

Research Report on COSATU'S RESPONSES TO XENOPHOBIA

by Mondli Hlatshwayo



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Research Report on:

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The Congress of South African Trade Unions (COSATU) is an essential part of South African civil society because it has the largest representation of organised workers and also a history of struggle against apartheid in the workplace and the townships. The democratic dispensation and post-apartheid era pose political and organisational challenges for COSATU and its affiliates. Besides a necessity to organise vulnerable workers in the formal and informal economy, it also has to address the question of xenophobia and issues pertaining to the rights of migrant workers. Migrant workers also form part of the category of vulnerable workers in the formal and informal economy.

The research findings demonstrate that certain COSATU's provincial structures, through defending the human rights of migrants, played an important role in providing humanitarian aid to victims of xenophobia in May 2008. The challenge is that COSATU and its affiliates did not have a coordinated intervention during the xenophobic attacks. This would have assisted in pushing back the frontiers of xenophobia. With all its limitations, the federation and its affiliates also appealed to its members

and the society at large to defend the human rights of migrants. Despite the International Trade Union Confederation – African Regional Organisation (ICFTU-AFRO) report which indicates that unions are duty bound to organise migrants and safeguard their rights and interests¹, COSATU has not developed a strategy for organising migrants². On a positive note, the recent COSATU Congress Resolution on xenophobia opens space for developing a platform for protecting the rights of migrants and migrant workers. This research has also revealed that there are individual shop stewards and organisers who are acting as key defenders of the rights of migrant workers. They are driven by the spirit of international solidarity which is one of the founding principles of COSATU. It is the duty of COSATU as a federation to generalise the good deeds of these individuals. This would be part of entrenching its principle of international solidarity “within the South African borders”

Problems & recommendations

There is not enough discussion and debate on sources and causes of xenophobia within COSATU.

- A sustainable education programme on xenophobia targeting the membership and leadership of COSATU needs to be developed. The recent Congress Resolution on education around xenophobia needs to be implemented. The International and Education Desks of COSATU need to ensure that this happens.

There is no attempt to organising migrants in the affiliates.

- Using the international experience and the existing practical experience within COSATU, a strategy of organising migrant workers as part of building the trade union movement has to be devised. This would also be an implementation of the principle of international solidarity “within South African borders”. The Organising and Education Departments have an important role to play in educating shop stewards about international experiences on organising migrant workers.

¹ See Gordon, S. (2005) : “The Trade Union Response to Alien Workers within Post-Apartheid South Africa : An analysis of the nature of the response of the South African trade union movement to the issue of illegal migrant workers, using The National Security & Unqualified Workers Union (Nasuwu) as a case study”. Master’s Thesis submitted in partial fulfilment of the requirements for the degree of Master of Arts (M.A.) awarded by the Philosophical Faculty of Albert-Ludwigs-Universität Freiburg i. Br. (Germany) and the University of KwaZulu-Natal, Durban (South Africa) Submitted by Steven Lawrence Gordon Durban, South Africa. Winter Semester 2004/05.

² In this research report the term “migrant” refers to migrants from other African countries.

COSATU does not have a common approach to strengthening the broader civil society.

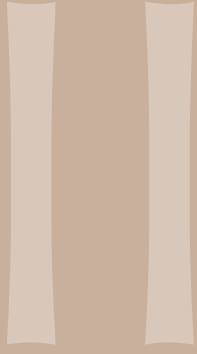
- COSATU needs to work with other formations of civil society regardless of political and historical differences. The same applies to other civil society structures. This would help in strengthening civil society in a post-apartheid South Africa, and the safeguarding of human rights of vulnerable groups such as migrants, women and children.

The concern is that the COSATU congress resolution on xenophobia and the protection of migrants may not be implemented.

- COSATU Education, Organising and International Departments have to monitor all affiliates and COSATU structures so that the resolutions are implemented and monitored.

With the exception of COSATU Western Cape Province, COSATU does not have direct and organic links with organisations of migrants

- COSATU structures including locals, need to create a space for dialogue and engagements with organisations of migrants. This will help COSATU in understanding the needs and aspirations of migrants.



The Congress of South African Trade Unions was launched in December 1985, after four years of unity talks between unions opposed to apartheid and committed to a non-racial, non-sexist and democratic South Africa. At the launch, COSATU represented less than half a million workers organised in 33 unions. It currently has more than two million workers, of whom at least 1.8 million are paid up.³ COSATU's size and history of struggle at the workplace and its links with the townships during the apartheid era make it a significant player in South African civil society politics.

The absence of hegemonic organisations with progressive politics and an anti-xenophobic outlook and the social crisis in townships contributed to the emergence of xenophobia in May 2008.

³ COSATU. "Brief History of COSATU". <http://www.cosatu.org.za/show.php?include=docs/intropages/2009/webcont0709.html> accessed on 30 September 2009.

COSATU and the trade union movement had a strong influence in shaping progressive politics in the townships during the struggle against apartheid. COSATU's failure to connect to post-apartheid struggles in the townships has also contributed to the further weakening of working-class organisations in the townships⁴.

This research is examining COSATU's responses to the xenophobic attacks of May 2008⁵. These attacks were significant in the sense that more than 100 000 people were displaced and over 60 lives were lost⁶. As an important part of civil society and a human rights organisation, COSATU was also affected directly and indirectly by the attacks.

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Terms of reference

The aims and objectives of the research are to:

- ▶ Critically analyse the documentary responses (press releases, papers, parliamentary submissions, policy positions, public statements and resolutions) of COSATU to xenophobia.
- ▶ Examine COSATU's policies on xenophobia.
- ▶ Analyse the relationship between the Unions' policy positions on xenophobia and the Unions' practices in the form of campaigns and day to day action.
- ▶ Analyse the responses of various strata of COSATU to xenophobia, namely the membership on the shopfloor, shop stewards, organisers, union staff, union leaders, locals, regional offices and head offices.
- ▶ Examine COSATU's position on the question of migrant workers and legality.

