

# South African TU Movement: NUMSA secretary addresses COSATU EC

Monday 10 November 2014, by [JIM Irvin](#), [NUMSA](#) (Date first published: 7 November 2014).

**This speech was made by Irvin Jim, National Union of Metalworkers of South Africa (NUMSA) General secretary to the the Congress of South African Trade Unions (COSATU) Central Executive Committee (EC) on 7 November 2014, before his union was expelled from the confederation. After meeting through the night, delegates voted 33-24 in favour of expelling NUMSA, South Africa's biggest trade union, the largest union in the federation and a vocal critic of President Jacob Zuma's neoliberal regime.**

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## Cosatu CEC November 7, 2014 Numsa GS Presentation

Comrades,

I stand here as the General Secretary of the biggest affiliate of this federation, as a founding member at the Congress of 1985. I will be reminding comrades here of our common history.

I stand here because the Central Executive Committee of this federation has offered Numsa an opportunity to explain to you why we should not be expelled or suspended from this organisation. I am going to fulfil that task thoroughly. I will explain in great detail exactly why Numsa should not be expelled or suspended and why, instead, this federation should obey its own constitution and allow workers, as owners of the federation, to decide on its future. When we founded this federation, we were wise enough to foresee that there might be political conflict in the future. We put in place a rule to cater for that eventuality. The rule says that if one-third of the affiliates of the federation ever

think that there are issues that require the consideration of a Special National Congress, they can require the President to call that congress.

What kind of issues would require such a special congress? There are two powers of a National Congress which no other structure has.

- o It makes policy
- o It elects leadership.

The purpose of the rule is precisely to deal with conflict over policy and leadership. Right now, we have a crisis of policy and leadership. The reason that Cosatu is paralysed by this dispute, resorting to the courts and expensive lawyers to decide our future, is that we have refused to decide it for ourselves. We have committed the most heinous sin against the spirit of the founding fathers of this federation. We have refused to decide our own future.

In order to abandon this responsibility, the leadership of this federation has chosen to break its own rules. To violate its own constitution. As so often happen with corruption, when it starts, it doesn't stop.

- o Those who break rules have to defend themselves against those who challenge them for that act.
- o The leadership of this federation knows that it will be defeated in any National Congress of the federation. Whether that is a Special National Congress or an ordinary national congress. It can't have a Congress because it will lose.
- o So it must try to ensure that by the time it gets to a Congress it can win. o That is the reason for these expulsion hearings here today.

But underneath that, is a profound political division.

- o It is a division between those who recognise the political bankruptcy of the ANC / SACP government and those who don't.

o Between those who support the interests of the working class, as our Constitution requires us to do, and those who are prepared to sacrifice those interests for a class alliance.

Now we are clear about the real reason for these proceedings, let's look at what you have said are our crimes. This CEC wrote to us on February 11 this year and said this:

***In particular, the CEC records that many of NUMSA's decisions, declarations and resolutions which emanated from its Special Congress in December 2013, contradict the decisions of the Federation or are intended to act against the interests of the Federation. These include, but are not limited to:***

- The decision to call on COSATU to break its alliance with the ANC
- The decision to organise a march to Cosatu House to coincide with the 1<sup>st</sup> CEC in February 2014;
- The decision to hold back on paying affiliation fees to COSATU until the special national congress is held;
- The decision to cease to pay our contribution into the COSATU/SACP levy;

- The decision to extend our scope of operation

I will respond to each of these one by one in detail.

**But before we look at the details of the 'charges' we need to comment on this process. We have always said that we don't believe that we can receive a fair hearing in this forum. We are sad to say that we now have proof of that:**

o In its letter to us of 11 February, in which we received the 5 'charges', this CEC said that "it had formed a preliminary view that NUMSA should be suspended or expelled from its affiliation of COSATU because NUMSA has in the recent past acted against the interests of the Federation, and implicitly threatens to continue to do so in the future."

o At the POPCRU CEC, the President of Cosatu said this week: "On the meeting of the 7<sup>th</sup> of November, constitutionally we will be listening to the response by the union that has been found guilty. They have been found guilty of violating the constitution of the federation. They must only explain why Cosatu should not suspend or expel them.

Sometime between 11<sup>th</sup> February and 4<sup>th</sup> November we moved from "preliminary view" to "guilty as charged". We are not aware of any constitutional structure that took that decision.

This whole process is a sham.

### **Firstly, the decision to call on COSATU to break its alliance with the ANC**

This is the charge which shows the current Cosatu leadership in its true colours. You are accusing us of raising political debate in our federation. You are accusing us of trying to influence our federation.

If this was a crime, we would have to plead guilty. In fact we have been guilty of this since 1985, when this federation was founded. We have always raised political debate in the federation. A federation of political debate is a healthy federation.

So if this is a crime in the federation of the Cosatu NOBs, it is clearly a different kind of federation from the one of Barayi and Gomomo. What kind of a federation will it be? A federation in which affiliates cannot start a debate. And yet there is a Cosatu policy position which says that we must review the alliance from time to time. If an affiliate cannot trigger such a discussion in the federation, where is the review going to come from? If it can't come from the affiliates, the only place it can come from is the Cosatu NOBs themselves.

This charge takes the democratic, politically vibrant federation of Barayi and Gomomo and seeks to turn it into an army commanded by Cosatu Head Office. We cannot have a form of democracy which prevents debate on new issues and new analysis on the basis that we already have a decision. This is not a correct application of Clause 2.3 of the Cosatu Constitution. We have seen this before in the history of the world. We have seen societies in which all debate is suppressed unless it is initiated by the leaders. We have called this by its proper political name - Stalinism.

Meanwhile, unlike the federation, we as Numsa have been faithfully carrying out this resolution of the 6<sup>th</sup> Congress: "While COSATU should remain committed to the alliance, such a commitment, must be coupled with a vigorous defence of the federation's political independence. Partners must fearlessly but constructively criticize each other."

When NUMSA took the resolution in December 2013, it did so in the full knowledge that COSATU was in alliance with the ANC and SACP. That is why the resolution is worded as it is:

“As NUMSA, we should call on COSATU to break from the Alliance”.

We are calling on our federation to change its policy. That is not just a right as an affiliate. That is our revolutionary duty. We did exactly the same in 1993. The only difference in 1993 was that we weren't threatened with expulsion for doing so. In 1993 the debate was handled properly, by leaders who were interested in democratic debate leading to unity in action. The debate took place in the only forum that is entitled to make and change policy – the National Congress.

That is why we have been calling for a Special National Congress – so that we can pursue the debate in the proper structure. You, the Cosatu leadership which is now seeking to expel us, are the ones who have prevented this from happening. You have stifled debate. We will return to this issue later.

### **Now I will explain to you why our Special Congress took the decision that it did on the Alliance.**

It's really very straightforward. The Cosatu constitution has a section called “Aims and Objectives”. Clause 1.4. The first objective, at the top of the list, is to “fight for worker rights by securing social and economic justice for all workers”. It's not an accident that this is at the top of the list. It is because it is our most fundamental objective, our most sacred duty. If we fail to do this, we have no reason to exist.

Our Special Congress resolved that it is impossible to continue to be loyal to this primary objective whilst remaining in the Alliance. Why did we resolve this?

- If we go back to June 2012, the Numsa 9<sup>th</sup> National Congress in Durban was critical of the ANC / SACP government.
- *But we called for our members to swell the ranks of the ANC and SACP.*
- At that time we believed that we could struggle successfully for working class leadership.
- After that Congress and before our Special Congress in December 2013 there were 4 key developments which caused us to change our position fundamentally.

The first was that the ANC adopted the neoliberal NDP

- The problem with the NDP is not a technical one:
- *It is not full of errors or in need of adjustment and editing.*
- On the contrary, it is a very competent and detailed document.
- The problem is that it is the programme of our class enemy:
- *It is a programme to continue to feed profit at the expense of the working class and the poor.*
- It is a strategic plan that will benefit white monopoly capital, imperialism and the comprador black capitalist class, not us.

- Both the NDP and Gear have replaced the Freedom Charter:
- *The Freedom Charter gave the ANC its liberation character. It is a militant, popular programme which challenged property relations in South Africa*
- The NDP is a neoliberal programme which entrenches existing property relations and attacks the working class and the poor in the interests of mining and finance capital.

