

One battle lost, but the class war continues

The progressive COSATU unions' statement to the Special National Congress 14 July 2015

Unity of workers is sacrosanct

1. Although this is a historic moment, it is also sadly one of the most unfortunate periods in the history of our beloved federation. We rise therefore in the COSATU Special National Congress to make this important statement, which has been endorsed by delegates of the affiliates signed below.

2. This Special National Congress was convened at the insistence of nine COSATU affiliates in response to an endless state of paralysis that the federation found itself in. The call for the Special National Congress arose after a conservative grouping of affiliates defocused the federation away from the implementation of the 11th National Congress resolutions, and at the same time unleashed a witch hunt against the COSATU General Secretary and NUMSA.

3. We exercised our right to call for the convening of this Special National Congress with the sole aim of ensuring that members, through their delegates, could intervene and take the federation back to the path of unity and cohesion, centred around implementation of the 11th National Congress resolutions. These resolutions gave us four basic mandates: 1. To campaign for a new incomes/wage policy and to bury the apartheid wage structure; 2. To campaign for a radical economic transformation and take forward all the demands of the Freedom Charter; 3. To rebuild

COSATU as an independent, democratic and worker-controlled federation that can effectively represent workers interests at the workplace and in society and 4. To engineer what our Congress termed our own 'Lula moment'.

4. We continued to pursue the demand for the convening of this Special National Congress even after the unfair dismissal of NUMSA and all of its 365 000 members and after the arbitrary dismissal of the General Secretary. We did so because to us, unity is a far greater concern than any other matter and must be vigorously pursued.

5. We have attempted to participate in the debates of this Congress from its beginnings to the end. We have raised our points not in order to disrupt the congress, but to make a positive contribution to its success based on the theme – rebuilding unity and cohesion of the federation. We have refused to engage in personal vindictiveness or insults, even in the face of extreme provocation including the spreading of a ridiculous allegation that we were planning to provide drugs and alcohol to delegates as a way of persuading them to support us.

6. We regret that all these efforts to hold a successful Congress have not succeeded. The unity of COSATU has not been achieved. COSATU is now even more polarised than before the Special National Congress was convened and it remains locked into a state of paralysis.

7. What we have witnessed at this Congress is the hijacking of the very purpose of building unity and cohesion of COSATU and replacing it with the spectre of intolerance, involving the closing down of democratic space, and the deliberate misinterpretation of Court judgments to maintain a fiction that the agenda of the

Special National Congress could not be amended, despite what the Constitution states.

8. We have also witnessed a shameful disregard of the laws of natural justice. The shocking abuse of power inherent in the release of a supposedly key Congress document one working day before the Special National Congress, which repeats all of the unproven accusations against the General Secretary and NUMSA, has undoubtedly rendered unfair any appeal process now and in the future. Basically we have seen COSATU abusing the rights of not only one of its elected NOB, but also one who has a contractual relationship with the federation. Contradicting all the basic norms of fairness at work that trade unions seek to establish, COSATU has denied its own employee the right to a fair disciplinary process, and has chosen instead to use the so-called unity and cohesion discussion document to conduct a kangaroo court in his absence.

9. We are convinced that we are now witnessing what the former NEHAWU General Secretary, (now the honourable Fikile Majola MP) claimed was the need for an unavoidable and desirable split in the federation. This leading comrade told the CEC held 27 – 29 May 2013 that a faction had made a calculation that a split of the federation is unavoidable and that the COSATU General Secretary and NUMSA, must be “surgically removed from the Federation”. This stunned many of us who believe that workers unity is sacrosanct. He went further to tell the public in an explicit interview with the Sowetan newspaper shortly afterwards.

10. Since that statement was made, the leadership faction within the CEC has followed this approach with military precision. Despite external interventions to help resolve the crisis in COSATU, including that led by Petrus Mashishi and Charles Nupen,

but also the ANC Task Team, nothing was allowed to succeed and reports and recommendations were simply ignored. The advice of former COSATU leaders who advised that the CEC must embark upon an informal process to engage on the underlying reasons behind the divisions was also ignored. Regrettably the ANC has now taken sides, and has tacitly accepted the dismissal of 365 000 members, and justified their partisan approach by saying that COSATU must manage its own affairs.

11. There has also been an inability to protect and defend the independence of COSATU by allowing leaders of the Alliance to publicly attack and criticize democratically elected leaders of COSATU and her affiliates in a manner that is slanderous and insulting.

