BRIEFING

THE POLITICS OF MARIKANA AND SOUTH AFRICA’S CHANGING LABOUR RELATIONS

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MORE THAN A YEAR AFTER the South African police killed 34 strikers in Marikana, labour unrest continues across the country’s mining sector. Industrial actions have targeted platinum giants like Amplats, the world’s largest producer, where an 11-day strike over planned retrenchments has just ended and another is looming amid fresh wage talks. Rivalry between the National Union of Mineworkers (NUM) – aligned with the African National Congress (ANC) – and the more recent and militant Association of Mineworkers and Construction Union (AMCU) has also plagued the industry. On 17 October, an NUM branch chairperson at Lonmin – the third largest platinum producer in the world – was shot dead. Another Lonmin NUM shaft steward died in a similar situation on 3 November. A few months ago a former NUM leader who had become the AMCU regional representative in Rustenburg was ambushed – one of several from both sides assassinated since the Marikana massacre. In other words, the ‘Framework Agreement for a Sustainable Mining Industry’, promoted by South African Deputy President Kgalema Motlanthe and signed by parties to the industry on 3 July 2013, has so far failed to restore peace to the mining sector in Africa’s largest economy.

Beyond the economic uncertainty created by the continued industrial unrest, its political consequences ahead of the next general election should not be underestimated. The NUM is affiliated to the ANC-aligned Congress of South African Trade Unions (COSATU), and was until recently South Africa’s largest trade union, partly thanks to its membership in the platinum sector, where it is now outnumbered by the AMCU. The rapid decline of the dominant trade union and the model of party–labour relations associated with it is unlikely to pose a serious challenge to South

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Africa’s dominant party system, and the ANC will most probably secure another five-year term for President Jacob Zuma, and also preserve its absolute majority in the Cape Town Parliament. Nevertheless, the continuing labour unrest represents the most significant internal crisis that has faced the ruling Tripartite Alliance composed of the ANC, COSATU, and the South African Communist Party (SACP) – since it came to power twenty years ago. The recent decision by the National Union of Metalworkers (NUMSA) to withdraw its support for the ANC underlines the severity of the crisis.

This briefing begins by discussing the 2012 mining strikes – when workers demanded major wage increases and rejected the intermediation of the NUM, as well as by unions in the Tripartite Alliance. It first argues that beyond some degree of spontaneity on the part of the strikers, what made the strikes such an enduring challenge was that they were organized through and by the AMCU. The fall of the NUM in the platinum sector is then contextualized in the framework of post-apartheid labour relations that, despite specifying the practice of negotiation and mutual gains between union representatives and management, failed to transform and pacify a racially segregated industry. This is exemplified by the confrontational stance of the AMCU against both the NUM and mining bosses. At the political level, the mineworkers’ mobilization has triggered another iteration of the recurring debate about the type of economic policy required to transform South Africa’s society and economy.

A contested NUM

The strike that brought Lonmin to a standstill in August 2012 had roots dating back to May 2011, when an ‘unprotected’ strike at the Karee section in Marikana resulted in the sacking of 9,000 employees. Most of these workers belonged to the NUM and protested against a union decision to suspend their branch chairperson. They were subsequently re-employed but, as a result of their dismissal, lost their union membership. As a result, the NUM fell under the 50 + 1 percent threshold required to be recognized by Lonmin. Following this, the NUM had to re-sign its members in order to regain its position with the company and to resist the challenge of the AMCU, a minority union that had in the meantime established a local branch around leaders expelled from the NUM. The AMCU, accordingly, had been present on the ground for more than a year when the August 2012 strike started.

The strike was driven both by top-down and bottom-up dynamics, suggesting that the new union, while crucial to the sustainability of strike action, was not fully in control of events. For example, a partly autonomous
workers’ committee was created by the strikers that operated outside of AMCU control, and the strike rapidly spread to other Lonmin operations where the new union had little, if any, presence. From the top down, the union officially avoided claiming paternity for a movement that was both illegal and marked by episodes of violence. At the same time, however, former NUM leaders who had joined the AMCU encouraged workers to voice their demands, supported their movement, and partly led it. The strategy of the AMCU national leadership was clearly to take advantage of the strike movement in order to gain ground in its struggle against the NUM’s dominance of the mining sector. A year after the 2012 strike, the AMCU has succeeded in its objective and now represents around 60 percent of Lonmin’s employees, with a monopoly on collective bargaining.