⁴ See Lehlere, O. 2008. "The xenophobia outbreak in South Africa: Strategic questions facing the new social movements" Links. <http://links.org.au/node/535> accessed on 10 September 2009.

⁵ See Desai, A. (2009): "Hell is waiting for them": The aftermath of the May 2008 xenophobic violence in South Africa and its antecedents"

⁶ Mondli Hlatshwayo. (2008): "Report of the Coalition Against Xenophobia", (Johannesburg).

- › Compare and contrast COSATU's responses to xenophobia and challenges of migration with a select international trade union experience with the view to draw lessons for the local trade unions.

Methodology

Forty four (44) interviews were conducted between July 2009 and early October 2009. With the exception of two telephonic interviews, the rest of the interviews (42) were face-to-face. The interviews were conducted in industrial areas which have some strong representation of COSATU and organised workers. These areas are Johannesburg and its surrounding areas, Durban, East London and Cape Town. While other COSATU affiliates' representatives were also interviewed, the emphasis was on the National Union of Mine Workers (NUM), the South African Transport and Allied Workers' Union (SATAWU) and the South African Commercial, Catering and Allied Workers' Union (SACCAWU) because they are organising sectors that have some prevalence of migrant workers⁷. The profile of the interviewees included people working in the head office of COSATU such as the international secretary, to shop stewards on the shop floor.

- › A digital recorder was used to record the face-to-face interviews. The recorded interviews were later individually transcribed.
- › Policy documents, resolutions of unions and literature on trade unions and migration were also used in the research.
- › In addition, I was also granted permission to observe the Tenth Congress of COSATU which took place in Johannesburg from 21 to 24 September 2009. I observed the entire congress and the discussions on xenophobia. I also managed to interact with shop stewards at the congress.

Structure of report

- › The uneven development of capitalism and the migrant labour system in Southern Africa: A Historical Perspective
- › Globalisation, uneven development and migration
- › COSATU Policy on xenophobia before the May 2008 attacks
- › COSATU's responses to xenophobia
- › Voices of Migrants
- › List of Interviewees

⁷ See COSATU. (1997): September Commissions' Report. (Johannesburg). Pp 133- 134.

The Uneven Development of Capitalism and the Migrant Labour System in Southern Africa:
A Historical Perspective

Tweedie, the former editor of COSATU magazine called the *Shopsteward*, argued that the South African working class comes from a number of countries on the continent. Historically, South Africa and the Witwatersrand have always been a centre that attracts migrants from within and outside South African borders, according to Tweedie. He argued,

“ I think the background that you have to use as your context is the construction of the South African working class over the last hundred years or so, which is the fact that the South African working class is systematically drawn from the whole of Southern Africa as far as the equator at least. The construction of the Southern African working class is drawn all over the continent. So the organisation of workers has always had to be about unity of people of different origins”⁸.

⁸ Interview with Dominic Tweedie. 8 September 2009. Johannesburg.

The history of migrant labour in Southern Africa is intricately tied to the uneven development of the capitalist mode of production at the onset of colonisation. Because capitalist production started around plantation (agriculture) and mining concerns, these two sectors, and especially the latter, played a dominant role in the evolution of migrant labour within the region. Labour migrancy in Southern Africa dates back to the 1850s, when large numbers of men migrated to work in sugar plantations in Natal, where British colonial capitalism was taking shape. At this juncture, the hunting and ivory trade of Southern Mozambique was in decline. The opening up of diamond mines in Kimberley in 1870 resulted in large numbers of workers from all over Southern Africa flocking to the new mines, which paid better than the plantations. As a result, labour was attracted away from the plantations in Natal. An estimated 50 000-80 000 migrant workers came to work on the diamond mines at Kimberley. Labour shortages were experienced following the opening of the diamond mines in Kimberley and the discovery of gold in the Eastern Transvaal in 1874.⁹

The further discovery of gold in the Witwatersrand in 1886 necessitated recruitment of scarce labour. The pull factors reflected in the high wages (six times higher than in Southern Mozambique) and the push factors represented by the outbreak of rinderpest in 1896, which decimated the cattle herd in the region, and declining peasant production, forced many men to join the trek to the mines. Believing that the rand belt extended northwards, the British hegemony was extended to Rhodesia in 1890. Failure to discover a gold belt of the magnitude that existed in South Africa, together with the crash of the Johannesburg stock exchange in the early 1900s, resulted in the shift to agriculture in Rhodesia¹⁰.

Meanwhile, the fall of the Gaza State in Mozambique to the Portuguese in 1895, meant that the Transvaal government could now enter into an agreement with the Portuguese authorities there regarding the sourcing of migrant labour. The first formal agreement between the two authorities was signed in 1897. A recruiting agency in South Africa, the Witwatersrand Native Labour Association (WENELA) was created and given exclusive rights to recruit labour from the region. WENELA established recruitment stations in present-day Namibia, Botswana, Zimbabwe, Zambia, Malawi, Lesotho, Swaziland and Mozambique. It built a 2400 km road, linking its stations in Namibia and Botswana. By 1955, there were 32 flights in and out of Gaborone (Botswana) each week¹¹.

For Marx, the process of proletarianisation means that the mass of the population was reduced to dependence on wage labour for income, i.e. they had to sell their labour power to an employer for a wage because they lacked assets or other sources of income.¹² In Southern Africa, the colonial conquest, land grabbing, early commercial agriculture, mining and the discovery of gold on the Witwatersrand led to the proletarianisation process, with the Witwatersrand being the pole of attraction.

⁹ See Kanyenze. G (2004): "African migrant labour situation in Southern Africa", paper presented at the ICFTU-AFRO Conference on "Migrant Labour" Economic Development Research Institute (Nairobi), 15-17 March 2004.

¹⁰ Ibid.

¹¹ Ibid.

¹² See Marx. K (1990): Capital. Volume 1. (London :Penguin). Pp.908.

