necessary.

In this case, if there is no contractual right to a salary increase, or a collective agreement governing wages, or a sectoral determination establishing a minimum wage, then it may be that treating the salary increase as a matter of mutual interest is the route which the employee should pursue. As previously highlighted, if the employee is a member of a trade union, the employee may approach the trade union for assistance, although it would appear from the facts that the employee does not belong to a union.

Further, the employee may want to ascertain if there are other workers at the workplace who have not received annual increases and who would like to pursue the matter. Engaging in industrial action such as a go-slow or a full-blown strike is considered to be 'collective' action requiring more than one worker. To proceed on strike legally requires the dispute first to be referred to the CCMA for conciliation. If conciliation fails, the employees must give notice of their intention to strike.

In the case of the employee in question, assuming there is no right to an annual increase and no trade union or other employees involved, the employee should approach the employer, enquiring about the possibilities of agreeing to an annual increase. The employee should state his or her case for an increase and should hear out the employer on the employer's ability to pay an increase.

The employee might want to use the salary increases prescribed by one or more of the sectoral determinations – namely the consumer price index (CPI) + 2%. However, in the case of the employee in question, the employee has not had an increase since 2005 and the employee may therefore try to negotiate an initial increase above CPI + 2%, and agree that thereafter an annual increase of CPI + 2% will apply. If the employer agrees to this, the employee will then have a right to an annual increase at this rate.

If these negotiations fail the employee could approach the CCMA for conciliation (using Form 7.11) on the basis that it is a matter of mutual interest – section 134 of the Labour Relations Act allows 'one or more employees' to refer a dispute about a matter of mutual interest against an employer to the CCMA. A commissioner will then be appointed by the CCMA who will hear the parties and try to facilitate an agreement between the parties. Although the commissioner cannot impose an annual increase on the employer, the commissioner will try to get the parties to reach agreement on the issue. **LB**

Debbie Collier is the deputy director of the Institute of Development and Labour Law at the University of Cape Town.

Nactu embarks on membership growth

Nactu is proud and values the relationship it has forged with the newly established Association of Mineworkers and Construction Union (Amcu).

Making these announcements, the general secretary of Nactu, Narius Moloto said the new leadership elected at its last congress held in Sandton last year, was committed to ending the stagnation experienced by Nactu during the past few years.

'We want to break with the past, and begin to do things in different ways. The world is changing, and so should we as Nactu inject new life into our organisation. We owe this not only to ourselves, but to the workers who have entrusted us with the task of leading them,' said Moloto.

The one-million membership campaign is already underway and has been kick-started at the beginning of the year. The campaign has the backing of Nactu's president, Joseph Maqhekeni and including the entire National Office Bearers (NoBs) consisting of Daniel Lengoabala (deputy president), Narius Moloto (general secretary), Puseletso Tsukulu-Motsohi (1st vice president-international relations), Paulina Nkosi (2nd vice president – organising), Mamaponya Makgoba (3rd vice president – gender), Dorothy Marais (deputy treasurer) and Caroline Rakgotsoka (treasurer).

'The vision as envisaged by the leadership is not far-fetched. It is attainable, and with every member of the federation showing commitment, what Nactu sets to achieve will be achievable,' says Moloto.

Moloto adds that growing the federation is something that requires the commitment of all the affiliates, and not only a few, and so should be seen as an organisational effort with all the affiliates rallying behind the project.

'We are excited that the vision to achieve the target of one million members by the end of this year is getting the support and commitment of all our affiliates.'

'To reach the golden number of one million members is a challenge that requires total commitment to the ideals of the labour federation as well as the need to develop vigorous recruiting strategies. We need to commit ourselves to attracting new unions to join our fold.'

'There are millions of exploited workers, throughout the country, and in all sectors, who need to be brought under the umbrella of Nactu. As foot soldiers, we need to reach out to them, and bring them into the fold. I am not naive to think that the project will be easy. There are many challenges, including those of capacity. But to succeed, we need to build capacity, and this is something we need to be conscious of.'

'But as affiliates of Nactu we have a duty to unionise all workers and save them the trauma of being exploited by the capitalists. Already, there are unions who have signalled their intention to join Nactu. We are waiting in anticipation to sign them on.'

Related to the one-million membership campaign, Moloto said

The National Council of Trade Unions (Nactu) is buoyant and ready to grow its membership to top the one-million mark. This will be done through vigorous recruitment campaigns to be spearheaded by its general secretary and the organisation's leadership, writes **Jo-Mangaliso Mdelela**.



Nactu is excited that one of the largest unions in the mining sector, Amcu has thrown in its lot with the trade federation, and 'is now our official affiliate'.

There is no escaping that Amcu has been making ripples in the mining sector, challenging and eclipsing the dominance of the National Union of Mineworkers (NUM) in the mining sector around the Rustenburg platinum belt. As things stand, Amcu is spreading its wings, making inroads in the gold sector as well, an area that exclusively belonged to NUM.

'This is all exciting. We value our relationship with Amcu, and the contribution we collectively make on the labour front. As our affiliate, we will continue to support their efforts to bring about industrial justice in the mining sector, which includes averting the looming retrenchments of 14,000

mineworkers at the Anglo American Platinum and all the mining companies threatened by such actions,' said Moloto.

He said Nactu had sought to work with Amcu, and to show solidarity with the union when it came under attack from all quarters, including certain sections of the media that erroneously sought to portray it in bad light, linking the organisation to the violence that unfolded at Marikana.

'Violence at the mines has its long history, a history that predates the formation of Amcu. So to make a connection that links the violence at Marikana to Amcu is not only silly and dishonest, as it is also senseless, something that is not backed by objective facts, but is only a contrivance by the enemy camp to score cheap political points.'

'The rival union in the sector

cannot deal with the painful fact that Amcu in the mining sector is a force that cannot be wished away despite attempts by some to discredit it.'

Moloto said Nactu is appreciative of the good work that has been achieved by Amcu. As a way to strengthen the federation, Moloto said while the federation valued its independence, it was not averse to creating alliances with like-minded organisations which pursued similar socio-economic objectives.

Moloto has no illusion that the task that lies ahead will be hard and painstaking, yet he is confident that the federation and the affiliates will rise to the occasion to reach the target of recruiting one-million members by the end of 2013. **LB**

Jo-Mangaliso Mdelela is the Media, Communications, Publicity and Liaison strategist for Nactu.

Transforming SA media

Unions suggest alternatives

At a hearing of the Print and Digital Media Transformation Task Team (PDMTTT) in Johannesburg in January this year trade union federations, the Congress of South African Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu), recommended how they wanted the print and digital media to be transformed, writes **Elijah Chiwota**.

Since the onset of democracy in South Africa in 1994, mainstream print media ownership has remained in the hands of big corporations. As a result, the mainstream print media has continued to be pro-business and more capitalist and market-oriented in outlook. Its critics have been quick to point out that this has resulted in the media not being diverse enough to cater for all social groups and thus promoting inequality.

It is because of this and other reasons that the PDMTTT was set up to collect views from key stakeholders around the country such as community media, civil society, and non-governmental organisations on how media transformation could happen in South Africa.

Set up by the Print and Digital Media SA, a body of print and digital media owners, the task team is expected to develop a common vision and come up with a strategy for print media transformation. The team will also recommend the best practice for SA and how this should be implemented, monitored and enforced.

This is no easy task as explained by Nactu: 'Transformation is a difficult project. We fear transformation. We would rather do things the way they have always been. Transformation disturbs the rhythm of life – the trauma of change is, to some, unbearable. Those who have benefitted from the political systems of the past, are often reluctant to let go of their positions, and to allow change to occur. As far as possible, they would like to hold onto the privileges that come with power.'

ALLIANCE POSITION

Cosatu's position as explained by its spokesperson Patrick Craven was more of an Alliance position as the views were the same as those of the African National Congress (ANC). Throughout his presentation, Craven referred to an ANC discussion paper from the 2007 Polokwane Conference, which expressed concerns on 'the increasing concentration of ownership, control and content within the international media environment'.

The ANC paper argues that the media were 'a contested terrain and therefore not neutral, but reflects the ideological battles and power

relations based on race, class and gender in our society. It cannot claim that its role is merely to reflect interests – rather it helps to shape the interests.'

Cosatu argues that the transformation of the print media is required urgently. 'Four big companies – Naspers, Times Media, Caxton and the foreign-owned Independent Group – control more than 90% of the sector, as they have done for many years. Compared to the digital and broadcasting media, the structure of the newspaper industry has hardly changed since 1994.'

The four companies dominate the market through their editorial, printing and distribution services and also get most of the advertising income.

'In our view the biggest obstacle to transformation is political and economic – the 'big four' are closely bound together with big business and reflect the broad outlook and prejudices of the capitalist class' which supports 'the "free market" and private enterprise,' argues Cosatu.

Media ownership by big corporates 'reinforces a major ideological offensive, largely driven



Whose interests are the print media serving? Readers buy newspapers in Braamfontein, Johannesburg.

by the opposition and fractions of the mainstream media.' Cosatu cites a 'united front' of mainstream media's rejection of the nationalisation of the mines in which the idea was met with ridicule. Furthermore, nationalisation was shown to be against the 'national interest' and a threat to 'attracting foreign investment'. At the same time, alternative views on the matter were ignored.

Print media ownership therefore has to be diversified as information is a source of knowledge and power.

'There can be no real media freedom without diversity in ownership of the media. Especially for the poor, media freedom should be understood to include their participation not merely as consumers, but also as producers of news and analysis... Media diversity supports, promotes, deepens, consolidates and strengthens democracy, nation building, social cohesion and good governance', added Cosatu citing the ANC paper.

MEDIA FREEDOM

Although being at the forefront of campaigning for the passing of the Protection of State Information Bill popularly known as 'secrecy bill',

the ANC paper says the ruling party recognises media freedom.

'The ANC has always fought for media freedom, which it believes is a cornerstone for any democracy to flourish. All of us have a responsibility to defend media freedom and editorial independence from all forms of compulsion, whether it be political, economic or commercial... freedom of expression is in the self-interest of all who believe in democracy.'

Nactu believes that the secrecy bill before parliament is against 'those very ideals of freedom as espoused by the freedom fighters of all the liberation formations during the 1980s and early 1990s.'

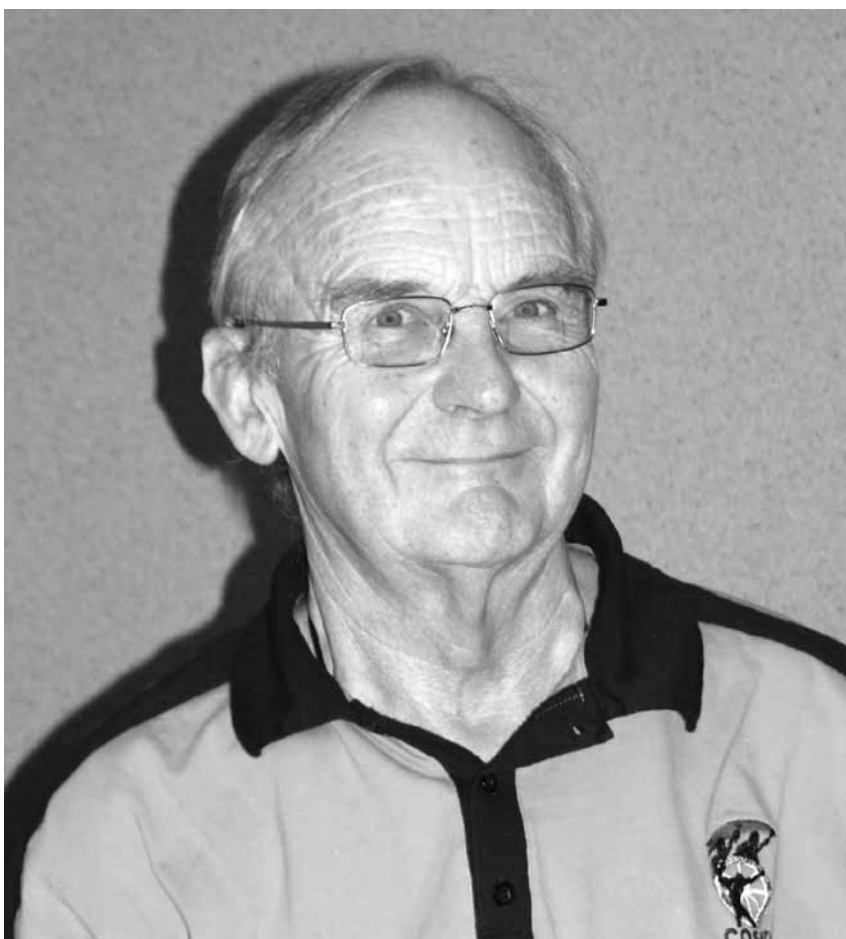
Therefore, government should go beyond lip-service when it comes to media freedom. 'The role of the media to engage in digging up the dirt and investigating corrupt practices by officials of government - whatever government - should not be tempered with; and that restrictive measures to muzzle the free flow of news, belong not in a democracy, but in totalitarian regimes, and that we as a democracy, should avoid undemocratic tendencies calculated at restricting the media,' argues Nactu.

The mainstream print media is accused of presenting their views as the only realities and truths.

'One of the biggest problems with the media is the tendency to create its version of the truth, helped by lazy journalists who base their stories on other stories written elsewhere, without independently checking their truth. This leads to the development of a phoney consensus, media view of the world, in which one particular view becomes "reality".'

Giving the First National Bank (FNB)'s *You can help* campaign advert as an example, Cosatu says: 'How else can we explain the FNB's unthinking assumption, revealed in their recent advertisements that everyone wants a change of government? That, after all is what they read in countless biased and negative editorials and comments by "expert" analysts, who rarely if ever talk to the bulk of ordinary South Africans but rely on what they read in their papers to establish the truth.'