The second is that the ANC leadership has abandoned democracy

- *The ANC leadership demonstrated without doubt, at Mangaung, that they will not allow anybody else to challenge their direction.*
- We saw it clearly on the issue of nationalisation.
- The Policy Conference which preceded the Mangaung Conference had a clear majority in favour of nationalisation.
- That majority decision was stolen by the ANC leadership. Without any debate in the ANC or the Alliance, that leadership invented support for the NDP
- The NDP focuses on reducing the role of the state rather than increasing it.

We can see the threat to Cosatu's militancy and independence being played out in front of our eyes here today

- Cosatu has become consumed by internal battles between two forces:
- *Those who continue to support the ANC and SACP, with its neoliberal agenda*
- And those who, despite their understanding of the ANC as a multi-class organisation, consciously and consistently fight for an independent, militant federation which stands for the interests of the working class before any other.
- For the first time the Cosatu tradition of independence and militancy is threatened by a leadership grouping which continues to prioritise support for the ANC / SACP government at any cost.
- At a crucial point in the history of the South African class struggle, the most consistent voice of the working class and the poor over the last 25 years has been silenced.
- This silencing has been a deliberate act of the ANC / SACP leadership

And then what must be the most decisive of all: the massacre of our fellow workers at Marikana and in the Western Cape

- Both at Marikana and in the farmworkers strike in the Western Cape, the armed forces of the state intervened in support of the owners of capital against striking workers.
- In both instances the result was the murder of workers whose only crime was to refuse to sell their labour for less than a living wage. Their struggle came from the government's failure to break the backbone of the apartheid colonial wage which is about super-exploitation of Black and African labour.
- Both instances were treated by the ANC / SACP government like earthquakes or volcanoes – as

natural disasters. Tragedies to be regretted but not apologised for.

What the Americans would call “collateral damage”.

- We saw them for what they were: slaughter of the working class on behalf of international capital.
- They showed what the paid ANC servants of global capital would do in order to earn the right to their share of its profits.

### In short

This is the manner in which the ANC / SACP leadership has attacked the working class in the last 18 months:

- 1.They have adopted the NDP - a guiding strategy for all government activity that is a direct attack on the lives and living conditions of the working class and the poor. By doing so they are maintaining the dominance of the accumulation of white minority capital and a tiny white population
  - 2.They have destroyed the possibility of challenging their policy by eliminating internal democracy
  - 3.They have fragmented and muted the most powerful representative of the working class and the poor - Cosatu
  - 4.They have assassinated workers in order to restore order and please their masters
- There has been no Alliance progress on the issues of the organised working class: the ANC / SACP government continues to pass anti- working class laws such as e tolls, the Employment Tax Incentive Bill and regulation as opposed to banning of labour broking

**Cosatu continues to blindly adhere to the alliance, without the balance sheet required by Cosatu policy. Numsa followed policy and did a balance sheet.**

- The 6<sup>th</sup> Congress empowered the CEC to review from time to time the workings of the alliance. This has not happened.
- Congress has agreed that balance sheets must be carried out before elections. These have not been carried out
- Numsa did its own balance sheet in line with the Congress Resolutions

### **The Alliance is dysfunctional and captured by rightwing forces**

The Alliance is dysfunctional, in crisis, paralysed and dominated by infighting and factionalism. It has been captured by rightwing forces. As a result:

- The Freedom Charter, which we understood as the minimum platform of the Alliance, has been completely abandoned in favour of rightwing and neo-liberal policies such as the National Development Plan (NDP).
- Those who are perceived to be against neo-liberalism or to be advocates of policies in favour of the working class and the poor are seen as problematic, isolated or purged.

- There exists little common understanding within the Alliance of the real objectives of the National Democratic Revolution.

### **The Alliance does not lead struggle**

Although there are protests everywhere and every day in the country, the Alliance is not an instrument in the hands of these struggling masses, nor does it provide leadership to these struggles, which are largely leaderless struggles. The reality is that there is a political vacuum and the working class is on its own.

### **The Alliance is just for elections**

The Alliance operates only during election periods. It is used to rubber stamp neo-liberal policies of the ANC and not as a centre of power that debates policy issues and implementation. It is our experience that the working class is being used by the leader of the Alliance – the African National Congress – as voting fodder.

### **The ANC is the only strategic centre**

The ANC has resisted the reconfiguration of the Alliance into a strategic political centre where issues of policy, deployments into government and programmes are jointly decided upon by all Alliance components. Our strategy of swelling the ranks has not worked and all resolutions of COSATU congresses in relation to how the Alliance should function have not been implemented by the leaders of the Alliance.

In practice the Alliance is still in the hands of one alliance partner, the ANC. The ANC is the centre and implements government programmes and policies alone, with little or no consultation with other components of the Alliance. It has made it very clear that it has no intention of allowing this situation to change. As evidence of this, the last alliance summit still failed to make fundamental changes to the NDP and had no significant impact in changing policies in favour of the working class and the poor.

### **This is a common development in post-colonial countries**

The treatment of labour as a junior partner within the Alliance is not uniquely a South African phenomenon. In many post-colonial and post-revolutionary situations, liberation and revolutionary movements have turned on labour movements that fought alongside them, suppressed them, marginalised them, split them, robbed them of their independence or denied them any meaningful role in politics and policy-making.

### **There is no chance of winning back the Alliance or the SACP**

There is no chance of winning back the Alliance to what it was originally formed for, which was to drive a revolutionary programme for fundamental transformation of the country, with the Freedom Charter as the minimum platform to transform the South African economy.

The South African Communist Party (SACP) leadership has become embedded in the state and is failing to act as the vanguard of the working class. The chance of winning it back onto the path of working class struggle for working class power is very remote.

### **The working class needs a political organisation**

For the struggle for socialism, the working class needs a political organisation committed in theory

and practice to socialism.

We concluded that the NDR is off track

- Our NDR is a struggle to end national, gender and class oppression and exploitation
- If we want to meet the needs of all the people, the white racist and colonial capitalist economic foundation of SA must be destroyed; this is the only basis for real national unity and democracy in SA.
- The full and radical implementation of the Freedom Charter is the best way to achieve this change, as the COSATU 9<sup>th</sup> Congress emphasised
- The goals of the NDR can only be achieved by democratic forces, led by the working class, ***dismantling white monopoly capitalist state power, and constructing popular state power and securing ownership and control of national wealth as Engels put it.***
- A deal was done before 1994 - that we will only have political power without economic power.
- The NDR is off track

**The result is that the ANC / SACP cannot represent any national interest**

- It does not come from incompetence or inefficiency on the part of the ANC and SACP leadership.
- It comes from a class fact. The leadership of the ANC and SACP is protecting the interests of a section of the capitalist class against the interests of the working class and of the nation as a whole:
- *Some of them are completely co-opted and are accumulating at the expense of the working class.*
- How do you expect them to support nationalisation when they own shares in the very companies that will be nationalised?
- The ANC and SACP leadership represent the material interests of an elite which has made an alliance with the capitalists of the Minerals / Energy / Finance complex - the mines, the banks and the financial institutions.
- In electing Cyril Ramaphosa as Deputy President, we argue that this alliance was consummated
- That is why the ANC cannot represent any national interest

The Alliance is class alliance. What brings us together is the minimum programme - the Freedom Charter. The ANC has abandoned the FC. If there is no Freedom Charter, there is no alliance. The Cosatu leadership fails to recognise this. So Numsa did a balance sheet of progress in relation to the demands of the Freedom Charter. The reaction of the Cosatu leaders to this discussion of Numsa is a shallow understanding of what the alliance is. The working class in is alliance with other classes. We must always ask whether this is in the interests of the working class?

So we also did a balance sheet of progress in relation to the Freedom Charter

Let's remember what the Freedom Charter says:

1.The People Shall Govern!



- 2.All National Groups Shall have Equal Rights!
- 3.The People Shall Share in the Country's Wealth!
- 4.The Land Shall be Shared Among Those Who Work It!
- 5.All Shall be Equal Before the Law!
- 6.There Shall be Work and Security!
- 7.The Doors of Learning and Culture Shall be Opened!
- 8.All Shall Enjoy Equal Human Rights!
- 9.There Shall be Houses, Security and Comfort!
- 10.There Shall be Peace and Friendship!