Between the two Lonmin strikes another six-week-long stoppage affected Impala Platinum, the second-largest platinum producer in the world. In contrast to the Lonmin situation, the AMCU does not appear to have had an initial presence at Impala, but it successfully merged with the ad hoc workers’ committee created by the strikers to represent themselves in defiance of the NUM. The AMCU then took over the NUM’s previous position and became the workers’ sole representative. The strikes subsequently reached Amplats, and there, too, the AMCU soon became the leading union. At this point, the strikes extended beyond the platinum belt. Major gold producers such as Gold Fields, Anglo Gold Ashanti, Harmony Gold, and Gold One were hit. Mining houses in other sectors were not spared: Kumba Iron Ore, Petra Diamond, Samancor, Xsrata. While these strikes had different local roots and dynamics, they all shared three features: a demand for major wage increases (including the symbolic figure of R12,500 first publicized in Lonmin), a rejection of the NUM, and the presence of AMCU as a prominent actor.

The NUM has obviously lost its members’ confidence in the platinum belt and its legitimacy has been undermined among its traditional constituency in the gold sector. Most notably, the union has been denounced by strikers as corrupt and as working hand in hand with management. Instances of corruption are indeed a real problem, acknowledged by the NUM itself, but the image of the NUM as a corrupt organization has also been shaped by rumours and misinformation. In turn, allegations of massive benefits and abuse of office became formidable propaganda tools for the NUM’s enemies. Contrary to what is commonly reported, however, only a minority of local union officials receive a pay increase when elected, although there are variable benefits in kind such as access to company cellphones and cars. Most officials do not experience a major change in their socio-economic condition beyond the award of time off work to perform union tasks (most local unionists are deployed on a part-time basis). Union representatives have access to training opportunities, which in turn may lead to promotion within
mining companies in search of skilled black labour to meet black economic empowerment targets. Shaft stewards also have a better knowledge of their company’s workings and, when it comes to subsidized housing for instance, are well positioned to take advantage of opportunities.

However, most of these practices engaged in by union officials do not qualify as corruption and much of what are alleged to be privileges were hard-won labour rights that the NUM fought for during apartheid and after in order to ensure that union representatives had the necessary skills, time, and freedom to fulfil their duty. The loss of legitimacy and support for the NUM is accordingly not simply about corruption, but must be understood in the wider context of post-apartheid labour relations in mining. An important factor here is that only a relatively educated fringe of the workforce is able to secure the position of an NUM shaft steward, a post that brings with it a significant career boost. By comparison, the most mobilized workers in the strikes are the rock drill operators, who do the toughest job on a mine and are generally not represented on branch union committees. Over time, this created the impression among some workers that the NUM leadership was out of touch with the rank and file.

Moreover, the dominant position that the NUM had come to occupy unopposed on many mines reinforced the impression that it was conniving with management, while migrant mineworkers still lived in shacks and battled to make ends meet and sustain their families and unemployed relatives back home. The fact that national leaders showed contempt for the strikers exacerbated the alienation and disconnect between the union and its base. This contempt was clearly evident when, four days after the Marikana massacre, the NUM General Secretary Frans Baleni stated that ‘There are those dark forces who can mislead our members, make them to believe that they’ve got extra power to make their life to be different. … An unconscious member is as dangerous as an enemy. We call our members to develop their class consciousness.’