'The right of the public to access information is thus undermined by media that, whether negligently or maliciously, distorts or misrepresents information. This is why there have been justifiable calls for a media



Patrick Craven presented for Cosatu.

watchdog body to hear complaints by readers and the public. Why should journalists not have to answer when they disregard basic ethical, journalistic principles?', asks the federation which doubts that the mainstream print media is 'independent' when it's controlled and owned by corporations. This situation creates the media's 'biases'.

'In the longer term, however, we have to look at the ownership of the print media. How can we achieve transformation? Simply to transfer ownership of the same kind of capitalist newspapers to new black owners will solve nothing. The most pressing challenge is to collect a diversity of ownership throughout our communities and civil society, so that the media truly belongs to everyone and reflects the broad range of views in society,' adds Cosatu.

BLACK OWNERSHIP

Nactu argues that fewer black people were mainstream print media owners. 'however, we do see blacks being elevated to senior positions of editors or executives in media houses, the ownership remains in the hands of whites. The one example one could cite is that of Media 24. Just check the composition of the board and shareholding, you will begin to see that cosmetic change has taken place, but by and large, the company remains white controlled'.

Nactu also scoffs at black empowerment as it is currently happens in the media, which it argues, has been overlooked in favour of 'political correctness or political incorrectness' in which the 'politically incorrect' are ignored. 'Cadre deployment, even to the boards of corporations, seems to suggest that big business colludes,

and often curry favours with those who hold political power, and tend to elevate politicians with little business acumen to powerful positions in their companies.'

COMPETING VIEWS & IDEOLOGIES

It seems that there are competing views on the media between media owners and trade unions as well as the ANC. Media owners take a liberal-pluralist view while the unions take a Marxist view. However, it is interesting to see what middle ground will be reached. Others have also cautioned against taking unions seriously as it is common practice to use rhetoric which is very different from actual practices on the ground.

South African media can be said to be operating under a liberal-pluralist thinking. According to Michael Gurevitch, 'Pluralists see society as a complex of competing groups and interests, none of them predominant all of the time. Media organisations are seen as bounded organisational systems, enjoying an important degree of autonomy from the state, political parties and institutionalised pressure groups. Control of the media is said to be in the hands of an autonomous managerial elite who allows a considerable degree of flexibility to media professionals.'

The liberal-pluralist view sees society as made up of small groups of people that are networked and whose relationships are mediated by the media. The media is seen as a Fourth Estate after the executive, parliament and the judiciary. In this line of argument liberal democracy becomes the basis for bringing social cohesion and the free market promoted as guaranteeing economic independence.

Individual pluralism is expressed as social consciousness and the assumptions are that individuals are free and equal within society. If one takes into account high levels of inequality in South Africa such thinking is wishful. Other ideals of pluralism are that people exercise their right of choice and when

there is conflict on particular issues, consensus based on social norms and values that included regular elections can resolve it.

However, liberal-pluralism has been attacked for its blindness on a number of fronts. One of which is its failure to take into account social, economic and political contexts. According to Stuart Hall, 'Larger historical shifts, questions of political process and formation before and after the ballot box, issues of social and political power and economic relations were simply absent, not by chance, but because they were *theoretically outside the frame of reference*.'

Issues of class and power are also not dealt with by liberal pluralism. Hall argues further: 'Class formations, economic processes, sets of institutional power relations were largely unacknowledged. What held society together, it was agreed, were its norms. In pluralist society, a fundamental broadly based consensus on norms was assumed to prevail throughout the population. The connection between the media and this normative consensus then could only be established at the level of values'.

The Marxist views of the media differ from those of pluralists.

'The primary freedom of the press lies in not being a trade,' wrote Karl Marx. He added that the media were: 'the public watchdog, the tireless denouncer of those in power, the omnipresent eye, the omnipresent mouthpiece of the people's spirit that jealously guards its freedom' with a responsibility to 'come forward on behalf of the oppressed in its immediate neighbourhood... to undermine all the foundations of the existing political state of affairs'.

Gurevitch again writes: 'Marxists view capitalist society as being one of class domination; the media are seen as part of an ideological arena in which various class views are fought out, although within

the context of the dominance of certain classes; ultimate control is increasingly concentrated in monopoly capital; media professionals while enjoying the illusions of autonomy, are socialised into and internalise the norms of the dominant culture; the media taken as a whole, relay interpretive frameworks consonant with the interest of the dominant classes, and media audiences while sometimes negotiating and contesting these frameworks, lack ready access to alternative meaning systems that would enable them to reject the definitions offered by the media in favour of consistently oppositional definitions.'

TASK TEAM OBJECTIVES

Be that as it may, the PDMTT will address issues of ownership including low levels of black ownership in large media companies, management, control and employment equity, and skills and enterprise development. Other key issues are 'concentration and market power that results in anti-competitive behaviour that blocks new entrants'.

According to the Indie Trust, the development of 'new media products for regions and communities' as well as 'the choice of languages' and diversity of voices are part of the task team's mandate.

Other objectives are to: 'research, study and make findings on transformation of all areas of print and digital media, for mainstream and community media' and 'recommend areas of transformation, methodology of implementing transformation, targets and the mechanism to monitor and enforce transformation.'

The Indie Trust further notes that the task team 'is a result of longstanding debates and calls within the broader society and parliament for transformation of this sector of the SA media

landscape. From the Human Rights Commission investigation into racism in the media, to the recent interactions between parliament's Portfolio Committee on Communications, the accusation against print media in particular was that it was untransformed, did not reflect the diversity of SA voices, especially the rural and the poor, and was white-dominated both in ownership and issues covered.'

Print media owners have been accused by the Competition Commission of 'creeping acquisitions' in which they assumed 'cartel-like behaviour where emergent community and small privately-owned media were smothered through a variety of anti-competitive behaviour.'

The task team terms of reference note that 'the media previously played a key role in both propping up the apartheid regime and in fighting it. As a part of a new society, it must be proactive in redressing the imbalances of the past, while still ensuring its independence and being proactive in its vital role of promoting democracy. Thus, efforts to transform the South African society have to include transformation of the media in all its facets.'

Advertising, printing and distribution of newspapers, magazines and digital media, for mainstream and community publishing will be investigated.

The task team, which will produce a report on its findings, is made up of the following members: Nkwenkwe Nkomo (chairperson and expert on advertising), Neo Bodibe (spokesperson and expert on competition policy), Anastacia Martin (representative member of digital media), Jan Malherbe (management, printing and distribution) and Nomvuyiso Batyi (expert on telecoms and broadcasting policy). ¹⁸

Lula moment for SA?

The Congress of South African Trade Unions (Cosatu)'s political report for its 11th National Congress talks of the possibility of a 'Lula moment' for South Africa in reference to changes brought about by the policies of former Brazilian president Lula da Silva. What is this 'Lula moment' and why is it attractive to Cosatu, asks **Elijah Chiwota**.

The debate on the idea of a South African Lula moment has been given many names: some say it is the Freedom Charter moment; the African National Congress (ANC) refers to it as a Second Transition, while ANC secretary general Gwede Mantashe calls it the Zuma moment. Irrespective of what one calls it, the common things among the many definitions are what the moment is supposed to deal with, namely ending poverty, creating jobs, and closing the inequality gap.

Cosatu locates the moment in Lula's second term from 2006 to 2010. 'In President Lula's second term he engineered a dramatic turnaround which saw a series of amazing achievements in terms of improvements of the living standards of the working people of Brazil. These achievements continue to this day under the leadership of President Dilma. We refer to this turnaround as the "Lula moment" and pose the question as to whether we are able to drive our own Lula moment.'

The political report refers to a 'revolution' in Latin America that is reducing poverty, unemployment and inequality through decent work, better minimum wages and improved collective bargaining.

Accompanying this are progressive government policies such as social protection which comes in the form of a universal basic minimum grant for the poor and the unemployed.

Other policies complement these by promoting redistribution of wealth and the state being at the front of driving related industrial and investment strategies.

For example under Lula, the Brazilian government moved away from neo-liberal economic policies, and dealt with serious corruption that was causing havoc in the Workers Party.

LESSONS FOR SA

According to Cosatu there are a number of things that can be learnt from the Brazilian experience. These include the need for 'political will and strong and capable leadership.' The leadership also had to be decisive by appointing 'key people in strategic positions' – people who were more concerned with action than speeches.

The rule of market forces also had to be challenged. The market had to be confronted head on by measures that included taxing capital flows and 'effective regulation of worker rights.'

The state also played a central role by driving and financing

its development policies. In reference to Brazil Cosatu says: 'They reversed privatisation, drove a state-led industrial strategy with the involvement of key state corporations in strategic sectors, and provided finance on a massive scale to promote industrial development through the state bank.'

There was also some moving away from neo-liberal economic thinking to what has been described as a 'pro-poor growth' that focused on raising incomes and social protection.

Other changes that happened in Brazil under Lula included making the labour market formal through 'increased worker rights, combating atypical and unregulated work, rising wages and improved conditions of employment' and 'large scale' job creation.

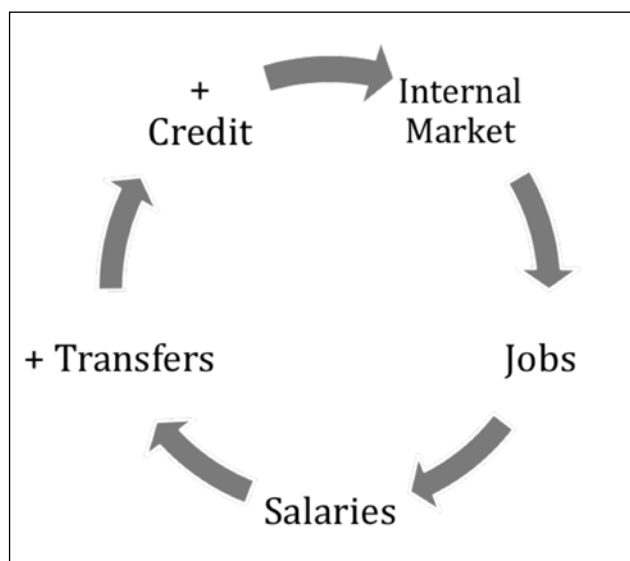
Other things that were strengthened included making labour inspectors more efficient and improving access to tertiary education by the youth – which in certain ways also reduced youth unemployment.

Speakers at the Chris Hani Institute roundtable on comparing Brazil and SA said a lot needed to be done or else the Lula moment would remain a distant dream. **LB**

Economic transformation in Brazil

The economic transformation brought by former Brazilian president Lula da Silva's policies has caught the imagination of many. However, the achievements came out of hard work and were not smooth sailing, says **Giorgio Romano** who spoke at a roundtable on comparing Brazil and South Africa that was organised by the Chris Hani Institute in Johannesburg, writes **Elijah Chiwota**.

The Lula model is based on economic policies that stimulate a cycle as shown below.



According to Romano, professor at Universidade Federal do ABC, the Lula model was built between 2003 and 2006, when the Brazilian government moved away from orthodox macro-economic policies that focused mainly on the markets and profits, and replaced them with heterodox policies that dealt with transforming government institutions and how they operated.

Economic policies from 2007 to 2010 emphasised fiscal and monetary stimulation to accelerate economic growth

and this led to an increase in social transfers and stronger real increases in minimum wages. Romano says between 2003 to 2006 minimum wages increased by 19% followed by 31% during the period 2007 to 2010.

This period was succeeded by 'the reinvention of a development state' from 2006 to 2011. Says Romano: 'From 2011 to 2012 the policies focused on fixing interest and exchange rates so as to promote development. However, the results of these policies will only be seen when the economic performance for 2012 is analysed.'

To avoid bad international ratings, the first Lula administration opted not to confront markets. Rather, it focused on fixing the macro-economy in such a way that it would be able to sustain the expansion of social policies (Bolsa Familia). This increased minimum wages and the expansion of credit.

'Therefore, it can be seen that economic policies from 2003 to 2006 were aimed at reducing the public debt and increasing the gross domestic product (GDP). The government also wanted to increase the value of its external account by increasing its trade balance and foreign direct investment. External reserves grew from US\$55-billion in 2005 to US\$378-billion in 2012', says Romano adding that the government also wanted to pay its debt of US\$23,3-billion to the International Monetary Fund.

During this transformation the state played a central role by introducing strategic investments and industrial policies that supported its programmes. The following tables show some of the changes that took place in the Brazilian economy.



Giorgio Romano speaking at the Chris Hani Institute roundtable in Johannesburg.

New developmentalism

Annual variations	1995-1998	1999-2002	2003-2006	2007-2010
Increase GDP	2,5%	2,1%	3,5%	4,4%
Investment	4,3%	-2%	4,5%	8,6%
Public Investment	2,21%	1,6%	1,52%	2,56
Credit/GDP	30,3%	25,4%	25,4%	40% (2010: 49%)
Inflation (IPCA)	9,7%	8,8%	6,4%	4,8%
Job creation (formal contract)	-296.000	454.000	1.163.000	1.466.000
Real increase in minimum wage (total for period)	17%	15%	19%	31%

Unemployment/job creation and GDP

Year	Unemployment	Jobs created	GDP	GDP/capita
2003	12,3%	861.014	1,1%	-0,2%
2004	11,4%	1.862.649	5,7%	4,3%
2005	9,8%	1.831.041	3,2%	1,9%
2006	9,9%	1.916.632	4%	2,7%
2007	9,3%	2.452.181	6,1%	4,9%
2008	7,8%	1.834.136	5,2%	4,1%
2009	8,1%	1.765.980	-0,6%	-1,6%
2010	6,7%	2.860.809	7,5%	6,5%
2011	6%	1,566,000	2,7%	1,7%
2012	5,5%	1,300,000	1%	nd

Precarious development model

William Matiala



Lula's development model is built on cheap and unskilled labour and workers' consumption, writes **Ruy Braga** (left).