"Democracy would be quite useless to the proletariat if it were not immediately utilised as a means of accomplishing further measures directly attacking private ownership and securing the existence of the proletariat...Once the first radical onslaught upon private ownership has been made, the proletariat will be compelled to go further, and more and more to concentrate in the hands of the State all capital, all agriculture, all industry, all transport, and all means of exchange"—Engels, Principles of Communism.

## **The People Shall Share in the Country's Wealth!**

### **What Actually Happened After 1995?**

- In 1995, the Gini coefficient, which measures income inequality stood at 0.64 but it increased to 0.68 by 2008
- The share of in national income was 56% in 1995 but it had declined to 51% in 2009, i.e. there has been reverse redistribution from the poor to the rich
- Approximately 20% of South Africans earned less than R800 a month in 2002, the situation is worse for Africans. By 2007, approximately 71% of African female-headed households earned less than R800 a month
- In the Budget Speech 2010, the Minister of Finance noted that in South Africa "income inequality is among the highest in the world; and half of our population survives on 8% of national income".
- The poor's children remain trapped in inferior education with wholly inadequate infrastructure. Indeed 70% of (matriculation) exam passes are accounted for by just 11% of schools, the former white, coloured, and Asian schools.
- Among Africans 55% live in dwellings with less than 3 rooms and 21% live in 1-room dwellings, whereas at least 50% of White households lives in dwellings with no less than 4 rooms.
- The life expectancy of South Africans was the highest in 1992, at 62 years. Ever since then life expectancy fell to 50 years in 2006.

- The life expectancy of a white South African now stands at 71 years and that of a black South African stands at 48 years. **Whites therefore expect to live 23 years more than blacks.** This is due to inequality of access to quality health services.

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

**What Actually Happened After 1995**

- The financial sector: Dominated by 4 large privately owned banks (ABSA, Nedbank, FNB and Standard Bank). ABSA is 56% foreign-owned, Standard Bank is at least 40% foreign owned. The Reserve Bank privately owned and has foreign ownership.
- SASOL is about 30% foreign-owned and Arcelor-Mittal is 65% foreign owned.
- The pharmaceuticals sector: is Dominated by foreign-owned Aspen, Adcock-Ingram, Sanofi, Pfizer, Novartis, etc. have all significant foreign-ownership.
- Telecommunications: The Thintana Telkom Deal in 1997 (Malaysians and Americans), which led to massive job losses in Telkom from 67 000 to 25 000, has left the country poorer and in a worse socio-economic position.
- The construction sector is also monopolised, dominated by four players: Murray & Roberts, WBHO, Aveng and Group 5, with foreign ownership.
- The cement sector is also dominated by 4 players (PPC, Alpha, Lafarge and Natal Portland).

**And there's more that actually happened after 1995**

- The Forestry sector is also monopolised by two major players, SAPPI and MONDI, with the state, through SAFCOL, playing a minor role.
- Machinery and equipment is a diverse sector: The major equipment players are Caterpillar, John Deere/Bell, Komatsu, Manitou SA and Thyssen-Krupp, all foreign.
- The wholesale and retail trade sector is a monopoly industry, dominated by two firms: Shoprite and Pick 'n Pay, which constitute 66% of the market share. Massmart was 60% foreign-owned even before Walmart, Shoprite is 35%, Truworths is 50%, Foschini is 40%, JD Group is 40%, The state does not play any role in this sector.
- Mining is a monopolised sector too, in all its varied aspects because of the various minerals under it:
  - Iron-ore, so crucial to steel production is dominated by Kumba Iron-Ore, which is majority foreign-owned.
  - Manganese production is dominated by Samancor, which is a joint venture of foreign-owned mining houses,
  - Chrome production: Samancor Chrome dominates, is majority foreign-owned entity,
  - Vanadium production is controlled by Vanchem also foreign owned,

- Coal production is majority owned and controlled by foreign companies, etc..
- In short all minerals in South Africa are majority foreign-owned and controlled.

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

### **What Actually Happened After 1995?**

- The manufacturing sector declined from 20% of national production in 1995 to 15% of national production in 2010. This is evidence of de-industrialization.
- **Between 1995–2008, the manufacturing sector lost 350 000 jobs and an additional 271 000 jobs were lost in 2009–2012.** The policies of the past 19 years have thus failed to promote labour-intensive industrialization. In 2009 alone we lost 1 million jobs in the whole economy!
- Total trade deficit is R9.5 billion in January 2013
- Television, Radio and Communication Equipment: **431% deficit**
- Radio, Television, Clocks and Watches: **397% deficit**
- Machinery and Equipment: **120% deficit**
- **The removal of exchange controls also facilitated the outflow of capital** in the form of delisting of South African conglomerates from JSE to the London Stock Exchange: Gencor, Liberty Life, Anglo-American, De Beers, Old Mutual, SA Breweries, Investec and Didata etc.
- Because of such large outflow of domestic resources, South Africa's dependence on short-term capital flows to finance its expenditures has increased. There has been a **rapid rise in South Africa's foreign debt from \$25 billion in 1994 to \$132 billion in 2012**, with relatively little increase in real productive investment in the private sector.
- The structure of the economy remains mineral-dependent and is now finance- led: Petrochemicals, mining and Basic Iron and Steel make up 69% of total exports, and are highly capital and energy intensive. This has not changed since 1970.

### **And there is more on what happened After 1995**

- Nationally, 7 foundries have closed because of neoliberal refusal to ban exportation of scrap metal and to impose export tax on minerals
- It is not a secret that SASOL, Arcelor-Mittal. No control to assist the well-being of the people.
- The mines are creaming off profits: For example ferro-chrome industry is dying because chrome ore is exported
- Cement companies and construction firms are charging collusion prices. No control to assist well-being of the people
- Food processors and retailers, collude to charge high prices. No control to assist the well-being of the people

- Companies that have suffered because of continued neo-liberal approach of National Treasury in the Vaal:
- *Iscor: Ever since its privatisation and unbundling, is engaged in never-ending retrenchments*
- Tosa: Tube-makers of South Africa, has shut down
- Vikor: shut down, steel and engineering
- Brodericks: shut down, steel and engineering
- Mercy Ferguson : shut down, tractor manufacturers

### **Other affiliates have rejected the Alliance and have not been threatened with similar sanction**

#### **We will offer 3 examples of this:**

- Numsa itself in 1993 resolved to canvass Cosatu and its affiliates to support our position that we break with the Alliance and to form a Workers Party. Cosatu affiliates engaged with this debate in the Federation's National Congress and it is common cause that Numsa lost that debate in Cosatu, yet no strong arm tactics were ever applied to deal with Numsa's democratically arrived at decision
- SASBO applied to become an affiliate of COSATU and is now an affiliate. Its constitution specifies that it "shall not belong to or support any political party". It does not contribute to the COSATU Political Fund. The leadership of Cosatu at that time were prioritising unity of the working class. WE can't say the same of the current leadership.
- On March 9 2011 Samwu issued a public press statement which directly confronted the status of the Federation in the tripartite alliance.

*o It listed the failures of the ANC, saying amongst other things: **Cosatu has failed to secure a pact with the ANC. This has meant that many of the issues that concern the working class have not been incorporated into the manifesto. The manifesto continues to provide for the needs of capitalists. We fear that the dire straits of working class communities will continue to be ignored in the aftermath of the elections***

*o It then recorded that the union resolved: "In the spirit of Samwu's commitment to support the ANC in the forthcoming elections, we find it impossible to convince our members and the community to do this until the issues mentioned above are resolved. We thus call upon the ANC leadership to intervene urgently to address our concerns."*

### **Other affiliates violate Federation policy without consequence**

- **The foundations of the macro-economic strategy of the NDP violate Cosatu macro-economic policies of the Congresses of the last 20 years, yet many affiliates accept the NDP as a basis to engage.**
- The President of the Num, on a fundamental issue of Federation policy, said: "We don't believe nationalisation is the panacea to all our problems. We tell those who call for it that they're only

playing with the aspirations of people and their frustrations, using a populist agenda rather than being real". [1] But Cosatu policy is clearly and absolutely in favour of nationalization:

The 9<sup>th</sup> Congress resolved that "Government must:

- 1.(Re)nationalise key industries that used to belong to the state, beginning with SASOL;
2. Pass legislation to allow state takeover of industries that are either closed or abandoned by owners or financially troubled. This must be done through direct involvement of workers affected; and
3. Return to the Freedom Charter demands for nationalisation of the monopoly industries like the mines and the banks.