Tensions between rival unions were a key factor in the 2012 strikes. Accusations of corruption, for example, went both ways. When a former NUM branch chairperson in Lonmin joined the AMCU, he was portrayed by an NUM shaft steward as leading through patronage. This suggests that political power struggles at branch level within the NUM were partly translated into NUM–AMCU clashes during and after the strikes. When read

against this background, interpretations of the Lonmin strike as a form of spontaneous workers’ solidarity, legitimate leadership, self-management, and near-pacifism seem like romantic portraits that do not capture everyday reality in a notoriously violent industry. Violence between the rival unions was a major dimension of the wave of mining strikes. Five people were killed during the Impala strike, 11 died in Marikana before the police claimed an additional 34 lives, and many more have since been killed. The issue of violence is central to the NUM’s view of the strikes; the older union argues that the AMCU resorted to unlawful means, even indirectly through the strikers, in order to wipe it out. This was also the reading of an Employee Relations Officer from Impala who, without naming the AMCU, pointed to how well organized the strike was, including its violent dimension. On the other hand, it was also alleged that local NUM leaders were responsible for igniting violence in Lonmin when they shot at their own members. At Impala, however, violence seems to have been used mostly at the NUM’s expense, when its offices were forcefully closed and its leaders expelled. In more general terms, the mining strikes, as is often the case in labour disputes, involved intimidation of non-strikers by strikers. Violence at Impala and Lonmin was also described as a way to forge new workers’ solidarities.

Rather than an instance of spontaneous labour solidarity, the strikes and the rise of the AMCU ought to be understood as part of a history of splinter unions and attempts to undermine the NUM’s omnipotence. In the 1980s, the NUM faced the political challenge of the United Workers’ Union of South Africa formed by the Inkatha Freedom Party to counter COSATU. In the late 1990s, the Mouthpeace Workers’ Union temporarily took over Amplats in a violent struggle with the NUM. The AMCU was launched in 1999 in the coal fields of Mpumalanga when 3,000 workers embarked on a wildcat strike in support of their dismissed branch leader Joseph Mathunjwa at the Douglas Colliery. Mathunjwa was subsequently reinstated, but refused to appear before his general secretary, Gwede Mantashe (now the ANC’s secretary general). When Mathunjwa’s membership of the NUM

5. Interview, Employee Relations Officer, Impala Platinum Mine, 15 May 2012.
was terminated following his disagreement with the central leadership, other NUM members at Douglas later joined the AMCU, which he formed in 2001. In this case, as in others, NUM tendencies towards centralization and authoritarianism (as represented by both Gwede Mantashe and his successor Frans Baleni, who were both trained in the SACP), undermined the popularity of local NUM leaders. Mathunjwa’s charisma and religiosity are also quoted as forming part of his union’s success, in contrast to the NUM’s secularism and mobilization patterns.

The widespread labour unrest thus signals a significant weakening of the NUM. Its power was, and still is, derived from its membership numbers (it remains COSATU’s third largest affiliate); the quality of its leadership (it has produced all three ANC Secretary Generals since the fall of apartheid); and its financial power (at the end of 2012, the NUM-owned Mineworkers Investment Company had net assets worth 2.8 billion rand). While still a force to be reckoned with in South African politics and labour relations, the union that was until recently praised for its organizational strength has proved to some extent to be a giant with feet of clay.

South African labour relations transformed

As opposed to the NUM, the AMCU labels itself apolitical and claims it is focused on the workplace. Nevertheless, the incoming union was quick to try and repeat the NUM’s dominant strategy; soon after coming into existence it had virtually expelled its predecessor from the top three platinum producers, directly employing about 120,000 workers. The exact figures are disputed, but the AMCU now has in the range of 150,000 members, with the NUM standing at about 270,000. By comparison, the largest union in COSATU is the National Union of Metalworkers of South Africa (NUMSA), with 319,000 members. Taking into account its setbacks in platinum as well as in gold, the NUM could have lost up to one third of


its previous 300,000 membership. After an initial vow of pluralism, the AMCU soon fought for closed shop agreements with mining houses. This first happened in Impala, then in Lonmin, and is on its way at Amplats. Ironically, such a trend towards a dominant union model in platinum had been initiated by the NUM when it sidelined the mostly white United Association of South Africa (UASA) and Solidarity. On the eve of the Impala strike, the NUM had become the only union there. In Lonmin, it was employing the same strategy and had managed to penetrate bargaining units historically reserved for white officials. In doing so, it claimed it was bringing the apartheid colour bar, which prevented the ascent of black mineworkers, to an end. It was also enforcing COSATU’s ‘One industry, one union – one country, one federation’ policy. In order to unseat its rivals and reach closed shop agreements, the NUM relied on long legal battles based on South Africa’s Labour Relations Act of 1995. The AMCU did likewise after it took over NUM members, most recently in Lonmin where its recognition agreement coincided with the serving of derecognition notices to UASA, Solidarity and the NUM (which would still have represented 20 percent of the workforce).