TRANSFORMATION: 1980 TO 1990

How can one explain this change in strategy by one of the biggest and most important leftist political parties in Latin America? In fact, the victorious election of the former steel operator as president of the republic was the climax of decades of profound transformation, both of the capital accumulation regime, and of regulatory processes in Brazil.

To comment briefly, despite having achieved relative success for approximately one and a half decades, the authoritarian regime saw themselves trapped in flagrant crisis at the end of the 1970s. With the redemocratisation of the country, the attempt to replace democracy with neo-populist regulations supported by a 'social pact' with the new trade unionism proved impossible.

However, the electoral victory of Fernando Collor, in 1989, meant the transition to a neo-liberal agenda. From then onwards, the regime of accumulation became subject to continuous structural adjustments (outsourcing, privatisation, financialisation), which eventually led to post-Fordism in the country.

Despite the improvement of regulatory processes led by Lula's bureaucracy, this accumulation regime was easily consolidated in the decade commencing in 2000.

From a critical sociological perspective, we can safely state that the most influential study of post-Fordism in Brazil was that of sociologist Francisco de Oliveira.

NEW SOCIAL CLASS

In his study, after revisiting the United Nations Economic Commission for Latin America's (CEPAL) theory on the underdevelopment of Brazil, Oliveira put forth his famous hypothesis on the emergence of a 'new social class' in the country. This class is based on the links between the highest echelon of complementary social security fund managers and the trade union elite that sat on the boards of directors of the same funds.

According to Francisco de Oliveira: at the moment when the 'intellectual and moral direction' of Brazil's society seemed to move in favour of the lower classes, having elected Lula's trade unionist bureaucracy (2002) to lead the state, the bourgeoisie revealed itself more robust than ever.

Oliveira called this strange 'transformist' phenomenon in which the 'underdog' seemed to be leading the state according to a programme devised by the 'upper classes' an 'inverted hegemony'. This meant that the political, intellectual and moral victories of the 'underdog'

As could have been expected, the presidential election of the most important trade union leader in Brazilian history, Luiz Inácio Lula da Silva, as well as his rise to federal power as leader of the Partido dos Trabalhadores (PT) (Worker's Party), attracted world-wide attention, particularly of those interested in the country's history and evolution.

However, the hope that the new government would distance itself from neo-liberal policies adopted by previous governments immediately gave way to scepticism.

This was caused by the new government's decisions to uphold the central bank's operational autonomy and to maintain very high percentages of basic interest rates.

Furthermore, government maintained the existing inflationary target policy as well as fluctuating exchange rates. Reforms increased the number of years that civil servants contributed to the state pension fund and also reduced their benefits. This left many who had placed their hopes for change in a PT government somewhat perplexed.

were strengthening the exploitation present in labour relations, in favour of the 'upper classes'.

Almost immediately after Lula's victory in 2002, PT's government solidified and amplified the income distribution programme known as 'Bolsa Família', changing the social fight against poverty into a problem of public policy management. For Oliveira, Lula da Silva's government trivialised poverty by changing it into an administrative issue.

ELECTORAL RE-ALIGNMENT

Reacting to Oliveira's provocations, André Singer defended that the 'Bolsa Família' programme had in fact ensured the adherence of the most impoverished sectors of Brazil's lower classes to PT's plans.

According to Singer, as from May 2005, that is, during the 'Mensalão' (monthly bribes paid to congressmen) period, Lula's government lost significant numbers of supporters, which it had managed to gain in 2002 in middle-income urban centres, to the opposition.

However, attracted by federal public policies, the most impoverished sectors of Brazilian voters, who had traditionally distanced themselves from Lula da Silva, became more attracted to his government, and in a movement known in political science as 'electoral re-alignment' they decided to re-elect Lula in 2006.

CONSUMER DESIRES OF POOR WORKERS

According to André Singer, by satisfying the consumer desires of millions of poor and excluded workers through his federal public policies, 'Lulism' was pleasing Brazil's 'subproletariat' (those workers who earn up to 1.5 minimum wage), thus legitimising PT's conversion to financial orthodoxy.

So, Lula da Silva, as leader of a stagnated and impoverished mass, had managed to create a new social force, which had the potential to become progressive.

Where Oliveira saw the risks of a widespread depoliticisation of the lower classes by Lula's hegemony, Singer identified a type of 'escape for the struggling classes' implemented top-down by a 'son born of the entrails of the North Eastern sub-proletariat'.

To summarise, Brazil's sub-proletariat was satisfied with the gradual improvement of their material conditions, as made possible by Lula da Silva's two terms in office.

LULIST HEGEMONY

In our opinion, both Oliveira and Singer have unravelled distinct aspects, albeit complementary ones, of today's 'lulist hegemony'. Oliveira emphasised the absorption of social movements, particularly of the trade unionist movements, into the state's apparatus and into pension funds. While Singer focused on the seductive electoral effect of the success of wealth distribution public policies that have ensured the visible deconcentration of income among those who depend on the fruits of their labour.

Furthermore, the extension of the 'Bolsa Família' programme together with real increases in the minimum wage and access to mass credit have interacted with economic growth, thus strengthening the formalisation of Brazil's labour market (in 2010, 54.7% of all service agreements were protected by labour law) to the point of surpassing the historical peak of formal work attained in the second half of the 1980s.

However, of those 2.1-million new jobs created each year, about 2 million (94%) provide workers with a salary which is only 1.5 times the minimum wage (US\$500 per month in 2013).

It is obvious that these workers are unable to save. In other words, all the money that entered the base of the remuneration pyramid during the last decade was immediately converted into mass consumption.

This new consumption pattern does not rest on the laurels of

productivity made possible by national industrialisation. The truth of the matter is that for the last decade Brazilian enterprises have not seen any real gains in productivity.

The new consumption pattern rests mainly on economies of scale ensured by a few economic sectors that largely employ unskilled workers: banking, mining, oil, agro-industry and civil construction. The economy has grown at the cost of a deteriorating processing industry (contributing 27.8% to GDP in 1994, and only contributing 14.5% to GDP in 2010).

POST-FORDIST LABOUR DYNAMICS

Until the middle of the 1990s, the country's job creation drive focused on creating jobs which were remunerated three to five times the minimum wage, with industry contributing 40% of new jobs.

Then, between 1994 and 2010, labour dynamics changed, focusing primarily on the services sector: 70% of new jobs were to be found in this sector.

Therefore, the mass of unemployed workers created between 1994 and 2002 was reabsorbed by the services sector but in underpaid positions (where they earned 1.5 times the minimum wage). This meant that the portion of workers in this salary bracket increased to 60% of all jobs in the country.

However, the minimum wage increase to above the inflation rate simply translated into a toughening of conditions of employment for the commodity known as the labour force.

In the decade of 2000, the country's worker turnover increased by 9% (from 34% in 2001 to 39% in 2010) with a marked presence of workers at the bottom of the remuneration pyramid: for those earning between 0.5 and 1.5 times the minimum wage, the turnover rate increased to 86% in 2009 – that is, an increase of 42% as compared to 1999.

To make matters worse, between 1996 and 2010 the outsourcing rate increased by 13% per year.

In addition, there was a flagrant feminisation of the labour force as women filled 60% of the vacancies created during the decade of 2000. There was also an increase in the mass of salaried young, non-white workers (70% of vacancies) and in workers who had completed their secondary schooling (85% of vacancies).

Interestingly enough, despite all this transformation in the market, the largest Brazilian occupational group comprising 7.2-million workers, i.e. the domestic workers group, only registered a slight decrease in casual workers, falling from 75% in 1999 to 73% in 2009.

Besides the resilience of casual domestic work, another fact requires attention: the ageing of this labour force. In fact, between 1999 and 2009, the largest age group advanced from the 20-30 to the 40-50 year category.

SAO PAULO'S CALL CENTRES

The ageing of the labour force leads us to another story: attracted by innumerable formal work vacancies in the services sector in the 2000s, daughters of domestic workers were employed in the telemarketing sector in their thousands.

In fact, this was the sector that employed the largest number of non-white women and casual youth during the last decade, thereby guaranteeing them access to social rights, a technical skill and allowing them to finish their studies at night universities.

However, the toughening of targets, the routine nature of the work, the despotism of operational coordinators or managers, the low wages, the companies' total neglect of ergonomics and workplace temperatures, lead to illness and lack of interest in the work.

Therefore, at some stage, the dissatisfied teleoperator stops 'bringing results', which leads

to dismissal and substitution by another, who is subjected to the same cycle.

After all, the accumulation of experience in the call centre industry and the permanent mobilisation of labour have resulted in workers who are critical towards their employers.

Despite the difficulties imposed by the telemarketing sector on collective bargaining, there has been a progressive increase in unionist activities since 2008, especially.

Although trade unions in the sector have acted as a complementary front to the federal policy, we have nonetheless witnessed the frequent occurrence of strikes in São Paulo's call centre industry from 2008 to 2011.

LIMITED CONCESSIONS

After all, although recent expansion in credit access and increases in mass consumption have had positive effects on the president's popularity, such factors no longer impress journalists and economic researchers. However, the negative consequences of the post-Fordist development model have not been considered by Lulist analysts. In reality, a close analysis reveals the limited nature of concessions made to workers by the post-Fordist development model.

After all, the very policy that federal government has undertaken since 2006, with a view to increasing the minimum wage above the inflation rate, serves to illustrate the precariousness of the remunerated working class in the country. For the purposes of comparison, it is important to note that the Dieese calculates that the decent minimum wage, which would allow workers to cover basic household expenses such as food, housing, health, education, clothing, transport and leisure, as provided for in the Federal Constitution, should be US\$1,300.00 (September 2012). However, the current (2013) minimum wage is US\$340.

To sum up, the current post-Fordist accumulation regime has crystallised into a despotic one, causing general dissatisfaction among the lower classes. Meanwhile Lulist resolution of conflicts with workers is showing signs of fatigue.

It is sufficient to remind ourselves of the widespread interruptions, strikes and worker demonstrations that occurred between March 2011 and May 2012 in the civil construction sector, causing mayhem in many of the projects being carried out under the Federal Government's Accelerated Growth Programme (PAC).

CONCLUSION

By accompanying the creation of a post-Fordist precariat in São Paulo's teleservices sector we have come to a good understanding of both sides of the current development model: access to social rights, but at the cost of low wages and precarious working conditions.

Actually, the combination of economic growth with federal government public policies broadened the base of the Brazilian 'wage pyramid'.

However, the current accumulation process in Brazil is based on the financial industry, mining, oil, agribusiness and civil construction. All these sectors pay low wages, imposing harsh working conditions to workers.

The relationship between the 'lulism' (lulist regulation) and a despotic regime of accumulation is getting more and more problematic, revealing the limits of a model of development based on cheap and unskilled labour. ■

Ruy Braga is author of A política do precariado: do populismo a hegemonia lulista. This article is based on a presentation he made at the roundtable comparing Brazil and South Africa organised by the Chris Hani Institute in Johannesburg on 7 February 2013.

Fictions & elephants in rondavel

Response to NDP on rural development

Recent strikes by farm-workers have again highlighted dire living and working conditions in rural areas. However, to understand how policies have failed to deal with wages and related issues, one needs to examine the National Development Plan (NDP), which ignores the real problems faced by the agricultural sector, writes **John Sender**.

How have South Africa's economic planners managed to ignore, or at least to minimise the relevance of the most striking facts about the economic performance of the agricultural sector, as well as the real experience of, and prospects for, millions of desperately deprived women and men living in rural areas?

There are, of course, many possible strategies to promote polite fictions and buttress conspiracies of silence. This article focuses on techniques that were used 'to write a new story' in the NDP's brief chapter on rural development. These techniques involve manipulating and omitting data and waving a populist flag.

This article also shows the failure of the post-apartheid state to take advantage of the potential contribution of the agricultural sector, especially to expand exports. It highlights some extremely adverse investment and production trends – the elephants in the rondavel – so easily ignored when wearing the NDP's ideological blinkers.

MANIPULATE & OMIT

The NDP chapter, titled 'An integrated and inclusive rural economy', begins with the claim that in the period since 1994 some progress has been made in reducing poverty and improving the welfare of rural households. This claim is supported by just one dramatic sentence – no poverty data are presented or analysed: 'The National Income Dynamics Study (NIDS) revealed that the rural share of poverty fell from 70% in 1993 to 50% in 2008.'

This is another way of saying that there has been some urbanisation in SA over the past 17 years, but it tells us nothing about progress in reducing the absolute number and proportion of rural people who are poor. Exactly the same data source cited by the NDP, the NIDS, does, in fact, provide clear evidence on trends in rural poverty incidence, but these data are not cited, presumably because they tell a story that is incompatible with the NDP's progress narrative.

According to Leibbrandt between 1993 and 2008 the proportion of the rural population living in households with a per capita

expenditure of less than R515 per month did not change at all; 77% of rural people, and probably an even larger percentage of rural Africans, fell below this particular poverty line in both these years. Since the rural population of SA increased by about a million over this period, the absolute number of poor rural South Africans has certainly increased.

The NDP is correct in claiming that social grants have made a substantial contribution to the income of rural households. Without these grants there would have been an even larger increase in the number of rural people struggling to survive below the poverty line. There is no basis at all, however, for the claim that farm workers now 'receive better wages' than they did in 1993. The NDP does not, and indeed cannot, produce any statistics to justify this astonishing claim.