The 10<sup>th</sup> Congress resolved that:

"The role and features of our developmental state must include:

- o Active state-led interventions in the economy – including an expansionary macroeconomic policy, active industrial strategy, the nationalisation of strategic industries...."

- Popcru has openly opposed Cosatu policy and campaigning.

- o In commenting on Cosatu's etoll campaign, Comrade Theledi said: "Popcru believes the federation in this instance is calling on citizens to resort to anarchy...We have witnessed in the recent past protesters torching buildings and cars in order to register their discontent, and we believe this call by Cosatu will be deemed as encouragement by those who want to perpetuate criminality through protests."

- o Is this supposed to be a lesson in democratic centralism from Popcru? We thought the purpose of democratic centralism is that we can act in a united way. The Popcru General Secretary clearly thinks it is good democratic centralist practice to sabotage Cosatu campaigns by openly opposing them.

And then there is Num and nationalisation

Cosatu has been very clear about nationalisation

- 9<sup>th</sup> Congress

- o a)"We must bring back the fundamental thrust of the Freedom Charter and the RDP on nationalisation of key and strategic industries.

- o b) Government must return to the Freedom Charter demands for the nationalisation monopoly industries like mines and the banks

- o c) To campaign within the Alliance and society at large for the nationalisation of economic assets in key economic sectors such as minerals, telecommunications, petrochemical, etc.

- 10<sup>th</sup> Congress:

- o "the Freedom Charter propagates state ownership of the commanding heights of the economy and control of the private sector for the benefit of the people"

o called for the developmental state to engage in “the nationalisation of strategic industries, expropriation of land for the land-hungry”

- NUM:

o The NUM Central Committee resolved that the intensification of the legislation (MPRDA) is indeed in conformity with the Freedom Charter call for the mines to be nationalized.

o “NUM’s view is that there are different models of nationalization and that the choice is always informed by the needs of the affected governments, looking at some of the known models below, it can be divided into full-scale nationalization or strategic funds/equity by government.... NUM does not support a blanket/wholesale nationalization but prefers the model on “strategic fund/strategic equity”. [2]

There was no outcry when Num came out with this position. There was no call for them to be expelled for refusing to follow Cosatu policy.

### **The second issue which the CEC letter of February raised was the decision to organise a march to Cosatu House to coincide with the 1<sup>st</sup> CEC in February 2014**

#### **Workers must be able to protest without fear of expulsion**

- Where there is oppression by a minority, there will be protest. Where the federation acts outside its constitution, it must expect that workers will not only use constitutional meetings to express their grievances.

- The federation of Elijah Barayi would not propose that where workers have grievances with the Federation and they propose to raise those grievances by way of peaceful protest and in terms of their right to freedom of association, this would render them liable to expulsion from the Federation.

- We have also noted that the same Cosatu NOBs who are seeking to expel us for this are at the same time organising their faction of Cosatu to attack us. So the Cosatu

President took the opportunity of Popcru’s Central Executive Committee meeting to say this:

“This federation is today fighting a tendency where unions deliberately work to weaken each other through poaching and openly destroy each other even to an extent of having others helping opposition unions in the same sector. This is in our view a clear agenda of destroying

Cosatu...I have no doubt that Popcru is standing firm in defence of Cosatu....We are not going to wait for a special congress before we expose lies.”

Comrade Sdumo, you wouldn’t have to wait for a Special National Congress if you had carried out your constitutional duty and called it at the end of 2013 when the 9 unions sent you their request.

#### **The march never took place**

In practice no march actually took place. So you want to expel us for deciding to do something which we never actually did. While you sit there in flagrant violation of the constitution. Who is the one who should be expelled?

## **The decision to hold back on paying affiliation fees to COSATU until the special national congress is held**

Numsa is in good standing and there has been no threat of expulsion of the many other affiliates who have not been in good standing in the past

- Again, in practice Numsa is in good standing and has remained in good standing.
- None of the many others who have failed to be in good standing during Cosatu's history have been threatened with expulsion

## **The decision to cease to pay its contribution into the COSATU/SACP levy**

**Firstly, Numsa is fully paid up. In fact, you can see from this Cosatu report that at the end of last year was one of only 6 affiliates who were fully paid up. Of the other 13 affiliates, some were in arrears by more than a year:**

- Satawu started the year owing R152,254 and ended it owing R324,584.17 having paid nothing for the entire year
- Popcru has failed to pay the R63,527.33 which it has owed from 2012

We have not heard any proposals to expel or suspend these affiliates

Secondly, this is a levy, not affiliation fees

- Affiliation fees are a basis of membership of the Federation; a levy is a form of taxation
- The failure of an affiliate to pay a levy means they have a debt. It cannot affect their standing as an affiliate in the Federation.

Thirdly, how can we be expected to fund an organization which threatens to destroy us?

Look at what the SACP has been saying about us:

The GS of the SACP has this to say:

- ***"there is a small, but lingering, phenomenon in the trade union movement that of wanting to deliberately cause strain and divide the labour movement from the SACP and the ANC. We must intensify ideological work to expose and defeat this phenomenon within the ranks of COSATU and the progressive trade union movement."***

SACP 2<sup>nd</sup> Deputy GS said:

- ***"It's time for Numsa rank and file workers to take back their union from the leadership clique around Irvin Jim, from all his tenderpreneurs and parasites who are leaching off worker retirement funds"***.

**Is it really reasonable to expect us to continue to financially support an organization which has vowed to defeat us, called our leadership criminals and urged our membership to overthrow that leadership?**



## **Now we come to the last of the 5 issues identified by the CEC in your letter to us: the decision to extend our scope**

On this one, we must be clear from the beginning. This is not the reason for our expulsion, even though we expect those of you who support our expulsion to focus on it. We know the reason for our expulsion. It is that we are attacking the status quo. The status quo, as we have explained, is against the working class. Those who seek our expulsion support that status quo.

This is a co-ordinated agenda between ANC and SACP with their friends in the Cosatu leadership to deal with Numsa because we reject their failure to implement the Freedom Charter and to fundamentally restructure the economy. Those who serve in the leading ANC and SACP structures, like Sidumo, must discipline the federation to toe the line. This is the real reason for this attempt to expel us. We will prove this by showing you how all of the crimes that we are alleged to have committed have been and are being committed by almost every other affiliate, even now as we speak.

As trade unionists, we know about selective discipline. The bosses often try to use it against us. They hand pick the shop stewards they want to discipline, even though those ones they pick have done nothing different from all the other workers. We are in the same position. Only this time it is our federation which has taken a tip from the bosses and is using their selective discipline tactic against one of their own affiliates.

**Firstly, we know that we are in fact the ones who are carrying out federation policy on supply chain organizing and progressive demarcation.**

Supply chain organising is supported

At the 8<sup>th</sup> Congress, we adopted an organisational resolution called “7 Principles for Demarcation”. It said this:

***1. “Demarcation must take into account conflicting needs. As far as possible, it must support...”***

- Protection for vulnerable workers through solidarity with workers in more strategic jobs or in jobs connected in the supply chain.....

- Continuous membership if the employer hives off activities, for instance by outsourcing or privatisation”

Supply chain organising and value chain organising are different words for the same thing. This is a clear mandate to recognise the need for value chain organising, which is the subject of Numsa’s resolution.