There is a rich body of scholarship on the mining labour process, migrant labour, and the nature of compounds in Southern and South Africa.¹³ This literature also demonstrates that South Africa, and Johannesburg in particular, drew its labour from the reserves as well as other Southern African countries. Subsequently, the manufacturing sector also drew its labour force from South Africa and its neighbouring states. What was fundamental in this period was the fact that migrants from other Southern African countries were workers who later joined the South African unions. A number of these workers became leaders in the trade union movement. For example, Clements Kadalie was born in April 1896 in Nkhata Bay District at Chifira village near the Bandawe Mission Station in Nyasaland, presently Malawi. He became a prominent leader in the Industrial and Commercial Workers Union (ICU) in the early 1900s.¹⁴ James Motlasi, the former President of the NUM, was born in Lesotho¹⁵. In an interview with Dominic Tweedie, a former shop steward magazine editor, two of the current National Office Bearers of COSATU trace their origins back to Swaziland and Mozambique respectively¹⁶.

Workers' struggles and unionisation in the 1980s transcended xenophobia by creating and reinforcing working class identity both in the township and the workplace. Marx referred to this as the progress of the proletariat from being a class "in itself" (a position in the social structure) to being one "for itself" (an active and conscious force that can change the world)¹⁷. There is a rich scholarship in South Africa on how class struggle and unionisation transcended tribalism and ethnicity in the mines and factories¹⁸.

¹³ See Abrahams, Peter. 1963 [1946]: *Mine Boy*. (London: Heinemann), Allen, Vic. (1992): *The History of Black Mineworkers in South Africa: The Techniques of Resistance 1871-1948 (Volume I)*, (Keighley: The Moor Press), Allen, Vic. (2003a): *The History of Black Mineworkers in South Africa: Dissent and Repression in the Compounds 1948-1982 (Volume II)*. (Keighley: The Moor Press), Allen, Vic. (2003b): *The History of Black Mineworkers in South Africa: The Rise and Struggles of the National Union of Mineworkers 1982-1994 (Volume III)* (Keighley: The Moor Press). Also see Callinicos, Luli (1980): *Gold and Workers*. (Johannesburg: Ravan), Cohen, Robin. (1980): 'Resistance and Hidden form of Consciousness among African Workers.' *Review of African Political Economy*, 7(19): 8-22, Crush, Jonathan. (1992): 'Inflexible Migrancy: New Forms of Migrant Labour on the South African Gold Mines.' *Labour, Capital and Society*, 25(1): pp. 46-71. See Gordon, Robert. (1978): *Mines, Masters and Migrants: Life in a Namibian Compound*. (Johannesburg: Ravan), Moodie, T. Dunbar, with Vivienne Ndatshie. (1994): *Going for Gold: Men, Mines and Migration*. (Johannesburg: Wits University Press).

¹⁴ See African History Online (SAHO): "Biography Clements Kadile" <http://www.sahistory.org.za/pages/people/bios/kadalie-c.htm>. accessed on 4 October 2009.

¹⁵ Marius Roodt. "The man behind the Teba turn-around was once himself a Teba Prisoner 7th January 2003" <http://www.miningweekly.com/article/the-man-behind-the-teba-turnaround-was-once-himself-a-teba-x2018prisonerx2019-2003-01-171> accessed on 21 September 2009.

¹⁶ Interview with Dominic Tweedie. 8 September 2009. Johannesburg.

¹⁷ Slaughter, C. *Marxist Theory and Class Consciousness: Marxism and the struggle*. New Park Publication. <http://www.marxists.org/reference/subject/philosophy/works/en/slaughte.htm> accessed on 3 October 2009.

¹⁸ See Baskin, J. (1991): *Striking Back: A History of COSATU*. (Johannesburg: Ravan). Also see Buhlungu, S. (2001). "Democracy and Modernisation in the Making of the South African Trade Union Movement: The Dilemma of Leadership, 1973-2000" Unpublished PhD dissertation, Sociology Department, University of the Witwatersrand, Johannesburg. See Friedman, S. (1985): *Building Tomorrow Today: African Workers in Trade Unions, 1970-1984*. (Johannesburg: Ravan). See Sitas, A. (1983): "The African Workers: Response in the East Rand to Change in the Metal Industry, 1960 to 1980" Unpublished PhD thesis, University of the Witwatersrand, Johannesburg. Also see Webster, E. (1985): *Cast in a Racial Mould: Labour Process and Trade Unionism in the Foundries*. (Johannesburg: Ravan) and Buhlungu, S. and Bezuidenhout, H. (2008): "From Compounded to Fragmented Labour: Mineworkers and the demise of compounds in South Africa" Paper presented at the University of Johannesburg Sociology and Anthropology Seminar, 15 October 2008. See Khanya College. (2005) : *Ufil' Umuntu, ufil' usadikiza: Trade unions and the struggle for democracy and freedom in South Africa, 1973 – 2003*. (Johannesburg: Khanya Publishing).

Globalisation, uneven development and migration

Concerning uneven development and migration Patrick Bond of the Centre for Civil Society had this to say,

“That is the material basis that we are stuck with. There is a nice phrase for it. We call it uneven and combined development. The region has development in this extremely, unfair and unequal way. It is probably the worst region in the world in that regard. Over a century labour powers of migrants in the region have contributed to building vast infrastructure in South Africa, especially in Johannesburg and Gauteng. That [uneven and combined development] is responsible for continuing sucking in of ultra cheap labour in the region as far as Nigeria, DRC and the rest of the continent. The labour movement has also developed unevenly as well. Usually the most militant people in the trade union in the region are the ones that have come from the region and worked in South Africa. They got radicalised as well. That flow of labour back and forth across the borders has been an important thing¹⁹.”

In its essential element, globalisation refers to the unification and integration of the world market under the hegemony of transnational corporations, the International Financial Institutions such as the International Monetary Fund (IMF), World Bank and the World Trade Organisation (WTO) and developed economies. What is unique about globalisation is the fact that this transfer of wealth from the South to the North is happening in a context of a long-run economic stagnation when there are less economic and employment opportunities in the North. An illustrative case in point is the mass migration from Mexico into the United States of America, induced primarily by the promulgation of NAFTA and its negative impact on peasant subsistence farmers in Mexico. In a context of economic decline in the US, this migration then creates surplus labour in the United States²⁰.