What the data shows is that labour has been casualised on South African farms – particularly between 1996 and 2002 – the casual share of total farm labour increased from about one third to almost one half by 2007. Despite widespread



On a mission: Dithabaneng community work on a project in Limpopo.

recognition of the abysmally low earnings of casual/seasonal farm workers, the majority of whom are women, no effort has been made by the statistical authorities to monitor their real hourly or annual wages on a consistent basis, writes Ranchod.

Instead, aggregate data are published on *average* nominal farm wages, lumping the wages of managers, foremen and permanent workers together with those of casual/seasonal workers. These data, collected using out-dated and sloppy methods, conceal very wide variations in levels of remuneration across different types of farm and types of worker, obfuscating the characteristics and trends suffered by poor rural households.

In contrast, a careful and relatively recent study of the wages of casual farm workers in the Eastern Cape by Roberts found wage rates for casual workers of R4.26 per hour in 2008 – well below the official minimum wage that itself had fallen in real terms in both 2007 and 2008.

Farmers have used casualisation, immigrant labour and, increasingly, labour brokers to evade labour legislation. Of course, rural contractors pay very much lower

wages than direct employers, according to Clarke and Van der Burg.

Several studies have shown that evasion has been facilitated by the state's failure to employ or support a reasonable number of labour inspectors in rural SA. If there is no basis for the NDP's assertion concerning a reduction in the number of rural people suffering from very low levels of income/expenditure, or for their claim that the real wages received by the poorest farm workers have increased, are its authors justified in making the additional boast that rural 'access to basic services has increased'?

There certainly has been an increase in the number of rural households benefitting from access to electricity and to safe water, but the NDP's chapter on rural development is silent on the most dramatic *outcome* trends measuring the basic welfare of women and children over the period since 1994.

One of the most distressing welfare indicators is the maternal mortality rate (MMR).

The United Nations says SA has become a member of the very small

group of countries where the MMR has failed to decline since 1990. The official estimate is that there were approximately 150 deaths per 100,000 live births in 1998 and about 625 deaths per 100,000 live births in 2010.

It is hardly surprising that rural women appear to be most dissatisfied with the 'progress' achieved in the recent past, as concluded by Casale and Posel.

Turning to the basic welfare of children, the national trends in Under Five Mortality (U5MR) in SA are extremely disturbing, especially because the U5MR is generally regarded as an excellent indicator of the overall quality of care achieved by health systems and, more generally, of human welfare.

A substantial proportion of rural children have still not been vaccinated and do not have access to basic sanitation or live in houses with safe water on site and TB transmission amongst children remains high.

The recent pattern of health expenditure in SA certainly does not suggest that preventing the death of rural children has been a priority: about 60% of health



Road construction in Makurung village, Ga-Mphahlele district, Limpopo.

expenditure is devoted to the 15% of the population using the private sector, and about two thirds of paediatricians work in the private sector.

The outcome indicators for progress in the education of poor rural children are at least as bad as the health indicators.

WAVE A POPULIST FLAG

The NDP's unappealing vision is of an economy that will have reduced inequality by 2030 to reach a Gini coefficient of 0.5. The NDP does not emphasise that, two decades before 2030, over 120 other countries have already achieved or well surpassed this modest goal. Instead, the NDP is littered with exhortatory, populist, nationalist and patronising slogans, possibly in an effort to promote the illusion of cohesion and solidarity in an obscenely unequal society.

It would take far too long to list all of the moralistic platitudes, but a few examples are sufficient to illustrate how the NDP attempts to paper over deep cracks in the structure of South African society – to ignore the inequality elephant in the room:

'People's views and voices need to be heard, their contributions

valued; the poor majority need to be accorded the same dignity and respect as more fortunate members of society.'

'A united and cohesive society is a critical condition for peace, security and prosperity. To that end, South Africans should: foster a feeling of belonging... and responsible behaviour.'

'We acknowledge that each and every one of us is intimately and inextricably of this earth with its beauty and life-giving sources.'

In the face of all the available evidence, the NDP assumes that the heroes of all populist stories, the 'small farmers', including the tiny number of Africans who have captured resources as a result of SA's land reforms, can and should make a major contribution to the growth of output, exports and wage employment in the agricultural sector. Poor rural South Africans would be well advised not to hold their breath while waiting for these fantasy wage-earning opportunities.

Of course, there is no reliable or up-to-date information on the number of 'small farmers', far less on the number of waged workers they currently employ. So the NDP resorts to guesstimates based on

wishful thinking and a poorly designed census conducted more than five years ago: 'There must be at least 25,000 small-scale farmers in the communal areas with access to more than five hectares of dry land... If these each employ two workers, about 50,000 jobs will be created... If about one in three beneficiaries of the redistribution programme farms on a small scale and employs at least two workers, 40,000 jobs are created'. If wishes were horses...

In a nod to the reality of diseconomies in the marketing and processing of smallholders' agricultural output, the NDP resorts to a mainstay of rural populist rhetoric – small farmer co-operatives: organisations that have served rural elites, as well as racist and neo-fascist agrarian movements so well in the history of SA, Germany and many other countries.

Unfortunately the recent history of the performance of smallholder co-operatives and 'associations' in SA, even when massively supported by state institutions, agribusiness or non-governmental organisations, does not suggest that they will become capable of making a

significant contribution to output or wage employment. The truth is that a very small number of large-scale farms will probably continue to produce the vast majority of SA's agricultural output. At present, about 2,500 farms produce more than half of total output, and all indices of the degree of concentration have been rising.

DISINVESTMENT

Over the past two decades, the most striking aspects of the macro-economic performance of the South African economy have been the adverse trends in total and private sector gross fixed capital formation, associated with the bleeding of investment resources through capital flight encouraged by government policy and welcomed by capitalists eager to minimise their already limited commitment to a national accumulation project.

Another important and adverse macro-economic trend, especially since 2004, has been that the country imports more goods than it exports. As a consequence, the external balance on goods and services remained negative over the period 2004 to 2005, in marked contrast to the positive balances achieved in the early 1990s. According to the International Monetary Fund (IMF) exchange rate overvaluation and the funding of current account deficits by volatile portfolio inflows are continuing to pose significant risks to macro-economic growth.

The role of government policy in stimulating these adverse trends is also clearly evident in the investment and export performance of the agricultural sector. Of course, the NDP does not discuss the impact of any of these misguided policies. However, South African agriculture lost virtually all state support during an ideologically driven process of domestic market deregulation and unilateral trade liberalisation that lasted for most of the 1990s.

The level of support to farms in South Africa, measured by the producer support estimate, has declined substantially and is now at a very low level (3% in 2008-2010), well below the Organisation for Economic Co-operation and Development (OECD) average of 20%. Unlike SA, most middle-income developing economies have adopted policies that increased their support for agriculture over the last decade.

There is other evidence that the South African state failed, when compared to more dynamic competitor economies, to encourage investment to support employment generating agricultural production. SA has a poor record of investment in irrigation, which is a major determinant of labour intensity per hectare in farming, and a disastrous record in financing agricultural research and development.

Yet the most telling indicators of the declining relative performance of South African agriculture are available in the trade data. In a context of growing world trade in agricultural commodities, the share of SA's exports of agricultural commodities averaged 0.53% between 1986 and 1994, having been 0.85% between 1976 and 1985. More recently, SA's share has fallen still further to an average of 0.50 between 2006 and 2008. In contrast, argue Aksoy and Ng, the shares in world agricultural exports of several major developing countries, including Argentina, Brazil, Indonesia, Mexico, China, Thailand, and Chile have all increased substantially between 1990/91 and 2006/7.

Further evidence of SA's relative failure to take advantage of agricultural export opportunities is available at a more disaggregated level. Since the early 1990s, SA has achieved much lower rates of growth in the

volume of dynamic commodity exports (such as wine, apple juice and cut flowers) than the rates of growth in the volume of these exports in competitor developing and middle-income economies.

The NDP's strategy for the agricultural sector is not based on an analysis of the adverse trends in the agricultural sector presented in this article, far less on an analysis of the contribution of policy to promoting disinvestment on productive farms. Instead, it waves a populist small-farm flag, without offering any reasons to support the claim that small farmers and 'new entrants', with support of dubious value from micro-credit, entrepreneurship training and the dysfunctional extension service, could make a significant contribution to the urgent need for growth in exports and wage employment.

However, the NDP does hedge its bets. It sensibly recommends 'picking winners' and some sort of support for existing large-scale farms producing exports such as citrus, table and dried grapes, avocados and vegetables. It also recognises that investment in irrigation has the potential to be the 'driving force' behind rural development, although it is hopelessly vague about where on its long list of unordered priorities irrigation should be placed.

The document lacks quantitative information about the scale, timing, and methods of financing the rural infrastructural investments that the state should now urgently undertake. Instead, it repeatedly bows to the failed deity of public-private investment solutions, no doubt in the hope of maintaining the sound reputational value of the Trevor Manuel international brand. ¹⁵

John Sender is Emeritus Professor of Economics at the School of Oriental and African Studies, University of London.

Sadtu's response to SoNA

Education not declared essential service

The South African Democratic Teachers Union (Sadtu) welcomes the State of the Nation Address (SoNA) by State President Jacob Zuma. The speech has met some, but not all, of the union's expectations.

We welcome in particular the final explanation by the president that the government is not intending to declare education an essential service. This is important in a sector that is crying for dynamic leadership at the level of the department. We have always maintained that declaring education an essential service would be tantamount to treating the symptoms and not the root cause of the challenges.

In our view, the Department of Basic Education (DBE) should rather focus on implementing existing policies and regulations consistently. The DBE's focus should be on implementing existing progressive initiatives such as the Quality Learning and Teaching Campaign (QLTC) which encourages all stakeholders to play their part and take responsibility in improving the quality of education. This includes the department itself and all the technocrats from the national to circuit offices.

The president has created certainty and political clarity and his message on combating corruption is welcomed by our union as we face a cult in the DBE. In assisting the president in this war against corruption, we shall intensify our

campaign to push Basic Education director general Bobby Soobrayan out. The second phase of our action will ensure that the principals and members of the teaching fraternity are not intimidated by the DBE when reporting and exposing inefficiencies and laxity in the department.

No principal will be charged for exercising his or her constitutional right to freedom of association, especially when reporting non-delivery of learning support materials. We call upon our principals to report to the union acts of intimidation so that we can show the DBE that we can't tolerate decorated reports by hiding incapacity and incompetency of the discredited director general of education. The attitude, posture and orientation of senior bureaucrats in the DBE must change and the current cult must be eradicated if education is to be seen as a public good and essential for the development of our country.

We welcome the plans to improve maths, science and technology which will involve the establishment of a national task team to strengthen the implementation of the science, maths and technology strategy. However, we feel this will require a new leadership at DBE.

It will require cadres who are orientated towards service delivery and not self enrichment. We feel government should put more resources in the training and development of teachers. The introduction of indigenous languages as a medium of teaching will help improve the pass rate of these subjects. We note that the president did not mention the introduction of indigenous languages as a medium of instruction as mentioned by the African National Congress (ANC) in Mangaung.

We welcome the president's assertion that collective bargaining needs strengthening and not weakening. We will therefore work even harder, inspired by the president's vision to strengthen this dispute prevention strategy which we believe will help us to avoid the disruption of education.

The prioritisation of teachers' terms and conditions of employment through the establishment of the presidential remuneration commission is a positive development. Adult Basic Education and Training (Abet) and Early Childhood Development (ECD) especially Grade R that the president mentioned are important. **LB**

Is education an essential service?

Numsa says no

The crisis in education will not be solved by denying teachers their rights but by addressing the legacies of colonialism and apartheid that relegated blacks and Africans to the bottom of the pile in human development, writes **Irvin Jim**.

The first illusion to dissolve is the obvious fact that post-1994 South Africa does not have one, unified harmonious education system that enjoys equal standards of both the quality of education and infrastructure, at all levels and types.

It is important to make it clear where the so-called 'crisis of education' is located within the system itself. Once the education crisis is properly located, it is then crucial to explain the real historic and continuing causes and drivers of this crisis. Only then can any meaningful programmes of transformation be drawn.

Any attempt to ignore or minimise the task of first honestly and correctly locating the crisis in the education system, its historic and continuing causes and drivers' leads to the extremely hypocritical but dangerous, white supremacist racist analysis. This analysis very simplistically places the blame on the quality of teaching and leadership in parts of the education system which are in a deep crisis.

Numsa refuses to be bullied and blackmailed into adopting this shallow, superficial, white supremacist racist analysis of the education crisis post-1994. This analysis places the blame of the

failure to resolve and transform the education system at the feet of black and African teachers in general and ultimately at the black and African population in particular, purportedly for behaving in ways which generate and worsen the crisis.

Numsa fully agrees with Cosatu's excellent critique of the National Planning Commission's (NDP) Diagnostic Report in which the federation correctly locates the education crisis in the education system for blacks, especially African.

We all know that the education system for the white South African community is by and large fairly advanced and does not experience the same quality, infrastructure and other problems that are common in all the African working-class communities.

While we all can pick out most of the factors that make the education system not to function, it is absolutely essential and necessary to the resolution of the crisis that we must simultaneously and honestly provide an answer as to why the crisis finds expression in the African part of the schooling system and not in the white one.

Once we have identified the location of the epicentre of the crisis in the black aspect of the education system, this logically leads us to the

fundamental question: how is it that, almost 20 years in a democracy, the education system in black communities is not working, while in the white community it is the opposite and even comparable to that of European countries?

Like Cosatu, we must ask: why is it that 'good principals' are hard to come by in African schools but are plenty in white schools? Why are teachers in African schools spending less time at school than those in white schools? Why is it that African communities are not mobilised to support their schools whilst the white community seems to take interest?

Why is it that African schools have extremely inferior infrastructure compared to white schools?