**Progressive demarcation is supported**

The need for progressive demarcation across interrelated industries has for many years been recognised by the Federation. This notion has been applied to suggested mergers between SAFPU, MUSA and PAWE to introduce a comprehensive entertainment union, or indeed the merger integration of FAWU and SAPPWU and DENOSA/ SADNU

**Value chain organising already exists and is being used by a number of affiliates and new unions which are a threat to affiliates**



Recruiting and organising along value chains has been reflected in the constitutions and practices of many COSATU affiliates:

*1. NUM has implemented this on the mines since its inception and it further opened its scope to merge with CAWU. It further opened its scope so cleverly because it inserted in its constitution "construction and all auxiliary services" – what are auxiliary services if they are not the value chain? They claimed they did this only in order to assist*

CAWU, the "auxiliary services" are nothing to do with CAWU.

2.NEHAWU has implemented this since its inception hence its President is a cleaner from a hospital who is not a SATAWU member but a NEHAWU member

3.SACTWU has organised along a value chain in its recruitment in clothing retail

4.FAWU organises workers who are sub-contracted to fill hired supermarket shelves by food manufacturers; FAWU has confirmed both in previous CEC and in a letter to Cosatu that they have indeed opened their scope. As has Saccawu in 2005.

5.Most of the newly registered unions, both independent and AMCU, are organising along value chains and have registered themselves as general unions.

### **We have merged along value chain lines internationally**

We have come together internationally for exactly the same objective reasons that we must do so locally. The organisation of production has changed. That is why textile, mining and metal are all in one international federation, IndustriAll, which merged in 2008. How can Cosatu affiliates accept the need for value chain organising internationally whilst opposing it so vigorously locally that they want to expel us from the federation? It doesn't seem logical.

That is how we know that there is another reason hiding behind this excuse.

### **Cosatu itself recognizes the need for changing the way we organize**

**Cosatu 10<sup>th</sup> Congress Resolution acknowledges the problem:** the changes that have taken place in the workplace require new and innovative ways of recruiting workers into Cosatu affiliates

**Cosatu 10<sup>th</sup> Congress** resolved to move to mergers: we agreed to conduct audits to see overlaps within the Federation with a view to merge unions who organise within the same industries. The congress realised that this is a common problem. It's not a Numsa problem. It's a Cosatu problem. Why must Numsa alone be expelled for a problem that belongs to the whole of Cosatu?

### **We must defend the interests of our vulnerable members. We have concentrations of vulnerable workers in these situations:**

**Core and non-core:** Employers use the concept of "non-core" to deal with the strength of the union. NUMSA members have rejected management's division of workers into "core" and "non-core" and organise every worker in workplaces that are in our sectors whether they are in cleaning, security, catering, health services or any other service that is provided in support of activities in our existing sectors.

**Subcontracting:** Workers are employed in one workplace by different sub-contractors and service providers. Another undesirable consequence of outsourcing is the emergence of many unions within

a single workplace and the creation of multi-bargaining forums in a single establishment

**Dictation of OEMs:** Primary employers and original equipment manufacturers (OEMs) presently dictate to component companies and providers of outsourced services in terms of pricing. This leads to the cheapening of the labour of those who work in outsourced services and the entry of labour brokers.

There appears to be no sense of urgency in the COSATU CEC on cross sectoral solidarity (either within or between unions). As a result of this failure very vulnerable workers are denied basic organisational rights.

Instead of the COSATU CEC responding with threats of suspension against Numsa, it should be commissioning research to understand the restructuring of the economy and its impact on the world of work in the sectors it organises in. This is what would be in the best interests of workers.

### **This is urgent**

Workers will move and indeed are moving to unions where they think their issues are being heard and there is a program of solidarity with their struggles. COSATU unions are all under threat from the new found confidence of workers who have gone to these new unions.

### **The Cosatu NOBs have failed to act**

The February 2013 CEC discussed poaching & mergers. The discussion recognised widespread poaching between unions. The meeting asked the NOB's to meet Num and Numsa in this regard. In addition the NOB's were asked to develop a program to take forward the merger related work as per the resolution of the 11<sup>th</sup> Congress in 2012.

There have been attempts by NOBs, but Satawu and Num did not cooperate

### **The solution is a comprehensive review not simple handovers**

- Unions cannot, and do not, simply hand over members to other unions.
- There needs to be a comprehensive review.
- That is the job of the federation.
- Cosatu must act on the resolutions we have already passed. It must urgently develop a model on how we develop solidarity in one workplace with many unions.
- This is why we passed our resolution on organising along value chains. It is about the unity and strength of workers.

### **Other affiliates organize across sectors and compete with one another and there is no sanction from the federation**

- Different affiliates organise in the same constituency. DENOSA, NEHAWU and SADNU all organising nurses is an example. FAWU described in the CEC how it was losing members to SACCAWU.
- In 1995, this Central Executive Committee approved the affiliation of Popcru, the Institute of Public Servants (IPS) and SASBO. These unions were allowed to affiliate, even though they had

members in the same sectors as existing affiliates

- To date the local government & public administration merger has not taken place. Instead COSATU has allowed affiliation of a number of public sector unions which organise in the same scope, without merging them

- Airchefs: Direct counter organising. Nothing to do with transport. Saccawu organised from 80s. satawu intervened. Total workforce about 500

Almost all constitutions of affiliates overlap in scope and to date the federation has not addressed this. Here is a list of affiliates that organise in the same scope as per the records of COSATU:

1.SACCAWU and SATAWU both cover toll gates, cleaning services, sports clubs, parking garages and security services

2.SASBO & SACCAWU both cover financial institutions

3.SASBO & SATAWU both cover Road Accident

4.Numsa & Ceppwawu cover plastics, rubber and batteries

5.Num & Ceppwawu cover quarrying

6.Ceppwawu, FAWU, SACCAWU all cover distribution (i.e. Transportation) of goods, creating an overlap with SATAWU

7.SACTWU & SACCAWU cover clothing retail

8.FAWU & SATAWU cover cold storage

9.CWU & SATAWU cover call centres (SATAWU sees transport call centres as part of support functions allowed for in its constitution) Both unions also cover courier sector

10.Ceppwawu, NUM & SAMWU and Numsa cover generating, transmission and distribution of electric power

11.Denosa, Pawusa, SASAWU, SADNU & NEHAWU all make provision for nurses (either exclusively nurses, or as part of the health sector)

12.NEHAWU's constitution excludes educators (covered by SADTU) but it does have tertiary educators in its ranks

13.SACCAWU & SACTWU both cover clothing, knitting & textile manufacture

14.SACCAWU & SACTWU both cover clothing & textile retail

15.SACTWU & FAWU both cover farming as it relates to clothing and textile

16.Ceppwawu & SACCAWU both cover publishing

17.Ceppwawu & FAWU both cover manufacture of livestock food, household oils & fats

18.FAWU & SAMWU cover fresh produce markets

- 19.NEHAWU covers all parastatals, creating an overlap with all other affiliates organising parastatals including Numsa, SATAWU & NUM
- 20.Numsa & NUM cover processing of metals (smelters), metal work and steel construction
- 21.SAMWU & NEHAWU cover the voluntary sector & day hospitals
- 22.SATAWU covers funeral undertakings & Ceppwawu organises them due to the link with manufacturing from wood (coffin manufacture)
- 23.Numsa & SATAWU both cover ship repair
- 24.FAWU & NUM cover salt mining
- 25.SACCAWU & Numsa cover manufacturing of metal jewellery
- 26.FAWU & SACCAWU both cover food processing and manufacturing, tearooms, hospitality & catering
- 27.SAMWU covers local government traffic officials, NEHAWU covers provincial traffic officials and POPCRU covers both
- 28.SASAWU covers the Caledon Tunnel Authority. SATAWU covers transport infrastructure
- 29.SATAWU covers all public transport, SAMWU covers public transport under local authorities
- 30.SACCAWU, SACTWU & SATAWU all cover laundry and dry cleaning
- 31.Another from Valli Moosa
- 32.Satawu has taken workers within the Saccawu scope to the point of a strike

**There are many overlaps in scope that have led to conflict amongst affiliates**

These examples are from COSATU's records. This document was produced by Cosatu. It went to the CEC of February 2014 and is available on the Cosatu website.