Concerning the Southern African region and indeed Africa as a whole, South Africa plays the role of being the centre. The policies of the IMF and the World Bank have led to the collapse of African economies through the process of transfer of wealth from these countries to the North. These days, wealth is also transferred from all economies in the region to South Africa in various ways, such as centralisation of Africa’s capital market in Johannesburg, South African state corporations’ investments in other African countries and the New Partnership for Africa’s Development (NEPAD). During the process of proletarianisation, migrant workers found work in South Africa; now the crisis of globalisation and the decline in employment makes it difficult for these workers who are coming

¹⁹ Interview with Patrick Bond. 18 August 2009. Durban.

²⁰ See Khanya College. (2004) : “Workers Unite Against Xenophobia and Racism : Research Report on Migration and Xenophobia in Southern Africa. Research Commissioned by the Public Service International”. Pp. 10-11

from struggling economies in the periphery to find jobs in South Africa. This then intensifies the competition for jobs and opportunities in the centre – South Africa²¹.

The increase in the industrial reserve army of labour or **a surplus population tends to lead to a decline of values** of labour power or wages²².

From this research, a number of interviewees were concerned about migrant workers undercutting organised workers. In other words, migrant workers are seen to be accepting low wages and poor working conditions. In an interview with Patrick Bond on this question, using the notion of combined and uneven development, he argued that capital sees labour from other African countries as part of a pool of cheap labour which, of course, makes it profitable for capital²³. It is not only migrant labour that is used to solve problems of profitability, labour broking and casualised labour are used as methods of driving wages downward. In addition, the weakness of trade union movement has made it possible for capital to drive wages downward by introducing casualised labour and labour broking. Therefore the fact that large sections of the working class are unorganised, leads to this downward pressure on wages. How are the unions supposed to respond to xenophobia and migration? As a strategy for transcending xenophobia, South African trade unions and COSATU in particular, need not think that it can resolve the downward pressure on South African wages exerted by this industrial reserve army by locking the working class of the region outside the borders of South Africa. In a globalising world, in a world of mobile capital, capital will relocate in search of relatively more exploitable labour. Indeed, viewed from the vantage point of the global economy, the South African working class is in itself part of a global industrial reserve army, and can therefore be seen as exerting a downward pressure on working class wages in the northern hemisphere. The South African state understands this, and in fact trades on this when it "attracts" foreign capital into South Africa²⁴.

The labour movement also has to debunk the notion that the working class from other South African countries competes with the local working class, and thus by coming to South Africa, is responsible for declining services and lower wages. The primary source of declining services and downward pressure on wages comes from the mobility of capital, its ability to relocate to other countries. It is this pressure that acts as a disciplining force that ensures that the South African state sticks to its Growth Employment and Redistribution (GEAR) policy, that ensures that the South African state dare not raise the taxes on corporations to fund service delivery, and that ensures that the South African Reserve Bank is the most energetic proponent of low wages in South Africa. Fellow African working-class people from other parts of Africa are therefore not only here to stay, but they have as much right to the wealth of South Africa as workers who are South African citizens. Therefore, fellow Africans can in no way be accused of the impoverishment of the South African working class²⁵.

²¹ Ibid.

²² See Marx, K. (1990) : Capital. Volume One. (London : Penguin). Pp. 762 – 854.

²³ Interview with Patrick Bond. 25 August 2009. Durban.

²⁴ See Lehulere, O. 2008. "The xenophobia outbreak in South Africa: Strategic questions facing the new social movements". Links. <http://links.org.au/node/535> accessed on 10 September 2009.

²⁵ Ibid.

In his study on the illegal migrant workers, Gordon concludes, “In considering future projections for illegal migration into South Africa, given the pattern of migration described in this study, there is a distinct probability that illegal migration will continue and even increase.”²⁶ COSATU and the trade union movement should therefore treat migrant labour from other African countries as a reality.

The trade unions in South Africa have not responded adequately to xenophobia and other challenges of globalisation, such as informalisation of work, unemployment and retrenchments, because they too have been weakened by globalisation. One of the respondents argued profoundly,

“The problem is that COSATU’s organising strategy is still industrial based and it has not worked on the realities of emerging forms of work. COSATU is redefining employee in the traditional sense. COSATU will be always faced with the decline of membership. No work has been done on the informal economy, migrant labour, casual and contract workers”²⁷.

Mike Abrahams, Media and Research Coordinator of SACCAWU, argued that merely blaming employers does not help trade unions in addressing the problem. He argued, “We cannot expect our enemy to do the job for us”. If you look at Southern Africa as a region, workers from the region come to South Africa because of economic opportunities. The job of the union is to organise all workers, according to Abrahams. He also indicated that xenophobia is an attack on the vulnerable, such as migrants, as well as women and children from other countries in Africa. Instead of targeting the bosses, the xenophobes turn against migrants. Concerning resolutions, he stated that they are important as a starting point, but what is needed is the concrete analysis of the development of capitalism in Southern Africa, as well as the practical organising of migrant workers.²⁸

COSATU policy on Xenophobia before the May 2008 attacks

In 1995 a research project conducted by Toolo and Bethlehem revealed that

unions were concerned about the fact that illegal immigrants are exploited, i.e. they are earning low wages and working under bad working conditions. The unions were also concerned about the fact that illegal immigrants are undermining labour standards

because they are willing to accept conditions that are below those that are legislated by government. While the unions expressed concerns about the rising xenophobia among South Africans, they also

²⁶ See Gordon, S. (2005): “The Trade Union Response to Alien Workers within Post-Apartheid South Africa : An analysis of the nature of the response of the South African trade union movement to the issue of illegal migrant workers, using The National Security & Unqualified Workers Union (Nasuwu) as a case study”. Master’s Thesis submitted in partial fulfilment of the requirements for the degree of Master of Arts (M.A.) awarded by the Philosophical Faculty of Albert-Ludwigs-Universität Freiburg i. Br. (Germany) and the University of KwaZulu-Natal, Durban (South Africa) Submitted by Steven Lawrence Gordon Durban, South Africa. Winter Semester 2004/05. Pp76.