Why is it that the majority of African learners come from extremely poor communities in which high unemployment, violence against children and women and all sorts of other social ills are widespread?

Why is it that at birth, an African child is 18 times more likely to be poor than a white child?

Why is it that the majority of black and African children go to school hungry, post-1994?

To answer these questions, we must never refuse or be bullied



Numsa general secretary Irvin Jim.

into pretending that post-1994 South Africa has suddenly gotten rid of its past. To do so is to yield to the powerful continuing white supremacist and shallow behavioural analysis.

Such an analysis conceals the origins and continuing character of the post-1994 period.

COLONIALISM OF A SPECIAL TYPE

The South African Communist Party (SACP), 7th Congress in 1989, provides a useful summary of the origins of present-day white racist, patriarchal (male-dominated) and capitalism:

'The South African capitalist state did not emerge as a result of an internal popular anti-feudal revolution. It was imposed from above and from without. From its birth through to the present, South African capitalism has depended heavily on the imperialist centres. Capital from Europe financed the opening of the mines.

'It was the colonial state that provided the resources to build the basic infrastructure – railways, roads, harbours, posts and telegraphs. It was an imperial army of occupation that created the conditions for political unification. And it was within a colonial setting that the emerging South African capitalist

class entrenched and extended the racially exclusive system to increase its opportunities for profit. The racial division of labour, the battery of racist laws and political exclusiveness guaranteed this.

'From these origins a pattern of domination, which arose in the period of external colonialism, was carried over into the newly-formed Union of South Africa. From its origins to the present, this form of domination has been maintained under changing conditions and by varying mechanisms.

'In all essential respects, however, the colonial status of the black majority has remained in place. Therefore we characterise our society as colonialism of a special type.'

WHAT DO WE LEARN FROM THIS?

- 'South Africa' was born out of the violent European destruction of the lives and economies of the local African populations, who were racially oppressed and dominated.
- The origins of modern capitalist South Africa lie in an imported capitalist revolution – imperialism financed and provided the military means to establish the modern racist, patriarchal and capitalist South Africa.

- The original white South African capitalist class was born within a colonial setting.
- To increase its opportunities for profits, the South African capitalist revolution relied on the white supremacist racial division of labour, which was coded into a battery of white racist laws and political racial exclusiveness.
- From its origins to the present, white racial domination has been maintained under changing conditions and by various means, but it has always been the backbone of South African capitalism and its society.
- In all essential respects, however, the colonial status of the African majority has remained in place.

Although in 1910 the white settler community in South Africa won political freedom from British colonialism, black people remained in a colonial relationship to the white settlers through a system of white racial domination. It is this reality of internal white racial domination of black people in general and Africans in particular that correctly led the SACP to characterise South Africa as 'colonialism of a special type'.

Apartheid gave this white racial domination of Africans its formal ideology. So began the process of turning millions of Africans into the present-day South African working class.

We see, then, that Africans not only lost their land and independent economic means, they were reduced to serving the interests of white capitalists and the white community in order to survive.

Thus an education system appropriate for the purposes of serving white capitalists (supplying cheap, largely semi-skilled and unskilled labour, and domestic workers) and the white community was constructed for the black and Africa working class, and rural African populations.

Any efforts to minimise, distort, ignore or underplay, today, these historic causes and continuing drivers of the crisis of development for the majority of South Africans (who are by and large black and African) in general and the crisis in the black and African part of the education system simply serves to strengthen the continuing colonial character of the place and lives of black and African people. Such efforts support white domination of South Africa, notwithstanding the small sprinkling of a black and African middle class, post-1994.

It is in fact in recognition of this glaring continuing colonial character of the lives of black and African people – notwithstanding the ‘democratic breakthrough’ in 1994 – that the ANC, at its Mangaung 2012 Conference, has acknowledged that the time has come to make a priority and fast-track the economic development of black and African people in South Africa. The task is simply to destroy the colonial character of the lives of millions of black and African South Africans, in relation to the white population and a small black and African middle class.

CONTINUING COLONIAL INJUSTICE

In its brilliant critique of the NDP Diagnostic Report, Cosatu prophetically, states:

‘The NPC statement about teachers is two-fold. Teachers are not supported but teachers are also ill-disciplined, period. They engage in strike action, they hide behind complex labour regulations, they hold union meetings during school hours. In short, the implication is that part of the problem with the education system is the labour market dispensation that governs the education system.

‘Logically the reform that will be proposed is to either ban strike action or place teachers under essential services (as the Democratic Alliance (DA) has suggested), introduce flexibility in the education

labour market by making it easy to hire and fire teachers, limit unionisation of teachers or devise ways to make it difficult for teacher unions to operate in the education system. If this is the direction that the NPC will be taking, we wish to remind them of the Freedom Charter: *Teachers shall have all the rights of other citizens.*

By proposing to declare education an essential service, the ANC succumbs to the demands of the white supremacist DA which seeks to perpetuate the colonial status of Africans everywhere, and especially in education.

We can here only repeat what the only viable programme – the Freedom Charter – says in order to end the colonial status of Africans, and establish a truly equal and democratic South Africa:

The People Shall Share in the Country's Wealth!

The national wealth of our country, the heritage of South Africans, shall be restored to the people;

The mineral wealth beneath the soil, the Banks and monopoly industry shall be transferred to the ownership of the people as a whole;

All other industry and trade shall be controlled to assist the wellbeing of the people;

All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions.

Numsa challenges anyone to prove to us how outside the equitable redistribution of wealth, and productive capacity in South Africa among all the people, as clearly stated in the Freedom Charter, the colonial status, the human inferior status of black and African people to whites can be corrected.

Further, we challenge anyone to dispute the most obvious fact about the education system: that the inferior colonial education of Africans in South Africa is good for sustaining the superior racist

position of the white population and its small sprinkling of black and African people.

The Freedom Charter is very emphatic about what kind of education is required for a truly free and democratic South Africa. It says:

The Doors of Learning and Culture Shall be Opened!

The government shall discover, develop and encourage national talent for the enhancement of our cultural life;

All the cultural treasures of mankind shall be open to all, by free exchange of books, ideas and contact with other lands;

The aim of education shall be to teach the youth to love their people and their culture, to honour human brotherhood, liberty and peace;

Education shall be free, compulsory, universal and equal for all children; Higher education and technical training shall be opened to all by means of state allowances and scholarships awarded on the basis of merit;

Adult illiteracy shall be ended by a mass state education plan;

Teachers shall have all the rights of other citizens;

The colour bar in cultural life, in sport and in education shall be abolished.

We expect the ANC to know that only when education shall be free, compulsory, universal and equal for all children; higher education and technical training open to all by means of state allowances and scholarships awarded on the basis of merit will the crisis in the African part of the South African education system be resolved.

Clearly declaring education an essential service so that you deny teachers the rights which all other citizens enjoy will not alter the colonial character of the quality of education given to Africans.

Stated differently, it is not because teachers have all the rights which all citizens enjoy that the education of Africans remains colonial and



Numsa delegates at the 9th National Congress in Durban last year.

extremely inferior, post-1994.

Disruptions in the education of African children will continue as long as the quality of life and the education of Africans are colonial, in post-1994 South Africa. Surely this most obvious of facts needs no labouring?

Strictly speaking, according to the Freedom Charter, post-1994, every Black and African child must refuse to be given an education inferior to what the white population and its parasitic Black and African middle classes enjoy.

Thus ideally we should have just about all the children in African schools in African working-class communities and rural areas permanently on strike demanding to see evidence of revolutionary measures being put in place to transform the quality of lives of their communities and schools.

Scapegoating teachers' post-1994 for the crisis is a simple white racist cop out of the revolutionary task to destroy the colonial status and character of African lives and their education. It will not make the crisis go away. The crisis will instead grow.

WHAT CAN BE DONE?

Consistent with the revolutionary teachings of the liberation

movement in general and the ANC itself in particular, the following measures need to be undertaken in order to abolish colonial African education and create a truly unified, equal and democratic South African education system:

- Take revolutionary measures to implement in full, all the provisions of the Freedom Charter, including nationalisation of strategic economic assets and land expropriation without compensation, thus ending once and for all, the colonial status of Africans in South Africa and effectively uprooting racism.
- Redistribute education resources across the entire system.
- Abolish the white colonial and racist three-tiered structure of the education system, which features private institutions, model-C schools, and ordinary public schools in order to redistribute resources towards ordinary public schools in working-class and poor communities, and to equalise quality of education.
- Systematically and consistently inculcate and promote a culture of learning and teaching across the entire system.
- Abolish colonial wages, establish the living wage, and promote

the creation of decent work as a foundation for reconstructing the African family and creating viable human communities in South Africa.

- Promote human rights and make all the socio-economic rights in the constitution justiciable.
- Eliminate race, gender and class oppression and discrimination in all areas of human activity.
- Promote equity – level the playing field for all learners independent of their class, race and gender.

Only such revolutionary measures can guarantee South Africa a truly democratic dispensation, peace and never-ending development and the resolution of the crisis of human development and thus, the resolution of the crisis of education.

Any start-stop gap measures simply postpone the inevitable pain of the implementation of the revolutionary measures to resolve the crisis of human development in South Africa, and its subsidiary, the crisis of education.

Numsa rejects any proposals to declare education an essential service! ^{LB}

Irvin Jim is the general secretary of Numsa.

SA role in Brics

What are the benefits?

As an emerging economy and Africa's economic power house, what role is South Africa playing in Brics? **Memory Dube** explores South Africa's position in the run-up to the Brics summit.

South Africa is due to host the fifth Brics summit on 27 March 2013 and the government has reported that preparations are in full swing. From being dismissed as just another talk-shop for heads of state to being applauded as representative of a new world order, the Brics group, composed of Brazil, Russia, India, China and South Africa, has sparked much interest and controversy.

Critics and proponents alike wait with bated breath at each summit to see how the group evolves. It is becoming increasingly clear, however, that the Brics have come to represent shifts in the global political economy and a growing multi-polar world, spurred on by the sluggish economic growth being experienced in the West.

For South Africa, which is hosting the summit for the first time, the upcoming summit is particularly important. As the incoming chair, South Africa chose to make this year's summit about African priorities. Aptly themed, 'A Partnership for Development, Integration and Industrialisation', the 2013 summit will focus on African priorities such as infrastructure development and regional integration.

Such an approach signifies confidence in the future and viability of the Brics group and emphasises its significance for Africa. Of course, at a bilateral level, each Brics member has strong ties

with Africa (Russia to a much lesser extent but the country is in the process of re-engaging Africa) and particularly with the resource-rich countries.

The Brics as we know them today evolved from a simple acronym coined by a Goldman Sachs economist, Jim O'Neill, when he was forecasting and drawing projections for the future economic potential and importance of Brazil, Russia, India and China. The then Bric countries have since become Brics, with South Africa joining the grouping in 2011.

A quick glance at the statistics reveals that in 2011, the Brics accounted for 25% of global gross domestic product (GDP), 30% of global land area, and 45% of the world's population is resident in the Brics countries. Total trade among the Brics countries has increased at a rate of 28% per annum since 2001 and in 2010 the figure stood at US\$239-billion. Also, according to International Monetary Fund (IMF) statistics, China, India, Russia and Brazil were, in 2010, among the top ten economies in the world.

EMERGING ECONOMIES

Probably because the concept of Bric was coined on the basis of economic projections as the countries are much more strongly identified with a trade and economic agenda and the emerging economy status of its members. Indeed, all of the Brics analyses

from the Goldman Sachs group still focuses trade and economic outlooks and continues to create other groupings which have so far not taken root.

However, the Brics' biggest strength is in its political economy and there is need to view them outside of the economic lens in order to understand their true potential as each of the Brics members is a regional giant in its own right. Brics as it is today is more of a political than economic grouping, especially after South Africa's accession to the group.

The Brics New Delhi summit of 2012 was significant for having completed the full hosting cycle of the original members (which excluded South Africa). It was also a symbol of the consolidation of the Brics summit, marking its permanency in the global governance arena.

Based on the summit statements and declarations, a Brics core agenda includes global financial and economic management, trade, investment, sustainable development, energy, food security, health, terrorism, development, science, technology and innovation, and strengthened dialogue and cooperation.

With the Brics having been formalised as a group in the wake of the global economic crisis, underlying the agenda is the stated desire to see a reform of international institutions and to

secure better representation of developing countries. The summits also always discuss topical issues on the global agenda, from food security in 2009 to peace and security concerns in North Africa and Syria, and the Iranian nuclear issue in 2011.

In its development, the Brics agenda has evolved significantly from the first summit where it was closely linked to that of the G20 – creating the impression that it was a forum for coordinating positions in the G20. Instead, the group is becoming more structured with expanded sectoral discussions taking place outside of the leader's track. These sectoral discussions are becoming institutionalised through regular meetings of trade, agriculture and finance ministers, cooperation among development banks, and the establishment of business and academic/think tank forums.

The New Delhi summit in March 2012 also considered the idea of setting up a Brics Development Bank and a working group was set up to discuss related issues. Indications from South African government officials are that plans for the establishment of the bank are gathering momentum. These developments indicate a group that is independently defining the contours of its existence and is willing to consider new institutional structures where necessary.

The Brics analysis becomes difficult when attempts are made to evaluate the group's future viability. There seems to be more divergence than commonalities among the group's members, including on pertinent global issues. For instance, their political systems vary with three members, South Africa, India and Brazil, being democracies while the other two, Russia and China, are more totalitarian. The latter two countries hold permanent membership of the United Nations Security Council (UNSC) while the other three are aspiring members of the UNSC.



William Matlala

Foreign Affairs Minister Maite Nkoana-Mashabane to promote trade interests in Brics.