- 1.NUM vs SATAWU in the security sector on the mines: NUM argues these workers service the mines. SATAWU argues they are security sector
- 2.NUM vs NEHAWU in mine hospitals in NW: NUM argued these workers service the mines. NEHAWU argued they are health workers and therefore in their scope. The NW Provincial Congress of July 2012 resolved that the members must be handed over from NEHAWU to NUM
- 3.NEHAWU vs SATAWU in ACSA: ACSA workers went across from SATAWU, after complaining about service. SATAWU's views these workers as transport workers,  
NEHAWU argues they are state employees and therefore fall in their scope
- 4.NUM vs Numsa in Eskom: Both unions are recognised by the company and sit on the same negotiating forum. Numsa's presence in the company pre-dates the formation of COSATU. Numsa has always explained that its members refuse to move to NUM
- 5.NUM vs Numsa in the smelters: Both unions argue that these workers are covered by their

constitution (see detail of this in Annexure 2)

6.SATAWU vs SACCAWU in Sun City: SATAWU is currently disputing the move of cleaners and security guards to SACCAWU. SACCAWU argues the workers fall within their scope and that the workers moved voluntarily after complaining about service

7.Numsa vs SATAWU in SAA Technical & Transnet Rail Engineering in Western Cape: SATAWU argues these companies have always been organised by the union and fit into aviation and rail value chains, as well as existing collective bargaining arrangements. Numsa argues their scope covers them and that workers have requested to join the union

8.Numsa vs Ceppwawu in a chemical company in the Free State. Both claimed the factory was within their scope

9.Numsa vs Ceppwawu regarding petrol pump attendants in KZN

10.Ceppwawu vs SACTWU in furniture manufacturing companies in KZN: Ceppwawu argues the primary component is wood, SACTWU argues it is fabric

11.SACCAWU vs SACTWU regarding the organising of a bottle store in Durban

12.NEHAWU vs SATAWU: regarding cleaners in the Higher Education institutions in Western Cape

13.Numsa vs SATAWU: regarding Transnet members in Eastern Cape

14.Historically, the most serious case is that of FAWU vs SACCAWU in Irvin & Johnson, which tragically lead to the death of a worker in 1997

**COSATU has to review its traditional demarcation of scopes because it does not exist in terms of the practices of affiliates and in terms of the changes in the economy locally and globally**

We have a detailed list showing that the vast majority of affiliates have amended their scope to infringe on others

We have a list of instances demonstrating that the vast majority of Cosatu affiliates have extended their scope at one time or another in a manner that infringes on the interests of another affiliate.

**For example**

SACTWU

- o amended its constitution in 2009

- o expanded its scope to include: retail, agriculture and farming

**Nehawu:**

- o Nehawu has not changed its scope, but since its launch it has always organised on a value chain.

- o Our understanding is that Nehawu is a union that is supposed to organise in health (nurses, doctors, old age home workers) education (lecturers in FET colleges and universities; teachers in adult learning centres) and allied (social development,private welfare (old age)

o In fact it organises along its value chains. So, for example, it organises cleaners in health and general assistants in education.

o It will be interesting for Cosatu to research - where does the president of Nchawu come from? Are you part of a value chain. In order to be consistent, perhaps you expel yourself before you surgically remove us?

o It is so painful, so desperate. Nchawu wants to expel Numsa for behaving exactly like Nchawu.

## **NUM**

o In the 2002 constitution of Num the scope was listed as follows: mining, construction & energy

o In 2005 Gwede Mantashe signed the changes to the constitution which listed the scope as mining, construction & energy but also added allied to their scope. Under allied, metal was listed as part of the scope.

o In 2010 the constitution signed by Frans Baleni reflected the same scope as that listed in 2005 under Mantashe. It still had metal listed under allied. Metal work is defined like this:

**Metal work: which includes the manufacture to specifications for installation in specified buildings and *manufacturing of stocks (re-inforcing steel), the fixing of steel ceilings, metal windows, metal doors, builders smith work, metal frames, metal stairs, and architectural metalwork and the manufacture and or fixing of drawn metalwork and sheet and extruded metal* whether or not the fixing in a building or structure is done by person making or preparing the article used.**

## **Workers are approaching us and asking us to organize them. We are not poaching**

o NUMSA is not poaching members from other unions - workers are approaching of their own accord.

## **o Some have come to us because they have been purged from their union.**

o In Eastern Cape the Chairperson of the Province and the Chair of Aviation of the Province of Satawu were expelled from Satawu without a hearing. They were accused of being NTM recruiters. Their constituents gave them a mandate to look for a union because they were not serviced. They asked to join Numsa.

o In Mpumalanga, the Num leadership was purged because they supported Oupa Komane in the battle for the General Secretary position with Frans Baleni.

The membership was dissatisfied with Num because they were not represented. They were thinking of joining Amcu. We successfully diverted them from Amcu into Numsa. This kept them within the federation.

## **o Some have come to us because they were tired of decisions being made in Head Office over the heads of the workers on the ground.**

o Metrorail workers in Western Cape complained that they were not being serviced. o They had agreed to take a strike the previous year because the company had unilaterally changed the working conditions of guards.

- o On the day the strike was due to start, the Deputy General Secretary instructed them to abandon it.
- o An agreement had been signed in 2013 that no Metrorail worker can refer a case without the consent of the DGS.

### **o Some have come to us because their union refused to take up their grievances**

- o Chuma Security in Western Cape was deducting provident fund monies and not paying them over to the Fund. The union failed to take up their grievance.
- o Management at Transnet Engineering in Uitenhage was appointing friends and relatives to positions. The union tried to stop the organiser from pursuing the issue. All the shop stewards were suspended. They told Satawu's Regional Secretary to bring the national leadership of Cosatu, Satawu and Numsa to address them. The leadership of Satawu never came.
- o Workers at Nguka port had a long-standing problem with inconsistent application of manning levels. Their union walked out of negotiations. Transnet applied new levels unilaterally. Workers visited Numsa offices. They pursued the Numsa organiser in the middle of the night because they were being dismissed for an unprotected strike and their union was not assisting them. As a result of Numsa's support, 66 out of the 68 suspended workers are back at work.
- o Transnet workers in Bloemfontein had grievances over unilateral change of shifts. The Satawu General Secretary visited the workers and could not solve the problem. They joined Numsa and we resolved the problem.
- o Transnet workers in Mpumalanga had grievances with Satawu and left to join the NTM. Numsa has recruited more than 200 workers from NTM, bringing them back into the federation.
- o We have recruited from the NTM throughout the country. We have also recruited hundreds of workers from Utatu Sarhwalu from Transnet and Prasa.
- o Workers see the quality service which Numsa delivers. It makes them want to join us That's the nature of a trade union. Why should we be condemned for that?

### **In the past we helped each other**

- o Where Cosatu happened to find members not being happy in a fellow affiliate, that union used to service those workers. At an appropriate time they would return them when the servicing issues have been resolved.
- o This is because there were no vendettas. It was before we called each other "the enemy within"
- o How do we now organise workers for the NUM which calls us the enemy within?
- o There is a huge gap between Nehawu and Numsa. We don't know of any situation where we have encroached on Nehawu. Yet it is Nehawu that says we must be surgically removed.

### **There are false accusations of poaching and cross-sectoral recruiting in construction**

- o Construction project engineering is within our scope.
- o Construction projects have many components that cut across a number of sectors, including Engineering.

- o An example is a mega project such as the Medupi Power station
- o In addition to NUM and Numsa, other Cosatu unions are also organizing such as Ceppwawu and Satawu.
- o Num is alleging that we are organising beyond our scope because they are failing to draw a distinction between construction in general and engineering in the build project in particular.

### **There are also false accusations of poaching and cross-sectoral recruiting in energy**

#### **o Energy is within our scope**

- o In terms of supply chain, Numsa has as much vested interest in Eskom as NUM.
- o On the one hand, the coal mines supply Eskom*
- o On the other hand, the steel industry in south Africa has a long history of supplying components and installation for its infrastructure and builds.
- o Similarly, both steel industries and the mining sector are energy intensive users. So they both have a direct interest in energy.

### **The real story of Eskom**

I want to spend a few moments looking at the real history of organising in Eskom, as an example of how complicated that kind of history can be.