The situation in the gold sector poses another challenge to the AMCU. In platinum, negotiations occur at company level but, in gold, unions talk to management on a bi-yearly basis via the latter’s representative, the Chamber of Mines. Negotiations started on July 2013 and they brought together the NUM and AMCU, representing 65 and 17 percent of the gold workforce respectively, with UASA and Solidarity making up the rest. The NUM, who had seemingly learnt the value of wildcat strikes in platinum where mineworkers had earned significant increases, tabled an unusually high demand of up to a 60 percent pay rise at entry level. The AMCU replied by demanding 100 percent. But gold’s economics does not compare with platinum’s; extremely high production costs make margins in the former much tighter. The Chamber responded by offering a 4 percent increase. In the Chamber of Mines, the AMCU was faced with a fully centralized bargaining forum and reduced to the minority position it had occupied for twelve years before breaking through in platinum.

The NUM, on the other hand, well accustomed to dealing with the Chamber, took the lead on a strategy of contestation and embarked on a strike in which 80,000 workers downed tools early in September. It dropped its initial demand to 10 percent while the Chamber raised its offer

to 6.5 percent. The two parties agreed on an 8 percent increase – a figure consistent with that reached in previous rounds of negotiation – after a three-day strike. The AMCU refused the deal but its consent was not needed given its minority status. In other words, after its initial success in platinum, the AMCU is constrained by its own institutionalization: it is recognized in the platinum sector as well as in some gold and coal mines where it is now bound by labour law, just like the NUM, and must participate in a system and practice of negotiation that it had attacked consistently during the strikes.

The political dimension of the labour crisis

The type of negotiated socio-economic transformation described above relies on the idea of a mutually agreed path to post-apartheid transformation that was embodied in the mining sector by the Minerals and Petroleum Resources Development Act (MPRDA 2002).\textsuperscript{18} Section 100 of the MPRDA prescribed the establishment of what is known as the Mining Charter (2004), which contains key quantified goals aimed at redressing racial segregation in mining. Yet the Department of Mineral Resources, which can in theory go as far as to revoke a non-compliant company’s licence to mine, has in practice made the document non-binding.

The AMCU now finds itself in a situation determined by a system of labour relations and a mining policy largely built by and for the NUM in collaboration with both mining houses and the state. Importantly, the institutions of South African labour relations were effectively rejected by striking miners when they refused to put their demands to management through their usual channel of communication, namely the NUM. Beyond the latter’s rejection by a large section of its constituency, the strikes can therefore also be read as a critique of the ‘system’ that many mineworkers deem responsible for the lack of improvement in their socio-economic conditions since the end of apartheid.

At the political level the strike movement echoes a recent public debate on the future of South Africa’s mining industry that took place after former ANC Youth League President Julius Malema put the nationalization of the mines on the organization’s agenda in 2008. Malema, a self-proclaimed “economic freedom fighter”, was subsequently expelled from the ANC for ill discipline. Ever since, he has been trying, along with other political actors, to translate the mineworkers’ movement into a political challenge to the ANC’s post-apartheid economic policy. In the aftermath of the

nationalization debate, a situation that could have led to an ambitious reform of the mining sector instead gave rise to something much more modest when, in February 2011, the now largely forgotten African Mining Exploration and Finance Company (AEMFC) – the nucleus of a South African state-owned mining company – was launched. In this sense, the nationalization debate provided yet another confirmation of the neo-liberal orientation followed by South Africa since 1996, when the Growth, Employment and Redistribution (GEAR) macroeconomic strategy was adopted under Thabo Mbeki’s leadership.