Despite the Brics summit declarations that pronounce Russian and Chinese endorsement of the UNSC aspirations of the other three members, Russia and China have never explicitly supported these efforts in other fora. Further, there is hostility between China and India over their disputed common borders, and India has always played host to the Dalai Lama, the spiritual leader of Tibet, and about 80,000 exiled Tibetans who are fighting for independence from China.

In their trading relations, Russia, Brazil and South Africa tend to supply commodities to China and India and get manufactured goods

in return, more so from China than India. This may sound like a complementary relationship but South Africa, for instance, is keen to promote product value-addition and beneficiation, particularly in the mining sector, and this creates competition.

COMPETITION

The Brics countries also compete against each other on the international markets and, in the World Trade Organisation (WTO), the largest number of complaints against the Chinese have been initiated by Brazil. India is also seen as a threat to Brazilian producers



Finance Minister Pravin Gordhan has a task to obtain economic benefits from Brics.

in the steel and software sectors. There is also the Chinese currency manipulation issue where the pegging of the renminbi to the US dollar makes Chinese exports cheaper, and Brazil has openly criticised this practice.

Two incidents related to the reform of global economic governance and particularly the reform of the international financial institutions point to the failure of the Brics to make common decisions on issues which, surprisingly, they agreed upon, and which issues have featured on every summit declaration. For example, on the occasion of the appointment

of the IMF managing director in 2011, the Brics revealed a failure to collectively respond to global events and opportunities as they presented themselves.

The failure of the Brics countries to nominate a common candidate also revealed a cooperation deficit. It was mostly agreed in policy circles that the IMF head selection process was a missed opportunity and a lesson for the Brics. Nevertheless, when an opportunity again presented itself in the selection of the World Bank president in 2012, all that the Brics achieved was a rhetorical statement in the Delhi declaration

calling for an open and merit-based selection process. The Brics failed to endorse the candidacy of the Nigerian finance minister for this position and Russia went as far as endorsing the US candidate although it was widely agreed that the Nigerian candidate had better credentials.

The Brics also disagreed when it came to the issue of military intervention in Libya as well as on the proposed plan for the removal of the Syrian president in the wake of the political disturbances, with the three democracies supporting the initiative, while Russia and China opposed the proposal in the UNSC.

The above differences tend to give Brics sceptics and critics ammunition to dismiss the project, particularly as a political grouping. It could be, however, that with a little tweaking, the Brics project could still live up to its potential. The leaders have always been careful not to pronounce the grouping as being a counterbalance to any other grouping or country. Instead, they have opted to portray themselves as complementary to the current global governance bodies and as a complement to other country groupings such as the G20.

At the core of it all is not necessarily finding points of convergence, but changing the structure of global governance to give more representation to developing countries, particularly the emerging economies. Nevertheless, a significant amount of coherence would still be needed for such a project.

The Brics have scored some relative successes to date, which are worth noting. At the 8th WTO Ministerial Conference in Geneva in December 2011, they issued a joint statement on trade issues confronting the WTO thus gaining significant influence. Russia's accession to the WTO might strengthen this influence although

this is doubtful given Russia's ill-fit within the group and particularly because it is, for all intents and purposes, more of a developed economy in transition than an emerging one.

Within the G20, the Brics managed to push through a decision to redistribute some of the voting shares in both the IMF and the World Bank at the London summit in September 2009. Also, they were agreed on the need to contribute to the IMF firewall fund designed to stop the Eurozone crisis in 2012 from spreading to other countries.

The various pledges made by the Brics countries to the IMF signify an acceptance by the Brics, of the responsibilities that come with increased voice and power. This will place them in good stead when it comes to global economic negotiations. Also, at a domestic level, the Brics members do share commonalities on development, inequality and poverty reduction concerns.

According to foreign minister Maite Nkoana-Mashabane, South Africa had three objectives in mind when it joined Brics. These were to advance its national interests, to promote the regional integration programme and related infrastructure development programmes (Southern African Development Community, SADC) Regional Infrastructure Master Plan, New Economic Partnership for Africa's Development (Nepad) infrastructure programme and for a South-South partnership towards the advancement of global governance and its reform.

South Africa has often reiterated the importance of 'African interests' in its interaction with its counterparts in the Brics, particularly on issues of development and regional integration. The Africa focus has been built on the idea of South Africa as an economic gateway to the continent.

Nevertheless, South Africa's gateway status has been challenged in some circles, while others contend that other, better economic gateways are emerging in Africa. If anything, South Africa is more of a political gateway that needs to work on the economic environment. Also, there is the issue of the existing bilateral relationships between the other Brics countries and Africa, which relationships remain basically untouched by South Africa's membership of the Brics.

Outside of a buy-in into South Africa's Brics membership at a continental level, it is highly unlikely that South Africa can successfully craft and implement a Brics-Africa agenda. In this context, it is therefore worthy that South Africa has invited the representatives of the African Union, Nepad as well as representatives of the various regional economic blocs in Africa, to an engagement following the Brics summit in March 2013.

It would have been ideal for South Africa to consult and involve these institutions earlier in the preparations for the summit but inviting them will go a long way towards buying goodwill from African counterparts, especially as the 5th Brics summit is being sold on the 'Africa' ticket. Nevertheless, South Africa should still be mindful of the importance of bilateral ties, particularly with African countries. There are murmurings of a Brics strategy which is not yet public but too much emphasis is being placed on an assumption of automatic buy-in from the rest of Africa, and this needs to be remedied.

For South Africa, the benefits of Brics membership derive from the potential of expanding trade and investment relations with other countries and to provide an opportunity to diversify export markets away from traditional ones like the EU and the US, whose economies are suffering from the after-effects of the global economic crisis.

South Africa's Brics membership also bolsters the country's political standing, as a middle power that is widely acclaimed in such institutions as the WTO, the United Nations, and the G20. The country has also played a leadership role in climate change negotiations under the United Nations Framework Convention on Climate Change, as well as in its peace and mediation efforts in Africa.

There is no doubt that the increased role of emerging economies in the global economy and, by extension, global politics has built leverage for the Brics. Economic growth does not necessarily translate into political might, but the sluggish growth in the developed world and the preoccupation of the EU and the US with their own domestic economic problems, as well as the fact that the emerging economies, led by China, have kept the global economy propped up through a period of crisis, has created room for political manoeuvre by the Brics.

The question is whether the Brics are able to leverage on that and so far they have fallen short of expectations. Nonetheless, the Brics have been showing a concerted effort to find common positions on important issues and as the group becomes more grounded and more institutionalised, it is expected that they will find greater coherence amongst themselves and on issues of international importance. Another challenge for the Brics lies in its definition. As the group goes through its evolution and finds a more tangible identity that goes beyond annual summits and communiquees, there is scope to change international political and economic thinking and practices. ^{LB}

Memory Dube is a senior researcher in the Economic Diplomacy Programme at the South African Institute of International Affairs.

Uniting for democracy in Swaziland

Ngugi Wa Thiongo once wrote: 'There is no night so long that it does not end with dawn.' The same wisdom applies to the struggle for democracy in Swaziland, writes **Mario Masuku**.

The finest sons and daughters of the heroic and fighting masses of Swaziland this conference takes place against the backdrop of a directive from the 7th General Congress of the People's United Democratic Movement (Pudemo), where it was agreed the leading structures were instructed to convene a national policy conference to discuss alternative policies for our country. They were also tasked to develop a clear programme for the effective renewal of this great movement of our people, in view of the years of operating under extremely hostile conditions resulting from the brutal rule of *tinkbundla* and the ever changing political landscape and conditions in the country.

As delegates representing Pudemo structures throughout Swaziland and those based outside the country, joined by our allies and fraternal organisations, as well as researchers and academics drawn from various institutions, we are gathered to make a critical reflection of the situation facing our country and people. The Pudemo structures represented here reflect the width and diversity of the mass of the Swazi people in churches, workplaces, rural areas, social and cultural centres, educational institutions,

and every other space where our people are found.

We the delegates fully accept the responsibility placed on our shoulders by the historic expectations and tasks arising from the political situation in our country and the need to provide concrete answers and alternative policies to the mess that *tinkbundla* has done to our people.

They want a better life with improved material conditions. They are tired of endless promises and empathy, but are keen for decisive action. They want a clear direction about the next step that we should, as an oppressed people, take towards eradicating the source of our collective misery.

We are gathered as freedom fighters and revolutionary democrats and disciplined militants of the Swazi movement in order to respond to the emergencies imposed by the deepening conditions of desperation, hopelessness, political suppression, hunger, extreme poverty and unemployment in our country. Our people want change, and not just change for its own sake, but a clear projection of the kind of society and the alternatives we

seek to put in place for the future of our country.

They want a better life with improved material conditions. They are tired of endless promises and empathy, but are keen for decisive action. They want a clear direction about the next step that we should, as an oppressed people, take towards eradicating the source of our collective misery.

As we do so, we take this opportunity to salute the coming into being of the giant workers federation, Tucoswa, which has emerged as the spearhead of the Swazi democratic struggle, by building unity in action of workers and other civil society forces. All workers and activists must strengthen the unity and organised capacity of the Swazi trade union movement, whilst also promoting the place and role of the only federation in the country.

We salute the heroic sacrifices of our people, cadres and internationalists who suffer with us. We take this special opportunity to extend our special thanks to our allies, the Tripartite Alliance of South Africa, the African National Congress (ANC), the South African Community Party (SACP) and the Congress of South African Trade Unions (Cosatu) for their clear support, commitment and love for our people and the future of our country.

They have always opened their warm hands to our people and their liberation movement, Pudemo, and its allied forces. They have not dictated to us how to execute the struggle, but have always been willing to share their experiences and wisdom in order to broaden and enrich our own struggle, informed by the prevailing conditions in Swaziland.

UNDERSTANDING STRUGGLE TERRAIN

Those who do not fight are voluntarily choosing to perish!

The conference reaffirms the centrality of Pudemo as a critical force for liberation in Swaziland, with the full responsibility to build, coordinate and support our people's efforts towards their own liberation. It is with the fullest appreciation that we take seriously the tasks assigned to us and our declared commitment to change the situation in the interest of the poor and oppressed masses.

The conference further recognised the historical significance of 2013 in the following ways:

- Pudemo, the tried and tested weapon of the people's struggle shall be turning 30 years on 6 July 2013.
- The reign of *tinkbundla* terror, marked by the 12 April 1973 perpetual state of emergency, shall be turning 40 years.
- *Tinkbundla* royal selections, disguised as elections are due and we have made our stand clear that without the

fundamental conditions for a free and fair multiparty democratic process in place, no elections can be deemed democratic. No renewal of *tinkbundla* lease of life.

It is for this reason that conference calls upon all cadres of Pudemo, other Swazi patriots and democracy-loving people all over the world to heed the call: 'a day more of *tinkbundla* rule means more suffering, more deaths from curable diseases, more hunger, more unemployment, more arrests and more royal extravagance and corruption.'

We also extend our warmest and most profound salutation to the president of our youth wing, Swayoco, Bheki Dlamini and Zonke Dlamini the two sons of the Swazi people, who are currently in a *tinkbundla* jail for their courage, inspiration and untiring commitment to the cause of our people and their organisation, Pudemo. We also take this opportunity to condemn the vengeful sentencing of our internationalist, Amos Mbedzi, and call for his immediate unconditional release.

We also note that the heightened levels of harassment, arrest, intimidation and victimisation of Pudemo members and activists, which have clearly demonstrated the extent of desperation with the ruling *tinkbundla* circles. In the recent past the regime has engaged in a full-blown policy to crush dissenting political views in line with the mandate given by the head of state to his current cabinet. Pudemo is the prime target, as indicated by the 2008 Suppression of Terrorism Act, which specifically names the movement and its youth wing, as well as its auxiliary structures, for brutal crackdown.

WEAPON FOR DEMOCRACY

Pudemo is synonymous with liberation. It has become a buzzword for change and an icon of the people's aspirations in Swaziland. It

is very clear to everyone that there is no genuine solution to the crisis outside engagement with Pudemo and the mass democratic movement as a whole. Surely, for any lasting solution to emerge the people's organisations must be involved and the people's demands must be the primary determining factor. This means the people must own and control the process of engagement.

Pudemo emerged in the context of an extremely hostile political environment, characterised by demonising propaganda, state brutality to hide a corrupt moral fibre and economic system that enriches only a few parasites at the expense of the poor majority. Pudemo continues to contest *tinkbundla* hegemony and create space for a new democratic and progressive culture where respect for human rights and dignity are central. Through bitter struggles, Pudemo has immensely contributed in transforming the political landscape towards the realisation of the goals set out in the *People's Manifesto*.

We have come a long way, not without pains and sacrifices, but also victories and joys, advances and setbacks. This lengthy period has however also brought to the fore certain urgencies. Certain tendencies in the very recent past point to the need for intensified induction of members, political education and cadreship development as part of an established culture in the movement. There is also need to build a culture of discipline and high moral standards in our society through the exemplary conduct of Pudemo cadres in struggle and in their daily lives.

Pudemo represents the most advanced, highly disciplined and unwaveringly dedicated members of society and this must be upheld as a yardstick for the renewal of our noble traditions and principles. Pudemo members and structures do all and everything for the people and nothing against them!



Bheki and Zonke Dlamini: jailed for standing up to Tinkhundla.

TRANSFORMATION POLICIES

The conference discussed a number of draft policies that aimed to chart a new way forward for the country and agreed that the policies needed to integrate the robust discussions as well as enrich further the policy frameworks agreed upon. The discussed draft policies included: economic planning and development, transformation of the state for democratic governance and quality public service, energy resources and industrialisation, land, agriculture and food security, education and training, health and international relations policy.