²⁷ Anonymous.

²⁸ Mike Abrahams. 5 September 2009. Johannesburg.

argued that a large number of migrants were undermining government attempts at delivering houses and social service. According to the study, trade unions also feel that first preference should be given to South African citizens²⁹.

The September Commission of COSATU which tabled its report in 1997 also makes an important case by calling upon trade unions in Southern Africa to work jointly in exchanging ideas and practical suggestions on issues of migration. While COSATU is arguing for protection of immigrant workers, the federation holds positions which undermine the freedom of movement of people and right to choose a country of work. The contradiction in the commission's report is the fact that it calls for the South African government to implement voluntary repatriation and fair and proper control of entry of migrant workers into host countries³⁰.

As Ryklief points out, such proposals undermine the Southern African Trade Union Co-ordinating Committee (SATUCC) conventions on the freedom of movement of workers in Southern Africa. In its fifth congress, some of the COSATU unions argued strongly that illegal immigrants should be assisted with voluntary repatriation by government. In addition, there were proposals that government impose heavy penalties on employers employing immigrant workers.³¹

In its submission to the White Paper on International Migration, COSATU states its views on migration, as well as its attitude towards migrant workers. COSATU argues that it is against xenophobia and other forms of discrimination of immigrant workers. Consistent with the position taken in the September commission, the federation argues that the South African Development Community countries have to agree on the number of migrants that should be allowed access to the South African labour market. It further argues that the South African state authorities should impose heavy penalties on those employers who employ illegal immigrants.³²

In 2001, during the United Nations World Conference Against Racism and Xenophobia (WCAR), COSATU issued a statement which condemned xenophobia. Further, COSATU also criticised the "unscrupulous employers that are taking advantage of the situation", the police and Home Affairs Department. What was missing in the statement was a broad strategy for dealing with xenophobia and the physical attacks on migrants³³. As it will be shown later by the research, there is still a strong feeling among some people in COSATU that employers are taking advantage of the situation. Judging from the policy documents of COSATU before the May attacks, migrants are not viewed as social agents who can also help in changing the balance of forces in favour of workers and the unemployed in the factories and townships, as well as in the region as a whole.

²⁹ H Toolo and L Bethlehem. (1994): "Labour Migration to South Africa, paper read at the Workshop on Labour Migration to South Africa", National Labour and Economic Development Institute (NALEDI), Johannesburg, 31 August 1994.

³⁰ COSATU. (1997): "Report from the September Commission: Book 2" Pp. 131 – 148.

³¹ Ryklief, S. (2003): "Migrant workers in South Africa : A brief overview". Bargaining Monitor Volume 19 No. 153 August 2003. Pp10-12. Ibid.

³² COSATU. (2000): " Submission on the White e Paper On International Migration" Presented To The Portfolio Committee on Home Affairs on 19 May 2000 <http://www.cosatu.org.za/show.php?include=docs/subs/2000/inatmigr.htm&ID=853&cat=Policy> accessed on 11 September 2009.

³³ COSATU. (2001). "COSATU Statement on xenophobia" . 8 February 2001 <http://www.frontlineafrica.org/content3.php?x=COSATU%20STATEMENT%20ON%20XENOPHOBIA> accessed on 2 October 2009.

COSATU is also a member of the *Proudly South African Campaign* which was formed in 2001. This seeks to promote the buying of local goods and the creation of local jobs³⁴. According to Malecki, a *Proudly South African Campaign* undermines international solidarity and the building of working class consciousness in Southern Africa. What the campaign does, is entrench national chauvinism. He argues,

“ The National Union of Mineworkers in Rustenburg called for a moratorium on hiring Mozambicans during wage negotiations. Meanwhile, the SACTWU has organised rallies protesting Chinese imports. At the COSATU congress, the bureaucrats raised a furore because some of the caps made for congress delegates had been produced in China.³⁵ ”

On the other hand, Anele Selekwa, who works for the International Labour Research and Information Group and is a social movement activist in the Western Cape, disagrees,

“ I think so you know South Africa they treat it like small island that does not belong in the continent. Personally I do believe they should be talking proudly South African but about solidarity in the continent, doing away with the borders and inheritance of colonial names like South Africa. We are stepping in a wrong step³⁶. ”

In defense of the *Proudly South African Campaign*, Honest Sinama argued that there is no link between the campaign and xenophobic discourse. In fact, the campaign is seen as a broader strategy for saving jobs in the vulnerable sectors of the economy³⁷.

“ What I can say about the Proudly South African is that our vision was based on lots of retrenchments in textile sector whereby you will find that most of things bought by our people are coming from China and other countries. Therefore we said to our people let us buy local and at end it was our people and our economy that was suffering. Not to say we were against people who are not South Africans³⁸. ”

³⁴ Proudly South African Campaign. “About The Campaign – Overview” http://www.proudlysa.co.za/section/about.asp?include=../area/about_us/about.html&title=../gfx/pages/about.jpg accessed on 2 October 2009.

³⁵ Bob, Malecki. (1999): “South African Workers vs. ANC Capitalist Government” 8 Sep 1999 <http://www.mail-archive.com/marxism-thaxis@buo319b.econ.utah.edu/msg00916.html> accessed on 4 October 2009.

³⁶ Interview with Anele Selekwa. 24 August 2009. Cape Town.

³⁷ See Interview with Interview with Mike Louw. 24 August 2009. Cape Town.

³⁸ Interview with Honest Sinama. 28 August 2009.

In response, Sinama was asked if the banning of Chinese caps at one of the COSATU gatherings was part of the campaign. He answered:

“We were of the view that we have inside companies which could do that. The major problem we are having is the control of imports and exports in our country. There are no strict measures of controlling the outgoing and incoming goods. As a result we suffer by losing jobs”³⁹.