Dissatisfaction with the ANC’s neo-liberal economic policy and the failure to transform the mining sector is also fuelled by recurring scandals involving both the ruling party and the mining industry. Cyril Ramaphosa, an NUM founder and newly elected ANC Deputy President, was accused of calling for police repression in Marikana, with a visible conflict of interest since he was both a leader in the ANC and a shareholder in Lonmin. More recently still, ANC Chairperson Baleka Mbete was accused of having received bribes from Gold Fields. The 2012 strike wave and the Marikana massacre not only altered the balance of forces on the ground against the NUM, but also generated divisions within COSATU between those who decided to remain deaf to the workers’ call for change and those who had already started to realize that a decisive turn in economic policy was needed to avoid a social and political crisis.¹⁹ The NUM’s collapse is indeed part of a series of recent failures for COSATU. For example, in 2011, a majority of members of the South African Municipal Workers’ Union decided to ignore their leadership’s call to strike. Similarly, a group of leaders from the South African Transport and Allied Workers Union launched a splinter union in 2012, and a massive strike started on the Western Cape’s farmlands just after Marikana, with strikers largely taking over the Food and Allied Workers’ Union.

It is not the first time that the post-apartheid socio-economic status quo has been contested within the ANC. The long battle between out-going President Thabo Mbeki and his then opponent Jacob Zuma included a struggle between the right and the left of the party. However, Zuma’s promises of change have not resulted in a major turnaround of the government’s economic policy. The ANC’s left has now been in power since 2007 and the SACP is more powerful within the ruling party than it ever has been since the years of exile, holding the central position of ANC Secretary General and filling five ministries in Cabinet. SACP leaders proved firm supporters of Zuma at the latest ANC Conference held in December 2012.

in Mangaung, where he was re-elected ANC president with a view to running for a second term as South Africa’s head of state.

Divisions in the Tripartite Alliance, which in political terms represent competing socio-economic agendas, can now be identified within COSATU itself: the federation’s president Sidumo Dlamini (supported by the NUM and the SACP) faces the more independent general secretary Zwelenzima Vavi, who declined nomination to the ANC’s national executive committee and is supported by NUMSA and other affiliates. Such a contest can at first sight appear in favour of the pro-Zuma faction, but the NUM has been surpassed in numbers by NUMSA, which recently showed its muscle in a long motor industry strike. NUMSA took the lead in internal contestation when it opposed the National Development Plan (NDP) adopted by the ANC in Mangaung as its economic roadmap. It rejected the plan in March 2013, arguing that it was closer to the neo-liberal agenda of the main opposition party, the Democratic Alliance (DA) than to the goals of the 1955 Freedom Charter. The adoption of the NDP was indeed lauded by DA president Helen Zille, but has contributed to the breakdown of relations with elements of the trade union movement.20 In December 2013, NUMSA withdrew its support of the ANC, stating that the ruling party can no longer be seen to be an ally of the working class “in any meaningful sense”. This schism is the clearest sign to date of a deep rift in the Tripartite Alliance.

Meanwhile, in a further twist to the story of internal COSATU rivalry, Vavi was accused of sexual misconduct and the rape of a COSATU employee in July 2013. Although the accusation was quickly withdrawn, the scandal played directly into the hands of his political adversaries. Re-elected unopposed at the COSATU September 2012 Congress, Vavi had become increasingly isolated among the leaders of the federation and had been accused of opposing the ANC when he criticized the diversion of public funds towards Zuma’s Nkandla homestead, and corrupt ministers more generally. Despite the withdrawal of the rape allegations, Vavi was placed on special leave in what appears to be a decisive step in the struggle for control of COSATU. The federation’s leadership will hold a Special Congress to deal with both Vavi’s case and its internal divisions, and a split in COSATU might well occur unless one faction decisively defeats the other. In either case, the current crisis is likely to have significant long-term political consequences for South Africa, and shows that Marikana was not just an accident but represents a new era of labour relations that will have far-reaching repercussions all the way from the mines deep underground to the top level of the state.