The institution of traditional leadership and the monarchy in the context of a democratic struggle was also discussed. The challenge of organisational renewal, which provided an opportunity to reflect on the state of Pudemo itself and the urgent need to reposition our movement in order to decisively respond to the current political environment in our country, was also discussed. Discussions sought to put Pudemo at the centre of the

people's struggle to determine their own destiny as free people, and to inspire confidence towards renewed momentum.

On the transformation of the state, democratic governance and quality public service:

1. The National Policy Conference reaffirmed our strongly held assertion that the *tinkhundla* system is undemocratic and alien to Swazi cultural values and the aspirations of our people as a whole. It is a system rooted in the ruthless entrenchment of royal supremacy in the name of Swazi culture and tradition, and a conduit for economic accumulation of the ruling elite and their friends, while the majority remain in dire conditions of squalor and dehumanising poverty.
2. At the forefront of Pudemo's approach to normalising the political, economic, and social breakdown in our country and setting a new agenda for development, is the issue of establishing new institutions of democracy, such as a constitution born out of popular participation or a new social contract based on shared values, universally accepted principles of human rights and democratic values.
3. It is therefore fundamental that a new and democratic constitution that restores the sovereignty and dignity of the people to freely express their will and elect a government of their choice through a democratic process is established as a prelude to restoring normalcy in the society. To this end therefore a democratic constitution-making process agreed to by all political parties, civil society, and all sections of communities, must be established. As a way of national unity we need a situation whereby the constitution-making process can be driven by a committee of experts with equal representation by political parties and civil society, thereafter put to a national referendum for adoption.

4. This will build a momentum to rally the people for a transition for democracy in Swaziland. In order for the process to have local, regional and international buy-in and endorsement, the constitution-making process should be monitored and facilitated by a credible and properly mandated international or multilateral institution.
6. Separate traditional governance under customary law or culture from the normal function of the central government and ensure the development of traditional and cultural institutions in accordance with democratic values, human rights, and human dignity or *buntfu*.
7. Entrench the rule of law or equal protection of all people regardless of social or political standing: the laws of the country under the constitution should be to advance and protect the interest of all citizens regardless of social standing or status and no one should be above the law of the land.

Pudemo advocates for a constitution that will:

1. Entrench the sovereignty of the people as a source of political power to govern the country.
2. Reverse the negative socio-cultural, political and economic impact of evictions, landlessness and the use of land by the traditional aristocracy to enforce *tinkbundla* royal hegemony.
3. Entrench the Bill of Rights and guarantees the rights of every Swazi, political parties, civil society organisations, and trade unions to fully participate in the development of the content, character, quality, and depth of our democracy. This will ensure that our people shape and benefit from their freedoms.
4. Ensure the separation of powers between the three arms of government. This will entrench a new culture of public accountability and respect for the sovereignty of the people.
5. Define the structure and the purpose of government. Until congress pronounces otherwise, the structure of government should be a unitary one, led by a head of government elected from the majority party in parliament who shall be accountable to parliament and the people of Swaziland. As to who the head of state becomes is another constitutional matter altogether, that will be determined by the obtaining conditions at the attainment of freedom.
8. Embrace the idea of an open and free society where the constitution becomes the principal guardian of individual and collective liberties, rights and responsibilities ensuring that individuals and society can freely express views and make demands on the state without fear or favour.
9. Define the role of institutions of security and defence; the police and the army, and all intelligence services and ensure that they are reoriented and transformed to be in the service of the people and respect the sovereignty of the people and the constitution and to function under the values and principles of a democratic state. In this respect appropriate orientation would be required to ensure adaptation and transformation of our respective security forces into professional institutions that contribute positively in the building of a developmental state and the defence of the rule of law and the constitution based on the free will of every citizen of the country.
10. Establish institutions to support the values of a democratic state and to ensure public accountability and good governance. Pudemo government will create institutions for the support of multiparty democracy, including but not limited to the creation of a fund by the state to defend popular participation through political party funding, proportional to representation in parliament
11. Respect and protection of the rights of minority groups in our society and provide for a comprehensive social security system for all economically disadvantaged social groupings, like the physically-challenged.
12. Multiparty elections where political parties contest elections and the majority party runs government; where there will be a mix and balance between proportional representation and constituency-based electoral system, in particular at the lower closer-to-the-people levels including some traditional structures. This system will allow minority groups and opposition parties to play a constructive role for the common good of the country.
13. The conference further re-affirmed that *Pudemo* shall not take part in the 2013 general selections guised as elections, unless they are under a multiparty dispensation. Pudemo will only participate in multiparty elections. Conference calls for unity of all forces to demand a Democratic People's Government and the total rejection by all progressive forces of any attempts to weaken the democratic forces by the co-option of others from the progressive camp to participate in the 2013 selections and in the process, legitimise them. ^{LB}

Mario Masuku is the president of the Pudemo and this article is an edited part of a speech he gave at the 2nd Policy Conference in Nelspruit, held under the theme 'Uniting all forces towards a democratic people's government'.

Closing Zim's wage gaps

Lecturers get organised

The wage gap between college and university lecturers in Zimbabwe has been widening and is one of the reasons why the College Lecturers Association of Zimbabwe (Colaz) was formed. **Nunurayi Mutyanda** and **Chido Tecla Bvumisani** explore how Colaz is organising the college educators.

In a memo to the Public Service Commission (PSC) the permanent secretary in the Ministry of Higher and Tertiary Education (HTE) observed that 'college lecturers hold very high qualifications and are promoted from the best in the ranks of senior teachers, deputy headmasters, headmasters, education officers, artisans, technicians and managers'.

Despite college lecturers being comparable to university lecturers in terms of qualifications, experience and performance, they were paid lower. It is this harsh reality that Colaz has resolved to tackle. However, the union's spirited effort met with limited success.

In this article we trace the history, achievements and challenges facing the union's bid to achieve equity.

Registered in 2004, as an association in accordance with Statutory Instrument 45 of 1998, Colaz had an initial membership of 841 out of a possible 3,000 lecturers. However, it remained an affiliate of the Zimbabwe Teachers Association (Zimta) until 2009. This was caused by the battle for recognition from the stakeholders and its inability to attract membership during Zimbabwe's hyperinflation period.

Currently its membership stands at 60% of members in the sector it organises that includes vocational training centres, poly-technical colleges, teachers' training colleges and colleges involved in skills development. According to the union's constitution, membership is open to lecturers but those retired can join as associate members. However, membership is not open to non-academic staff showing the inherent absence of worker solidarity among Zimbabwe's workforce.

In September 2005, the association cemented its existence when it registered as a union under the Ministry of Public Service Labour and Social Welfare. The registration process was however not smooth as Colaz faced a challenge from Zimta who wanted to monopolise the education sector as its sole representative.

Zimta had, prior to the application by Colaz gazetted its intention to register as a union representing all associations in the education sector. For many years Zimta has been recognised as the sole representative of all educators and dealt with workplace and professional matters as well as conditions of service including salaries and allowances.

The Zimta constitution also states that it represents lecturers and administrators among others. Worse still, the term lecturer was not in the Education Act or Labour Act. It was also Zimta's submission that registering Colaz would 'disturb a settled structure' – that of Zimta.

What Zimta did not take into consideration when presenting its arguments was that, its constitution regards other groups like administrators and lecturers as sub-groups. Denying sub-groups an opportunity to represent themselves negates on their rights to be authors of their own destiny. Moreover other stakeholders like the ministry and the PSC, had already admitted that college lecturers had unique needs and, therefore deserved professional and constitutional rights to speak for themselves.

On registration as an association, Colaz automatically became a separate legal entity. Moreover, as a union it enjoys access to employees at any time. It also has the privilege and rights to sit on an employment board to supposedly bargain for its members and discuss issues that affect them. However, as long as lecturers remain under the PSC they cannot engage in collective

bargaining but consultation according to the Public Service Act.

Registering as a union also allowed Colaz to recommend a strike or sit in as happened in September 2011. However, such activities are regarded as illegal under public sector regulations.

Registration also improved the union's networking. As a result Colaz had the opportunity to affiliate with the Zimbabwe Congress of Trade Unions as well as the International Labour Organisation. According to Mr Mutsauri, the Mutare Teacher's college branch chairperson such networking 'allows for exchange of ideas.'

Having successfully registered as a union the next challenge was to be accepted as a member of the Apex Council and to participate in the national joint negotiating council (NJNC). In 2006, Zimta headed the Apex council and claimed to represent Zimta. Ideally, Zimta wanted to continue to represent the education sector as the only union. After various consultations with government officials and the PSC, the union was subsequently allowed to be a member of Apex council and to participate in the NJNC in 2012. Being a member of the two councils allowed Colaz to engage the employer over conditions of service of its members.

ACHIEVEMENTS

Registering as a union has allowed Colaz to meet with the employer and other stakeholders including directors of human resources, permanent secretaries, ministers and their deputies. This has reduced cases of the employer making decisions without consulting workers.

The union continues to sit on boards that discuss civil servants' pay such as academic, disciplinary, procurement boards and finance committees. In fact Colaz is listed as one of the administrative boards that help in the running of institutions of higher learning.

Colaz has also organised protest action in the form of a sit-in, the most popular being the 2011 September

sit-in to push for an increase in retention allowance that had been pegged at US\$100 since 2009. The union however lost the case as the permanent secretary removed the allowance.

However, the union has failed to challenge the permanent secretary to reinstate the allowance, let alone to increase it. To show that the ministry and the employer still wields too much power over the union, the permanent secretary decided to re-introduce the retention allowance using production units. This is a tactic to discriminate as colleges are not involved in direct production activities when compared to polytechnic colleges.

Colaz has also successfully represented its members in courts. During the September 2011 sit-in, the employer transferred lecturers that staged a sit-in: a move aimed at silencing them. Those from Mkoba Teacher's College were most affected. In response, the union successfully took the employer to court and won the case. The High Court ordered the reversal of unilateral transfers. The employer was also made to pay the relocation fees incurred by the lecturers as a result of the unilateral transfers which the court reversed.

From the court case it can be seen that at least the lecturers, through Colaz, are now able to air their views at various forums. Disappointingly, most of their proposals have been rejected by the employer. The labour laws that govern the sector give more power to the employer than the employee. The lecturer's challenge is that their employer, the PSC has been given powers by the country's constitution to determine wages and working conditions of civil servants, hence consultation is a mere formality.

DUAL LABOUR LAW

Zimbabwe has a dual labour system. While, section 3 of the Labour Relations Amendment Act 17 of 2002 harmonised labour laws, Labour Amendment Act 7 of 2005 came and completely wiped out all the

benefits that had been given to public sector workers. It was however, college lecturers and the bulk of civil servants that were plucked out from the law that governs the rest of the country's workforce and placed them under the Public Service Act (16:04). University lecturers continue to be governed under the Labour Relations Act (Chapter 28:01).

It should be noted that the country's constitution gives the PSC all powers to determine the working conditions of civil servants. Statutory Instrument 45 of 1998 clearly spells out that PSC does not deal with unions but associations. Colaz complied with the provisions of the Act when it registered in 2004. However, once registered, the association now falls under the supervision of a minister, who has powers to cancel, suspend or refuse the registration of any association. Registration also allows the state to interfere in the operations of the association.

For university lecturers being governed under the Labour Act allows them to sit at the bargaining table with the employer and conclude a collective bargaining agreement that becomes a legal instrument after approval by the minister. Unfortunately for college lecturers, the Apex Council is an old-fashioned structure incapable of collective bargaining as it is understood in terms of the labour law as argued by Mutyarda (*SALB* 2012).

Agreements reached between government and workers' representatives are not binding on the government. The minister of Finance has powers to veto decisions reached at this council. At the end of the day, Colaz has consecutively failed to have their employer improve its members' working environment let alone their salaries.

SALARY DISPARITIES

Both college and university lecturers fall under higher and tertiary education. The Finance ministry determines budgetary allocations for the ministry. In the 2011 budget, the

minister of finance increased the vote for HTE by over 100%. Surprisingly, this extra amount was earmarked for university lecturers' salary increments. The budget coincided with a parliamentary portfolio committee report that bemoaned the absence of suitably qualified personnel in the country's institutions of higher learning. The report had recommended the increase in the salaries of university lecturers as one of the ways to attract and retain appropriate staff.

From January 2011, the starting salary of a university lecturer was pegged at above US\$1,700 with a college lecturer getting just 17% of that amount. Yet the case was different in the past as noted by the current Colaz president David Dzatsunga: 'Traditionally, we used to get 70% of what they (university lecturers) earn, but the gap is now too wide'.

Thus, the gap between university lecturers and college lecturers continues to widen, despite the fact that they have similar qualifications and responsibilities. With university lecturers in the region earning above US\$2,000, it appears the state is moving towards reducing loss of qualified lecturers to other universities in the region.

In the final analysis the ministry seem to be insensitive to the plight of college as compared to university lecturers. Whereas the ministry has substantially increased salaries for university lecturers including a retention allowance, this has not been the case with college lecturers. Maybe this has been caused by the fact that universities were hit harder by the brain drain as compared to colleges and polytechnics.

UNFAIR LABOUR PRACTICES

While the lecturer's grade is deemed a promotional grade, the situation on the ground is otherwise. Regardless of the fact that the offer letter stipulates that the new recruit has been 'promoted to the position of a lecturer', this does not come with suitable pay. Those from sister

ministries remain in the same grade and continue to receive the same salaries.

A Colaz report noted that lecturers upon appointment must necessarily be graded above senior teacher and deputy headmasters from whose ranks they are recruited. However, the situation on the ground points otherwise as the lecturer grade is not superior to their previous positions.