12. During the Congress, the unprecedented exclusion of the media, combined with the militarization of Congress and also delegate caucuses before this congress, points to a worrying slide towards a form of authoritarianism that contradicts democratic worker control. Combined with an abject failure to address chronic corruption, the illegal and unconstitutional purges of those attempting to establish accountability, and the sheer gangsterism that is taking place in some affiliates, points to a movement in a deep and worsening crisis.

13. At this Special National Congress we have in vain tried to defend the constitution of the federation. Against the unambiguous provisions of the COSATU Constitution, the 2nd Deputy President has been declared a shop steward even though she resigned from her shop steward position. To suggest that there is a precedent for this, on the basis of a completely different set of circumstances and constitutional regime is disingenuous

and economic with the truth. LIMUSA was affiliated against very clear provisions of clause 2.1.2 of the COSATU constitution.

14. In addition to the above, we wish to put on record and accordingly reserve our rights regarding the following constitutional violations:

a) Quorum: before any decisions can be taken there must be a quorum. In terms of clause 3.2.3 the total number and names of delegates must be submitted a week prior to the Special Congress (normal Congress is a month). In terms of clause 3.4.1.3 a quorum comprises of those names only. It follows that if any names of delegates changed within the last week then there is no proper quorum and all decisions taken at Congress will be invalid. Yet we are aware that CEPPWAWU democratically elected delegates were unilaterally changed by a faction of the NOBs. Four CEPPWAWU regions have now written a letter to this congress requesting that their original delegates be reinstated. We saw a spectre of SATAWU members demonstrating outside this congress following their successful High Court challenge of their illegal suspension that affected their status to this congress as democratic delegates elected by their members. This imposition of delegates by head office seems to have been a norm in more than these two examples.

b) Voting: In terms of clause 11.4.5 scrutinisers must be appointed by the meeting if there are more than 50 participants to record votes. If the meeting does not appoint scrutinisers the voting process is in fact unlawful and unconstitutional. Furthermore, COSATU NOBs announced that they were deploying staff members for

this purpose even though their neutrality could not be guaranteed.

c) Debate: In terms of clause 11.3 motions are to be debated and participants are supposed to be given a 5 minute opportunity to speak with a total of 60 minutes allocated for the debate. It follows that if delegates are denied the opportunity to speak on matters any subsequent resolution will be unlawful.

15. We reserve our right in relation to all of these points to seek legal redress.

16. It is our considered view that the purpose of this Special National Congress has been deliberately undermined. As we stand before you there is neither unity nor cohesion. Those who declared in May 2013 that they wanted to dismantle the federation in order to start it afresh have today the upper hand and have succeeded. This federation is unlikely to ever be the same again. It has been fatally wounded by an agenda that has nothing to do with the interests of workers or the working class.

17. The crisis engulfing the working class is not on the agenda of this Congress, and has in fact been effectively sidelined. Unemployment has reached catastrophic levels of 36,1%, including youth unemployment standing at a staggering 60%. Poverty now afflicts 54% of the population with 14 million of our people going to bed every night without food. Low pay and increasing wage income differentials have become a norm. None of these issues has been prioritised by the Congress and have been barely referred to. What COSATU has correctly labelled human traffickers, meaning labour brokers, is also missing from the agenda. The dysfunctional and two tiered education and health systems have not even been discussed. There are countless

other worker priorities including the spread of a cancerous corruption that has spread right into so many of our institutions, and in many COSATU unions.

18. We are departing from this Special National Congress more determined than ever, despite the current setbacks. We are fully aware of the sacrifice made by our forebears in building a federation to be proud of, and which has been allowed to implode and degenerate, without any real discussion whatsoever on the underlying political differences that exist. Workers have in effect been left naked without any defence against the brutality of capitalist exploitation.

19. We have therefore decided to call for a broader, more representative workers' summit to discuss the future of trade unionism, and believe this vital discussion cannot be postponed any further. We will convene Special National Executive Committee meetings of our unions as soon as possible after this failed congress. We shall not participate in the CEC while the intransigence of the current leadership prevails.

20. We urge all trade unionists, regardless of the union or federation they belong to, to be part of a genuine democratic revival, and to join with us in rebuilding a militant, independent, worker controlled trade union movement that will meet the needs of the working class. Nothing less will do.

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