- In 1981 Mawu put together a plan to build the union and make political gains for socialism and capture the country's economic heart by including power stations and coal fields in its organizing strategy alongside steel plants.
- Mawu progressed relatively quickly to organize the steel sector and moved aggressively onto organizing Eskom power plants but faced similar problems to NUM in gaining access to the mines.
- When Anglo American realized the significance of Mawu's advance in the coal sector, it dropped its opposition to NUM, allowing NUM to rapidly gain control of the sector.
- So we can argue that in fact our organizing in Eskom helped to build the NUM.

[- Mawu and then Numsa continued to grow its presence in Eskom and was well organized, with an established company council in Eskom by the time Eskom set up the national bargaining forum in the 1980s.

### **Energy is central to industrial growth**

- Numsa has long held that energy is central to industrial growth. We have historically championed the call for industrial led development, where South Africa benefits from beneficiation of its raw materials, creating a stronger more diversified economic base.
- Numsa participated in the National Electrification Forum in 1993 to further the position that in addition to meeting needs of those disadvantaged by apartheid, electrification could stimulate growth in the manufacturing sector.

[- Also in 1993, Numsa took up a government appointed seat in the Electricity Council, as it moved to



a tripartite structure which controlled Eskom. The union's motivation was to ensure worker and union participation in decision making. We were hoping to push back on privatization of state enterprises and make them more accountable to people rather than monopolistic capitalist interests. NUM also had a seat on the Council.

### **Numsa has an interest in the Supply Chain**

In terms of supply chain, Numsa has as much vested interest in Eskom as NUM.

- In so far as the coal mines supply Eskom, the steel industry in south Africa has a long history of supplying components and installation for its infrastructure and builds.
- Similarly, both steel industries and the mining sector are energy intensive users and thus have a direct interest in energy.

### **For all these reasons Numsa is right to contest the current demarcation**

Numsa's interest has been widely acknowledged

- The energy sector is clearly a changing sector and Numsa's interest in the sector has been widely acknowledged by Cosatu.

o As early as 1997 there is reference to Numsa together with NUM and SAMWU being tasked with taking forward a labour position under Cosatu on the electricity sector. Samwu was there because of the role of municipalities in distributing electricity.

o This acknowledgement has been continuous up to the present time. For example, from the Cosatu Congress Secretariat report in 2012:

***“For example, shifting to renewable energy could create thousands of jobs but government's reliance on the private sector to do so is problematic. NUMSA has rejected the notion of drawing Independent Power Producers into the generation and delivery of electricity to our people because private interest is about profit maximization rather than the meeting of social needs, in this case the provision of affordable electricity for the mass of our people. For this reason NUMSA's call is for a publicly-owned and democratically controlled renewable energy sector made up largely of parastatals and cooperatives.”*** [\[3\]](#)

**There must be a consistent position on poaching amongst all the affiliates. At the moment others poach our members**

- The 10<sup>th</sup> Congress of Cosatu took note of “The culture of poaching internally within the affiliates of the Federation”. It doesn't say it is a culture of Numsa. It says it is a culture of Cosatu.
- Numsa estimates that NUM membership in our sectors is more than 3,000, including in 5 smelters.
- Num has organised our members in Rotec, which repairs motors for Eskom.

**The LRA provides for Freedom of Association. We cannot force workers to join a different union.**

o There is no requirement in the LRA that a trade union must confine its membership to employees in a particular sector or sectors of the economy or a particular geographical region.

o Let's take the example of Eskom.

*o We have been to Eskom to advise the workers there of Cosatu's decision that they must belong to NUM.*

o They simply refused. They have always refused.

o They are Numsa members and they wish to remain Numsa members.

o As a working class organization, we believe more than others that workers are independent human beings who must be respected. We cannot move them from one organization to another against their will as though they were animals being moved from one farm to another.

**Now that I have responded to the so-called 'charges' against Numsa, I will turn to our charges against the leadership of the federation**

**Our first charge is that you have violated the constitution**

You have refused to call a Cosatu Special National Congress

o You, Sdumo Dlamini, President of Cosatu, have violated Clause 3.3.2.1. which instructs you that: "The President must call a special NC if....not less than 1/3 of the affiliates in good standing submit a written request to the General Secretary for the attention of the President calling for the meeting"

o You, the majority of the Cosatu CEC, have breached the same clause when you made a decision which you had no power to make - whether or not a Special National Congress must be called

o You, Sdumo Dlamini, acted unlawfully and unconstitutionally when you noted the CEC's decision, knowing that it was unlawful

o You, National Office Bearers of Cosatu, acted unlawfully and unconstitutionally when you suspended the General Secretary without a vote. Your unlawfulness was corrected by the High Court, at great expense to workers who pay Cosatu affiliation fees.

o You, National Office Bearers of Cosatu, have violated Clause 9.6.1 of the Cosatu Constitution which says:

***The President, First Deputy President, Second Deputy President and Treasurer must vacate their seats during their term of office if they cease to be a member of an affiliate.***

o Zingiswa Losi ceased to be a member of an affiliate. She resigned from Numsa. Whatever the truth about her suspiciously rapid recruitment by another affiliate, she ceased to be a member of Numsa before she joined. She is therefore not eligible to remain as a Cosatu NOB.

**Our second charge is that you have acted in bad faith in the process of seeking to expel Numsa**

You have ulterior motives for trying to expel us

o You are attempting to expel Numsa in order to avoid our challenge on your unconstitutional behaviour

o If we are suspended or expelled, you will do your best to prevent us from continuing to challenge the decision to refuse to call a Special National Congress.

### **This is the motivation behind the letter of 11 February 2014.**

You have withheld information and failed to give reasons for your so-called charges

o Cosatu's letter on 11<sup>th</sup> February was like a charge sheet without any detail of the offences. There were no accompanying reasons, documentation or information on what formed the basis of the charges in the letter. The so-called charges even said that they "include but are not limited to" what is listed, leaving us to answer phantom charges which we had no way of knowing.

o Yet Cosatu demanded a comprehensive response to the charges by February 20.

o Numsa requested these details on February 13 and gave a deadline of Feb 15. We requested the details again on February 20 and February 21. Some details were finally forthcoming later on February 21.

o NUMSA has throughout the last few weeks maintained that it is entitled to protection under clause 14.2 of the constitution. This includes the right to be given full and comprehensive reasons for the allegations.

o We have not received any answer to our 59 page document setting out reasons why we should not be expelled. We therefore are unaware of which of the items which we are accused of are still outstanding.

### **You have given us unreasonable deadlines**

o The CEC letter of February 11 gave Numsa 10 days to respond to vague and unknown charges

o The CEC of February 25 gave Numsa 7 days to respond to allegations that had taken Cosatu 3 months to formulate and detail. This was despite Numsa's request for an equivalent period of 3 months for to answer.

### **You have failed in your duty to unify the working class**

The Preamble to the Cosatu Constitution identifies the following task, amongst others:

***combat the divisions amongst the workers of South Africa and unite them into strong and confident working class formations.***

The Cosatu NOBs and the CEC have been violating that mandate as they sew division amongst Cosatu affiliates.

o When the President of Cosatu went to the Popcru CEC and pledged his support for the dismissal of Numsa, he had forgotten his duty to unify.

o When the 2<sup>nd</sup> Deputy President spoke at the Num Central Committee, she said to Numsa:

"Don't enforce your resolutions on us. If you can't adhere you must leave. If you can't fit because you have your own constitution, form your own church but don't poison the congregation". She too had forgotten her duty to unify.

### **You have tried to suppress the legitimate rights of autonomy for affiliates**

o NUMSA, like every other affiliate, has a right to self-determination as an autonomous organisation.

o That right has been and is being suppressed

o That is a denial of our rights as a democratic, worker controlled union. It means that you expect NUMSA to force upon its members Federation policies. Its members must accept those policies without debate, for fear of reprisal. This is directly in conflict with the principles of worker control and autonomy of affiliates which are at the heart of the historical traditions of democratic practices in Cosatu

o You have tried to prevent debate on progressive issues purely because they raise new debate on existing political postures of the Federation. This does not belong in the democratic traditions of our federation.

o If we do not have these rights, what would be the point of Clause 2.3 of the Constitution referring to affiliates as “autonomous bodies governed by their own constitutions”. Affiliates would simply amount to a flock of sheep led by the federation and alliance partners.