Since 2003, when a job evaluation exercise was carried out by the ministry in collaboration with the PSC lecturers have been placed in Band C (routine interpretations) using the Paterson system. A Colaz paper noted some inconsistencies that were not taken into consideration by the ministry, especially that lecturers were promoted from among the best senior employees from sister ministries and departments.

Therefore they can only be comparable to university lectures in terms of qualification, experience and performance since they hold similar qualifications. The ministry and PSC seem to be unaware that Statutory Instrument 1 of 2000 says that salaries for lecturers should be in line with their academic and professional qualifications as well as experience.

Unlike senior teachers and deputy headmasters, lecturers are involved in curriculum development, innovation, the setting and upholding of standards. Lecturers design syllabuses, thereby interpreting and implementing government policies. The labour market absorbs personnel trained in tertiary institutions using curriculum developed by the lecturers who are responsible for the country's national and international human resources requirements.

College, like university lecturers, are responsible for the supervision of research projects, as well as production and commercial units and services. Through in-service courses and workshops, college students continue to receive further training designed by lecturers to meet the requirements of the ever developing technology and dynamic education world.

What the ministry and the employer failed to take into account when grading lecturers is the reality that colleges make academic and administrative decisions because they sit in academic boards and finance committees. Such high level decision-making performance cannot therefore be merely graded as routine tasks.

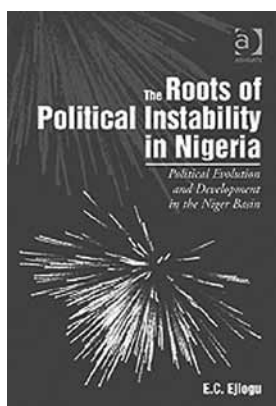
Regardless of Colaz efforts, the employer is yet to move an inch and therefore college lecture continue to languish in lower grades that belittles their skills to only interpreting policies. The employer continues to ignore the fact that college lecturers are involved in skills development, and therefore need to be placed in the higher grades. To make matters worse the employer has frozen promotions since July 2012.

CONCLUSION

The major challenge affecting college lecturers is inherent in the nature of labour laws in the country. Zimbabwe has a dual labour system where government employees are placed under the PSC as per the country's constitution, while other workers are governed by the Labour Relations Act. The powers that have been given to the PSC make it difficult for Colaz to improve the welfare of its members.

However, Colaz should use its slot in the Zimbabwe Council of Trade Unions (ZCTU) to lobby government and other stakeholders so that civil servants are placed under the same law with the rest of the country's workforce. This will ensure that the bargaining ground is level. As it stands, the employer wields more power, and as long as the dual labour system remains, the state will continue to determine the future of Colaz members albeit, at its own pace. ¹⁸

Nunurayi Mutyanda is a Global Labour University alumnus at the University of the Witwatersrand and Chido Tecla Bwumisani is a lecturer at Mutare Teachers College in Zimbabwe.



Review

The Roots of Political Instability in Nigeria: Political Evolution and Development in the Niger Basin by E.C. Ejiogu

Published by Ashgate, London, 2012
Review by William Gumede

In early July hundreds of attackers armed with guns and pangas stormed a dozen Christian villages in the pasturelands in Plateau State in central Nigeria, leaving 58 people dead.

A few days thereafter a suicide bomber killed five people at the central mosque in the northeastern Nigerian city of Maiduguri. Such tit-for-tat reprisals, which often stoke even further violence between Muslims and Christian groups appears to have become almost routine in Nigeria.

The government of Plateau State is dominated by Christian politicians who have been accused of excluding Muslims from government jobs and only looking after their 'own'. In many Muslim ruled and dominated northern states (the equivalent of our provinces) of Nigeria similar accusations of being sidelined made by minority Christians have often led to violence.

Nigeria's former colonial power, Britain, forcibly and arbitrarily, press-ganged the different ethnic and religious communities into one country. Different ethnic groups often adhere to different religions – mainly, either Muslim or Christian.

Sadly, in Nigeria, like in most other post-independence African countries, ruling groups, movements and leaders, whether at national or state (provincial) level, have explicitly mobilised communities on ethnic and

religious lines – created by colonial powers – to secure power.

When in power, such rulers often only looked after 'their' community or religious group – thus further entrenching ethnic and religious divisions. In Nigeria (as elsewhere in Africa), amidst widespread poverty and limited resources, being part of the 'wrong' ethnic or religious community in a locality governed by another ethnic or religious community, can mean not getting a job or the right to grazing lands.

Since Nigeria became independent on 1 October 1960, it has experienced political instability, economic stagnation and serial coups for most of this period. It has been unable since independence to build an effective, coherent and inclusive state serving its diverse people equitably.

E.C. Ejiogu argues in this insightful book, *The Roots of Political Instability in Nigeria: Political Evolution and Development in the Niger Basin*, that the reason why most African post-independence states have failed or have been ineffective, lays in the deformed way in which colonial powers created colonial states and post-African elites' inability to transform such dysfunctional inherited colonial state for the better.

Ejiogu, using Nigeria as a case study, argues that Britain as the colonial power implemented state-

building legacies which not only today still causes political conflict and instability in the post-colonial African states, but has made it very difficult to create an effective Nigerian national state.

Ejiogu argues Britain followed five state-building strategies in the colonial state of Nigeria. Firstly, it forcefully amalgamated the North and South of the country to form Nigeria. Secondly, it favoured one group over others. Thirdly, through the policy of indirect rule, whereby local proxies implement colonial policy on behalf of the colonial government. Fourthly, colonial education policies were aimed at producing pliant native subjects unable to compete in a technology driven world. Fifthly, army recruitment policies favoured one ethnic group over others.

Colonial governments made ethnicity a mobilising tool – and selfish African post-independence ruling elites, thereafter continued to exploit it.

In Nigeria, the three more populous communities are the Hausa-Fulani in the upper Niger and in the lower Niger, the Yoruba in the southwest lower Niger, and the Igbo in the southeast lower Niger.

Ejiogu argues in the case of Nigeria, the British allied with the Hausa-Fulani, against other groups. At independence, the Hausa-Fulani community, favoured by the colonial power during colonialism was now in control

of the independent state – yet did not govern in the interest of all the other communities.

The indigenous political parties were also structured on the basis of the ethnic groups – which are another cause of political instability in post-independence Nigeria. For example, the Northern Peoples' Congress (NPC) was controlled by the Hausa-Fulani community. Unfortunately, Ejiogu does not deal with the issue.

Britain also deliberately built into the nascent colonial states the *undemocratic aspects* of the traditional African institutions and systems.

Ejiogu said the main reason for the British to have a political alliance with the Hausa-Fulani elite was that the British 'cherished the similarity in the inherent autocratic authority patterns of the Caliphate's political system and the authority patterns of the incipient colonial state, and worked hard to co-opt the Caliphate's autocratic authority patterns into colonial state building and bureaucratic administration'.

In Nigeria, the British used the Hausa-Fulani aristocracy as the 'native chiefs' to rule the natives on their behalf according to 'traditional' rules. In Nigeria, as well as elsewhere, this endorsement of the most autocratic elements of chiefs rule, meant that potential social change and democratisation of cultures were blocked – and a culture of chiefs and traditional leaders being unaccountable were promoted.

Ejiogu argues that British colonial education policy was aimed at favouring the Hausa-Fulani aristocracy. For those communities not favoured by the British, 'colonial administrators preferred a version of Western education that would render indigenous peoples suitable only for the exploitation of raw agriculture produce for export'.

Ejiogu says of the policy of recruitment indigenous men into the armed forces 'was consciously formulated and implemented to achieve specific state building goals, realize a colonial state and protect it from recalcitrance and subversion from restive natives to ensure indefinite colonial exploitation'.

At the beginning recruits to the colonial army were specifically recruited from smaller, more remote 'nationalities'. The colonial government reckoned that such groups were 'likely to be more detached, more brutal and more hostile, and as a result more effective in the suppression of anti-colonial uprisings in urban centres far from their homeland'.

The rank-and-file of the colonial army was dominated by the communities from the peripheral areas and Hausa-Fulani Muslims.

However, the imminent end of colonial rule caused the biggest change in recruitment from the 1950s onwards, when the colonial government felt it had to replace the departing British officers with Western-educated locals. Communities from the lower Niger – hitherto marginalised, including the Yoruba and Igbo now had better chances to enlist. By 1960 at the end of colonial rule, the officer corps consisted of 68% Igbo. However, the rank-and-file of the military were dominated by Hausa-Fulani – making up almost 80%.

At the tail-end of colonialism Britain had basically handed over power to its preferred group, the Hausa-Fulani, who now started to 'redress' the 'imbalance' in the officer corps of the colonial army, introducing a quota system 'to guide the recruitment into the officer corps in favour of the north ("their" community)'.

15 January 1966 saw the first of many subsequent military coups when junior officers of Igbo and Yoruba origin revolted

after accusing the leaders of the Northern Peoples' Congress – the Hausa-Fulani party in control of the supra-national state at the time – of governing corruptly and only in the interest of their own communities.

Furthermore, the coup took place at a time 'when most nationalities, particularly in the lower Niger believed that it was impossible to remove the NPC (the Hausa-Fulani party)' through a 'free and fair democratic election'.

During the Nigeria-Biafra War in 1967-1970, the Igbo people who felt they were excluded from patronage by the Hausa-Fulani ruling elite, tried to secede the Biafra region from Nigeria.

Ejiogu argues the Igbo's attempt to break from Nigeria and establish their own state, the Biafra Republic 'can be traced also to the failure of Hausa-Fulani political actors who controlled authority in the supra-national state to meet their expectations of egalitarian leadership devoid of corruption'. Subsequent coups thereafter, were a ping-pong of one group taking control, and when in control, governing only in the narrow interests of that group, and other groups trying to take control to secure access for their group.

The tragedy of Nigeria, and most of Africa, is that after post-colonial/independence governments inherited countries that were ethnically diverse and unequally developed, small ruling elites – whether the elites of the groups who came to power because they were favoured by colonial powers, or the elites of those who became to power because they opposed the former – played on such divisions to enrich themselves at the expense of the poor masses, no matter their ethnic groups. ¹⁸

William Gumedede is the author of Restless Nation.

Workers' *imbongi*

Zweli Mtsolongo is a modern-day *imbongi* or praise poet who writes and recites poems in praise of political leadership, including that of trade unions. **Elijah Chiwota** talks to him about his work in one of Africa's oldest professions that cut across historical periods.

In African pre-colonial history the praise poet was part of royalty. He was the announcer of good and bad fortunes: whether it be a good harvest or a drought, war or peace.

The *imbongi* was also in the thick of things politically: praising the king or chief when this was due, and admonishing him when he erred. What this all means was that the *imbongi* was an important person on the social landscape.

The *imbongi* was a wordsmith – gifted with idioms and the different shades of the language, and in the case of Mtsolongo his mastery of isiXhosa. This was a necessary skill – as saying the wrong things to powerful leaders could land one in trouble. So why not baffle them with the richness of language.

Mtsolongo, a member of the Creative Workers Union of South Africa, also recites in isiZulu and Sesotho.

At the National Union of Metalworkers of South Africa (Numsa) congress in Durban last year Mtsolongo had praises for the union, and its leaders including the president Cedric Gina.

*Ngxatsbo ke mawabo akowethu,
ukwanda kwaliwa ngumbakathi
Nazo ke izinto ezipheka intsimbi
ijike ibe sisidudu*

*Nguye lowo oka Gina intsbatbeli
evunywe ngabasebenzi, nazi izidla
mxhaka zaba sebenzi zitbi zifuna*

*imali, bayi ipesenti, zitbi zidiniwe
yi pesenti*

*Phambili ngaawe Numsa
phambili. Nde graam!!!*

The Congress of South African Trade Unions (Cosatu) has also engaged the services of this gifted poet from Idutya, Gwadana, who says his career started while herding sheep in the lush hills of Sawaneni valley in the Eastern Cape.

'I recited this praise and heard my voice echoing in the hills, and I liked the sound of it. I was only eight then.'

A praise poet is also a person of many talents that include performing on stage and drama. Mtsolongo is not new to the screens and has appeared in television dramas such as the popular *Intersexions* whose second season is about to air on SABC 1 and *The Wild* on the M-Net channel, Mzansi magic.

His singing abilities will soon be heard on the *Imbokodo* album, which will be released soon.

A few years ago, Mtsolongo's wife Nambitha Ggutyana, with whom he had two children, Asiphe and Athe'nkosi, passed on. Recently he got married to Khunjuzwa Gwazela.

An *imbongi* does not only recite praises, but also reflects on their own lives dramas and misfortunes. Early this year, Mtsolongo's flat in Forest Hill, Turfontein, Johannesburg, was gutted by fire and thus the poet is seeking for answers. **LB**



William Matlala

*Umlilo
Yintoni na le iqhumayo?
Yintoni nale iqhumayo?
Ndiyabuza phendulani*

*Ngumlilo onjani na lo uvutha
ngolubhobo?
Ngumlilo wedobo
Wucimeni ncedani
Uzokutshabalalisa indalo ka
Sombawo
Unje ngothando olutsba
kubanini lo
Kuse kusen bayabukana*

*Safa isizwe ngumlilo
Olulwaphulo mthetho
Luqatsele
Ndeee graam!!!*



South African Labour Bulletin

New website! New facilities!

Payment online

The *South African Labour Bulletin* is happy to announce that you can now subscribe online at www.southafricanlabourbulletin.org.za. You can pay via credit facilities or send through an email request to pay by cheque.

Accessing past articles on line

All past *Labour Bulletin* articles from 1974 have now been digitised. A search via the online index will direct you to the topic and volume you require. You will be provided with the article(s) by the *Labour Bulletin* administrator.

The website also provides further information such as how to advertise or contribute an article to the *Labour Bulletin*.



www.southafricanlabourbulletin.org.za