The *Proudly South Africa Campaign* raises issues of tension between international solidarity and nationalism. “Workers of countries, unite”⁴⁰ was the call at the end of the Communist Manifesto which expressed one of the most vital conditions for the victory of the working class. From its very birth, this movement of the working class proclaimed its international class character against the national boundaries which marked the development of the domination of the capitalist class over the proletariat. Since its inception, the labour movement has always grappled with this difficult question of forging unity across the national borders and territoriality. The recent xenophobic attacks reintroduce the conundrum between national identity and international solidarity.

With regard to COSATU, there seems to be tension between international solidarity and nationalism of the campaigns such as “Proudly South Africa”. Bongani Masuku talked about the tension between nationalism, on one hand, and international solidarity and the working class consciousness, on the other. He argued,

“I have to admit that working class is unevenly undeveloped. Everywhere in the world working class is unevenly undeveloped. Just like sexism and racism, tendencies of narrow nationalism exist, the working class cannot be immune from the social problems. The working class has elements that are displaying tendencies of xenophobia. There is a reality that we have to do more in building the working class consciousness.”⁴¹

Can unions transcend nationalist calls such as “Proudly South Africa” and xenophobia?

Patrick Bond argued that more recent inspiration for international work and international solidarity came in April 2008 from dockers who are also members of the South African Transport Workers’ Union (SATAWU), as well as Bishop Rubin Phillip of the Anglican Church, who together prevented three million bullets from being unloaded from a Chinese ship destined for the Mugabe regime in Harare. Several Zimbabwe solidarity and anti-xenophobia programmes took this work forward within the Centre for Civil Society (CCS), especially when the Durban inner-city, Chatsworth and Cato Manor experienced attacks on immigrants and refugees in May 2008⁴².

³⁹ Ibid.

⁴⁰ Marx, K. and Engles, F. 1848. *Comunist Manifesto*. <http://www.anu.edu.au/polsci/marx/classics/manifesto.html> 1848:13 accessed on 12 November 2009.

⁴¹ Interview with Bongani Masuku. 8 September 2009. Johannesburg.

⁴² Interview with Patrick Bond. 18 August 2009. Durban.

COSATU's policy position after the xenophobic attacks of May 2008

While the Central Executive Committee (CEC) statement of May 2008 during the attacks, calls for "affiliates to urgently convene shop stewards, council meetings and mass meetings of members at local, regional and provincial levels, and meetings in workplaces and hot spots to argue that the working class must not turn its guns against itself"; it continues to operate from a discourse that merely sees migrants as victims⁴³. Consistent with the World Conference Against Racism and Xenophobia, there is blame on employers, the police and Home Affairs. There is no mention of a need to organise migrants as part of a broader struggle against globalisation and the attacks on the poor and the working class.

A question was posed on whether COSATU's international solidarity policy emphasises solidarity with the people of Zimbabwe and Swaziland at the exclusion of the struggle against xenophobia. The response from Bongani Masuku, International Secretary of COSATU, was,

"I agree. I do sense that I do not want to be defensive. We are raising the questions, are we strong enough on Western Sahara? Are we strong enough on Cuba and Burma? That is positive feedback. We should look at how we strengthen other important elements of our work. With regard to Zimbabwe and Swaziland, this is part of our democratic process in the region⁴⁴.

In September 2009, almost a year-and-a-half after the xenophobic attacks of May 2008, the Tenth Congress of COSATU adopted a resolution on xenophobia and the organising of migrants. As a positive development from previous positions, it argues that the capitalist crisis is the cause of xenophobia. It also notes that COSATU affiliates lost members and shop stewards who were killed during these attacks. It then calls for some legalisation of migrants and education of the unions on xenophobia. In addition, the resolutions call for labour laws to cover all migrants. In order to raise consciousness among workers and the South African public about the continent, COSATU proposes that Africa Day be declared as a public holiday⁴⁵.

Patricia Snyman, the Gender Coordinator of SACCWU, welcomed the resolution, but emphasised a need for engagement with COSATU members and political education.

⁴³ COSATU. (2008) : "Central Executive Committee statement COSATU Central Executive Committee statement" 28 May 2008 <http://amadlandawonye.wikispaces.com/COSATU+Central+Executive+Committee+statement> accessed on 30 September 2009.

⁴⁴ Interview with Bongani Masuku. 8 September 2009. Johannesburg.

⁴⁵ See COSATU. (2009): "Tenth Congress resolutions": Congress Held on 21 – 24 September 2009 in Johannesburg. Pp.20-21.

It does open up space to have more depth discussion within the members in what leadership believe and what members believe. It opens a space as an organisation to discuss, organise and mobilise. It will encourage the leadership and unions to educate and conscientise members around this issue because members do not share the same view as the leadership. I think resolutions were very strong in condemning the xenophobic attacks and as a reminder of what should be our role as a trade union⁴⁶.

Snyman's views on consultation and education are in line with the argument made by Hyman, a theorist on trade unions. According to Hyman,

Real solidarity cannot be imposed by administrative fiat, or even by majority vote. Its achievement is possible to the extent that unions rediscover the conviction, and persuade both their own members and members of civil society more generally, that they have a mission as a 'sword of justice'⁴⁷.

COSATU's responses to Xenophobia

Having examined COSATU's policy position on xenophobia before and after the xenophobic attacks of May 2008, we shall now discuss COSATU's direct responses to xenophobia. For purposes of analysis, the responses are categorised as: the provision of humanitarian aid to victims of xenophobia; popular education and agitation against xenophobia; pre-emptive measures; forming coalitions; interventions at the National Economic Development and Labour Council (NEDLAC); engaging the state; and organising migrants.

The provision of humanitarian aid to victims of xenophobia

In an effort of concrete and practical solidarity, a number of organisations and individuals provided humanitarian aid to migrants who were under attack during the May 2008 wave of xenophobia. This aid ranged from offering shelter, to the provision of other basic needs such as clothing and food.

COSATU in the Western Cape worked with the TAC and other civil society formations in **providing aid to victims of xenophobia.**

⁴⁶ Interview with Patricia Snyman. 1 October 2009. Johannesburg.

