

# South Africa: Lonmin fails to break 16-week platinum strike

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70,000 striking platinum miners, members of the Association of Mineworkers and Construction Union (AMCU), ignored a May 14 back-to-work deadline sent for them in text messages by mining company Lonmin.

Workers at Anglo American Platinum (Amplats), Impala Platinum (Implats) and Lonmin have been on strike for basic entry-level wages of R12,500 [US\$1,211] since January 23.

On the day of the deadline, Lonmin bussed scabs into work at the company's Marikana mine under police guard. However, the number of strikebreakers was very low, prompting Lonmin spokeswoman Sue Vey to argue, "We are not going to provide a blow-by-blow insight of the number of people returning because that's what incites violence."

Meanwhile, an estimated 5,000 AMCU members gathered at Marikana's Wonderkop Stadium, are refusing to return to work. They were addressed by AMCU President Joseph Mathunjwa as well as James Nichol, AMCU representative at the Marikana Commission of Inquiry into the death of 44 people in the mining town in 2012, including 34 miners shot by police.

Mathunjwa mocked the employers' attempts to get workers to break the strike via text messages, and declared that Lonmin and the government were "in bed together." Turning to the privations facing workers and their families, he said, "Yes, it's difficult. But let's hold each other by the hand and stay strong. Onward!"

At the stadium, Mathunjwa cut a very different figure from the upper-middle class bureaucrat who earlier spoke to the *Mail & Guardian*. In remarks to the newspaper in the days leading up to the deadline, he warned against a reprise of the August 2012 police massacre. "I have advised [the mine owners] that what they are doing now is a repeat of 2012 ... I am getting very worried," he cautioned. "One should draw from history."

In comments to the South African Broadcasting

Corporation, Mathunjwa gave the impression of a man aware that he is out of his depth. He querulously maintained that he could not take the blame for any violence during the unprecedented 16-week strike.

He was speaking as private security contractors bolstered a heavy police presence at mining operations near Rustenburg. The reinforcements arrived following a weekend of killings ahead of the deadline set by Lonmin management, over Mathunjwa's head, for employees to return to work.

According to *Business Day*, Lonmin and the police confirmed the death of a scab killed on his way to work at the company's Saffy shaft on May 12. In more than 20 incidents in the days leading to the Lonmin deadline, another six workers were attacked for scabbing, with one being strangled together with his girlfriend and another set on fire.

Tensions were clearly stoked by the employers' efforts to circumvent the AMCU bureaucracy by communicating wage offers directly to workers. The companies sent teams to the rural areas from which they draw labour, as well as text messages to workers. Lonmin also used texting to take a snap survey whose results it claimed reflected a desire among the majority of strikers to return to work.

Miners and residents in the Marikana area are angry over the text messages. They see the campaign for the calculated effort to divide workers that it is. At Bapong village, community members on May 13 called on their headmen to take up the issue with mine managers at Marikana.

AMCU launched an urgent Labour Court application in Johannesburg last Monday to interdict the mining companies from communicating any new wage offers directly to workers. The union said this contravened the regulations of the Labour Relations Act.

In a joint statement, the companies said they would ask

the court to endorse their efforts to reach workers directly following the negotiations deadlock. The statement rejected the AMCU assertion that they had contravened the act, recognition agreements or employees' constitutional rights.

Having failed in their efforts to break the strike, the employers are now weighing legal action against AMCU. Parliament considered an amendment to the Labour Relations Act that would have given employers the chance of interdicting an ongoing strike in the event of violence. However, this clause was removed from the bill by a parliamentary committee in February following union criticism.

As matters now stand, legal experts are unanimous that the employers would gain nothing from such an effort. Business Day quoted University of Cape Town law professor, Halton Cheadle, saying, "There is no room in terms of the Labour Relations Act to interdict the strike or have its [legal] protection lifted on the basis of violence."

The African National Congress government will now come under increasing pressure from international and domestic capital to find other means of breaking the strike, up to and including further violence.

Thus far, however, government is keeping its distance.

Through spokesman Thabo Masebe, the office of Deputy President Kgalema Motlanthe issued a statement saying, "The strike is a result of a dispute between workers ... and the platinum producers. The government is not in power to intervene in a way that would benefit one party and disadvantage another."

Motlanthe, a former National Union of Mineworkers bureaucrat, was appointed by President Jacob Zuma last year to head a task team to bring about peace and stability in the mining sector following the Marikana massacre.

The ANC is worried that direct intervention on its part may provoke ever wider and more determined opposition.

This week, President Jacob Zuma further restricted the already narrow terms of reference of the Farlam Commission of inquiry into the Marikana massacre, publishing an amendment in the Government Gazette of May 5 removing paragraph 1.5.

This derails the Marikana Commission's second stage of proceedings, which has been running concurrently with the first stage since the beginning of April. The newer phase was supposed to take into account in a series of public seminars, the views of academics, industry experts and others on the underlying causes of the violence. It would necessarily have focused greater attention on political actors such as Police Minister Nathi Mthethwa,

Mineral Resources Minister Susan Shabangu and African National Congress (ANC) Deputy President Cyril Ramaphosa, who is expected to serve as Zuma's deputy president in the incoming administration.

On behalf of deceased miners, the Socio-Economic Rights Institute of South Africa had expressed concern that the trio, who are culpable for the mass killing, could now be excluded from testifying by the excision of paragraph 1.5.

Even before the new restriction, the commission's terms of reference were composed in such a way as to focus the investigation as much as possible only on the police and their victims. This was done in an effort to whitewash the political origins of the massacre within the ANC government, which purposely unleashed a paramilitary force to assassinate workers carrying only sticks and spears.

Economic Freedom Fighters (EFF) leader Julius Malema has called on workers to "intensify" the strike. This led to a complaint from North West province police that the party was fuelling tensions on the platinum belt. "People should be very cautious of the statements they make," police spokesman Thulane Ngubane observed. "This country is not a banana republic."

Fresh from a general election performance that gives it the third largest bloc of seats in the next parliament, the EFF is intent on attracting wider sections of the working class into its ranks through striking a militant pose. Among its incoming MPs is Primrose Sonti, the widow of one of the workers slain in the 2012 Marikana killings.



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