### **You have selectively quoted Numsa Resolutions**

o NUMSA continues to strive for unity and cohesion in the Federation

o For example, in its final Declaration, Numsa’s Special National Congress specifically warned itself and Numsa membership: “We must guard against any splinters in COSATU and the fragmentation of the federation”.

o Mysteriously, these parts of our resolutions (around guarding against splinters and engagement of affiliates in order to resolve disputes and differences) do not appear to be considered by any of Cosatu’s correspondence or by those affiliates who are seeking to expel us.

### **You have failed to defend Numsa as an affiliate**

o We have been subjected to a sustained campaign of vilification as we have been attacked and labelled by leaders of the ANC, SACP and Cosatu affiliates. Here are just a few examples:

o In January 2013, NEHAWU GS said Numsa .... ***represents a rightwing version of workerism*** and also an ***ultra-left current of workerism - which carries delusions about a trade union movement leading a socialist revolution.*** At the same time he accused us of ***flirting with the DA leader.***

o In March 2013, the ANC Deputy SG published in an open letter that: ***Numsa has always driven a populist, short-term vision for our country, a constraint we have lived with in the strategic alliance we have forged with the Congress of South African Trade Unions, where Numsa is an important ally.***

o In the same month, the Deputy GS of the SACP accused the NUMSA GS of ***reductionist economism*** and called him ***pseudo-Marxist, pseudo-militant*** and ***underlying opportunist*** .

o In April, a NUM press statement accused the Numsa General Secretary of ***cheap populism*** . Num also said:

***“Numsa says the ideological orientation or religious affiliation shall not be a condition for***

***denying or preventing people from joining its United Front. This is written in black and white. This means that Numsa was likely to have EFF, Boko Haram and AWB in its United Front."***

- o During all these attacks the Cosatu NOBs have not raised even a finger to protect us.
- o Why does Cosatu not require evidence of such accusations and protect affiliates who are attacked by others. There is selective justice here.

### **You have allowed outside political forces to interfere in Cosatu**

- o The SACP 2012 Congress Political Report clearly says that the SACP will intervene inside the Federation to "isolate and defeat" the "lingering irritation". All of a sudden, the independence of the Federation is thrown out of the window.
- o There has been no response from the Cosatu NOBs.
- o The SACP also charged us with what it called "business unionism". o Again there has been no response from the Cosatu NOBs.
- o We can see that the SACP is supporting your faction. That is what makes you willing to sacrifice the independence of the federation.
- o The only conclusion we can draw is that it is because you are furthering the aims of the organisations on whose leading bodies you sit – the ANC and SACP.

### **You have failed to circulate our document**

You have been unable to confirm that you have circulated our 59 page response to the allegations against us. The best you can say is that you sent it to affiliates' email addresses.

### **There is a creeping culture of suppressing democracy**

- o It is becoming a common practice that workers control, open debate and criticism and the right to differ in the union are suppressed.
- o Trying to exercise the right to support different leaders in the federation leads to mass dismissals of shop stewards, office bearers and activists, with impunity. They are purged.
- o There are unions who have dismissed a whole province of shop stewards. o This is not workers control. It is bureaucratic control
- o It is this bureaucratic control that you will now exercise when you dismiss us from the federation. Instead of mobilising workers control and calling the special congress so that workers can exercise control over the federation, you choose to manufacture majorities amongst the bureaucrats in the CEC.
- o It is this bureaucratic control that Cedric Gina and Sdumo Dlamini exercised when they discussed the fake report that claimed to come from the intelligence service and alleged that Vavi and I were CIA spies.
- o The very same Cedric Gina claims openly to be working with the Cosatu President to form a rival union to Numsa.

o We know that the purges will continue as you remove us surgically from Cosatu and support the new so-called union to take our place.

## **Finally let us look at the United Front and the Movement for Socialism**

Even though these do not form part of the 5 so-called charges, we know that there are those who believe that these initiatives are against Cosatu policy. We want to explain to you how wrong you are:

### **There have been numerous resolutions to build the United Front since the 6<sup>th</sup> Congress:**

- *COSATU should initiate a broad popular movement for transformation around common struggles on issues facing the working class..... It should be seen as a home for popular mass formations that currently lack a common agenda and programme (6<sup>th</sup> Congress)*

- COSATU will ....embark on a campaign, incorporating like-minded institutions in civil society, to:

o Publicise and resist the GEAR elements of subsidy cuts, privatisation, labour market flexibility, etc

o Develop a macro-economic policy, based on RDP principles, which has as its key objective, socio-economic transformation;

o Reject high interest rates

o Support our policies as outlined in the Social Equity document;

o Advance COSATU`s vision on the transformation of the public service

o Defend jobs and for job creation (6<sup>th</sup> Congress)

- COSATU should initiate talks with a broad range of progressive social movements in an attempt to strengthen the hand of the working class and communities as a whole, provide leadership, and bring them into our fold....Differences in tactical approach should not distract the Federation from its key mission of uniting the working class, defending it and deepening democracy (8<sup>th</sup> Congress)

- Cosatu should form coalitions with all forces committed to the objectives of the Jobs and Poverty Campaign (9<sup>th</sup> Congress)

- The working class must mobilise society and all progressive forces against the current macroeconomic framework...We must bring back the fundamental thrust of the Freedom

Charter and the RDP on nationalisation of key and strategic industries (9<sup>th</sup> Congress)

- We are committed to rebuild a broad coalition of social forces united by the common objective to build a united, democratic, non-racial, non-sexist and prosperous South Africa. Our desire is to mobilize as broad a section of our society behind the task of defending and consolidating democracy and to build a just and equal society (10<sup>th</sup> Congress)

Despite these resolutions, to this day the United Front has not been built by Cosatu leadership. We have followed the mandates from successive Cosatu congresses. We have taken a lead, as Cosatu's largest affiliate, in putting the federation's resolutions into practice.

## **There have been Cosatu Resolutions on the Movement for Socialism as well**

There have been resolutions calling on Cosatu to take forward the struggle for socialism:

- The Resolution on 'The Struggle for Socialism' called for us to "move towards a conference of the left". (6<sup>th</sup> Congress)
- The Resolution on Emerging Social Movements said: "The Federation should pursue our resolution on the conference of the left to plan for and fight against global capital, privatisation, war mongering imperialistic powers, etc". (8<sup>th</sup> Congress)
- A Resolution called on the SACP to: "unite the progressive left formations, including left-wing political formations committed towards a radical transformation and socialism." (9<sup>th</sup> Congress)

This culminated in a call for a movement towards socialism

- The call for "A popular movement towards socialism, located within a restructured

Alliance and involving a range of mass movements, (which) must be formed to assert the leadership of the working class in the NDR." (9<sup>th</sup> Congress)

We have seen that the Alliance is and has always been dysfunctional and therefore cannot provide a location for such a movement. We have taken the initiative, as the federation's largest affiliate, in pursuing the resolution for a popular movement towards socialism.

## **Finally we must clarify that Numsa will remain a trade union**

- The union resolved that it will remain a union; it will not turn itself into a political party
- We also resolved that we will be a catalyst for building the united front and the movement for socialism.
- As a trade union in the manufacturing sector, we cannot represent and defend our members if we fail to protest against policies that put our members out of work.
- The congress was also consistent about fighting to become a union which improves its service to its members. So it adopted a service charter.

So, in conclusion, we have reviewed the so-called charges against us, as far as we know what they are, and we have shown that at the bottom of them all is one thing: you, the Cosatu leadership, remain loyal to the ANC, SACP alliance, despite all the evidence that this loyalty is misplaced. In fact you are more loyal to this class alliance than you are to your working class brothers and sisters.

You want to expel us because we constantly remind you how you are failing to protect the interests of the working class.

We want to make one thing clear to you: inside or outside Cosatu, we will not stop mobilising the working class on the road to socialism. We will not give you any peace as we expose the miserable failure of the class alliance you are entangled in and how it compromises your ability to lead the working class.

*A luta continua*

**Irvin Jim**

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**P.S.**

\* <http://www.columbia.edu/~lnp3/NUMSA.html>

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**Footnotes**

[1] NUM President address to Mining Lekgotla 2012

[2] Nationalisation: Num's comment on ANCYL position, 11 March 2011

[3] [Cosatu document](#).