⁴⁷ Hyman, R. (1999): "An emerging agenda for trade unions?" Discussion paper Labour and Society Programme International Institute for Labour Studies Geneva. Pp. 11.

Mike Louw, a COSATU Western Cape Province Educator and Organiser, said, "We quickly got together as various organisations and as civil society we were able to pull humanitarian resource together and reached the ground".⁴⁸

This was also corroborated by Christine Olivier, the Second Deputy President of NUMSA who was also part of the COSATU collective which, together with other civil society structures, intervened and provided humanitarian aid to victims of xenophobia in an area near Atlantis in Cape Town.⁴⁹ According to Evan Abrahamse, the Provincial Secretary of the South African Transport and Allied Workers Union (SATAWU), some of the shop stewards and organisers were part of the task team that organised aid for the victims.⁵⁰ He said, "We did contribute substantively. We coordinated the process of setting up tents".

The COSATU Gauteng Province was also involved in humanitarian aid. Phutase Tseki, the Provincial Chairperson, shared this, "What we did as COSATU and as affiliates was to also mobilise clothes. Clothes were brought here and we took them to various municipalities. We also took them to the Methodist Church in Johannesburg".⁵¹ Thulani Mabaso, the Chairperson of the COSATU local in Boksburg, also corroborated Tseki's testimony.⁵²

Members of the South African Municipal Workers Union (SAMWU) who also work for the Germiston municipality organised shelter for the migrants under attack. Steve Faulkner, SAMWU's International Secretary and one of the leaders of the Coalition Against Xenophobia (CAX), stated that SAMWU members accommodated migrants in a community hall in Germiston. Faulkner stated,

*"In the first few days it was SAMWU activists and shop stewards who were opening the municipal buildings for victims to come in. In places like Germiston where it was very tough, thousands flocked to Germiston Town hall and it was our shop stewards who were taking care of the catering, arranging counselling for women and children. The activists were doing this job during their working time, which is a great sacrifice".*⁵³

SAMWU's condemnation of xenophobia, among other things, highlighted the plight of children and women. The statement read,

"This Union unreservedly condemns the attacks on our fellow workers. It mourns the wasteful loss of thirteen lives, and the countless injuries inflicted on people whose only 'crime' was to have been born in another part of our Continent. We especially condemn the attacks that have been

⁴⁸ Interview with Mike Louw. 24 August 2009. Cape Town.

⁴⁹ Interview with Christine Olivier. 22 September 2009. Johannesburg .

⁵⁰ Interview with Evan Abrahamse. 25 August 2009. Cape Town.

⁵¹ Interview with Phutase Tseki. 11 September 2009. Germiston.

⁵² Thulani Mabaso.

⁵³ Steve Faulkner. 30 July 2009. Johannesburg.

made on women, and the use of gender based violence to intimidate working class communities⁵⁴.



According to Olivier, aid continued even after the May 2008 attacks. She was disturbed by the fact that the Central Methodist Church had been taken to court for providing accommodation to about 3 500 migrants from Zimbabwe. According to Olivier, during the “67 minutes campaign” of the Mandela Day, NUMSA donated clothes and blankets to the inmates at the church. All regions participated in this NUMSA campaign.⁵⁵

According to Momberg of the Sunday Independent, COSATU Gauteng officials swapped their placards and protest boots for brooms and gloves to clean the Central Methodist Church and its surrounds in the Johannesburg inner city.⁵⁶ George Mahlangu who works for COSATU's Organising Department at the head office stated, “With the assistance of the Johannesburg Metropolitan Council, they provided us with cleaning gloves and equipment. The aim was to demonstrate that we are not xenophobic. .. This also had to do with the fact that Mandela was also an humanitarian icon.”⁵⁷

Steve Faulkner, an active campaigner against xenophobia, had this to say about the cleaning of the Methodist Church: “As part of the 67 minutes of the Mandela Day, I was so pleased to see COSATU going to clean the Methodist Church. That was symbolic and powerful.”

As part of drawing lessons from the attacks and deepening an understanding of humanitarian aid within the union, Mlungisi Rapolile, a NUMSA Regional Educator in Ekurhuleni, was sent to a course on humanitarian disaster. This was meant to equip the union in Ekurhuleni, an area that was largely affected by xenophobic attacks, with skills in handling humanitarian disaster and communicating with the United Nations' Council for Refugees (UNHCR), the police and government bodies in the event of further xenophobic attacks⁵⁸.

Popular education and agitation against xenophobia

COSATU and its affiliates also used their own media and communication to agitate against the xenophobic attacks. This was also seen as an attempt at educating the working class about problems of xenophobia, as the attacks were led by working class communities in the townships. On May 2008, during the period of the intense xenophobic attacks, the COSATU Central Executive Committee (CEC) issued a statement which, among other things, condemned the attacks on migrants. The introductory part of the statement read as follows:

⁵⁴ SAMWU, “SAMWU Press Statement [on xenophobia]”, 19 May 2008.

⁵⁵ Ibid.

⁵⁶ Momberg, Eleanor. (2009) : “SA gets its hands dirty for Mandela Day”. July 19, 2009. <http://www.sundayindependent.co.za/?fArticleId=5089423> Accessed on 3 October 2009.

⁵⁷ George Mahlangu. 15 September 2009. Johannesburg.

⁵⁸ Interview with Mlungisi Rapolile. 23 September 2009. Johannesburg.

COSATU is disgusted and ashamed at the small minority amongst us who have brought the country's good name into disrepute, by attacking, raping, robbing and murdering fellow Africans....Accordingly COSATU is totally opposed to xenophobia, racism, tribalism, sexism, regionalism and chauvinism. The most potent weapon is our unity - the unity of the working class⁵⁹.

As part of creating awareness and agitating against xenophobia, the statement also promises the printing of multilingual pamphlets to be distributed door-to-door and to workplaces⁶⁰. Earlier, on the 22nd of May 2008, COSATU had issued a press statement that condemned xenophobia, also arguing that migrants were not sources of unemployment or responsible for the lack of service delivery⁶¹.

In addition to statements and condemnations, some of the affiliates such as the SAMWU and SATAWU used other creative methods in spreading the message by printing T-shirts and posters.⁶²

COSATU structures were also used to spread the anti-xenophobia message. According to Zet Luzipho, the KwaZulu Natal Provincial Secretary of COSATU, "Specifically as KZN [KwaZulu Natal] we do not believe that it is xenophobia. We called it Afrophobia because it was directed at African brother and sisters. We used our structures such as shop stewards council and the alliance in KwaZulu Natal to stop it"⁶³.

Moses Makhanya, the KwaZulu Natal Provincial Secretary of SACCAWU, also argued that it was structures that helped to reduce the number of attacks in KwaZulu Natal. He said, "In the province we were able to rise above the sand. We were able to use our structures and they played a pivotal role in curbing this. COSATU made a call and we also honoured that clarion call as SACCAWU."⁶⁴

COSATU in the Western Cape and Gauteng also convened shop steward council meetings where xenophobia was discussed and shop stewards were also asked to stamp it out of the communities and workplaces⁶⁵. Christine Olivier, a NUMSA shop steward who was also active in the Western Cape during the attacks, indicated,

We had very long discussions at the shop steward council. In my own union we also took resolutions. We also committed to an education programme.

⁵⁹ See. COSATU. (2008) "COSATU Central Executive Committee statement" 28 May 2008. <http://amadlandawonye.wikispaces.com/COSATU+Central+Executive+Committee+statement> Accessed on 3 October 2009.

⁶⁰ Ibid.

⁶¹ See Craven, P. "COSATU Says No To Xenophobia." 22 May 2008.

⁶² See SAMWU. (poster). "There are no foreigners, only comrades" 22 May 2008. Also see SATAWU. (T-shirt) SATAWU Condemns Xenophobia. May 2008

⁶³ Interview with Zet Luzipho. 17 August 2009. Durban. Here Luzipho is introducing an important aspect around the debate on xenophobia. He is arguing that xenophobia which is a general hatred of people from other countries may not explain what happened in May 2008. He argues that the fact that it was only migrants from other African countries who were attacked, means that we were dealing with a specific hatred of Africans called Afrophobia.

⁶⁴ Interview with Moses Makhanya. 19 August 2009. Durban.

⁶⁵ Interview with Mike Louw. 24 August 2009. Cape Town. Also see interview with Putase Tseki. 11 September 2009. Germiston.

We take people back to our own history. **Our people were also accommodated in exile during the liberation struggle.**

We really have to go to workplace and educate our members⁶⁶.

Education has always been an important tool for reinforcing working class identity and unity within various sections of the working class. The NUMSA Bulletin which is used by NUMSA as a space for reflection, debate and education published articles focussing on xenophobia in August 2008, a few months after the May attacks. These educational articles demonstrated how pogroms and xenophobia undermine the ideals of African unity and solidarity on the African continent. In addition, NUMSA committed itself to providing more education to its members on xenophobia⁶⁷.

A question on whether COSATU has an education programme on xenophobia was asked a few days before the tenth congress of COSATU. Crystal Dicks, COSATU Education Secretary, stated that the last congress of COSATU of 2006 did not develop a plan on educating its members on xenophobia, but given that a number of unions had sponsored resolutions on xenophobia as part of the preparations for the tenth congress, COSATU will have education programmes on xenophobia for the next three years and beyond⁶⁸.

The importance of education on xenophobia and the need to liquidate the notion of "us" and "them" was emphasized by Phillip Nkosi, a SACCAWU full-time shop steward at Southern Sun. He said,

// We assist workers who are regarded as illegal migrants. We engage employers and ensure that they get papers. We also do not want to work as "us" and "them". We also need to educate one another. We still have to work hard on that. We need an educational process within our structures. Many people do not understand the contribution made by countries in Africa to our liberation. These guys must be part of our communities and our structures. As long as there is distance between "us" and "them", there will always be these differences. Education and education!⁶⁹ //

Pre-emptive measures

As soon as it became aware of the xenophobic attacks, the NUM whose membership is comprised of migrants from other African countries in Southern Africa, convened meetings. This was an attempt at ensuring that xenophobia does not spread to the mines. In line with this view, Tafa Moya, the sector coordinator of Mining House (Anglo Gold Ashanti), explained,

⁶⁶ See NUMSA Bulletin. "Focus on xenophobia" No. 20. August 2008. http://www.numsa.org.za/article.php?cat=200808_Bulletin&id=1482 Accessed on 3 September 2009.

⁶⁷ Interview with Christine Olivier. 22 September 2009. Johannesburg.

⁶⁸ Interview with Crystal Dicks. 9 September 2009. Johannesburg.

⁶⁹ Interview with Phillip Nkosi. 1 October 2009. Johannesburg.

“ We addressed our members in mass meetings. We said to them what is happening in those areas must not happen to us. We know each other. We are all workers here. We must continue to treat each as we have been. ...The response was positive. Actually members themselves did not condone what was happening. If you remember one of the reasons for the attacks people were saying, migrants are taking their jobs and in our case we were dealing the people who are employed⁷⁰. ”

Glenn Mpufane, the International Secretary of the NUM, corroborated Moya’s testimony. He stated that there were no attacks on migrants in the mines. This also had to do with the fact that historically the NUM has had a sizeable number of migrants from neighbouring countries within its ranks. Mpufane also stated that the NUM has always confronted the question of xenophobia by issuing out solidarity statements and engaging the Department of Home Affairs around the issue of naturalisation and citizenship for its members from the neighbouring countries⁷¹.

According to Dawlo, the Director of the South African Somali Association (SASA), on 11 September 2001, 8 days after the World Conference Against Racism and Xenophobia in Durban, 120 Somali-owned shops were looted in Motherwell, Port Elizabeth. Before the major outbreak in Alexandra there had been attacks in Duncan Village.⁷² Given that the Eastern Cape has not been immune to xenophobic attacks, Mandla Rayi, the Provincial Secretary of COSATU in the Eastern Cape, stated that as soon as they were informed about the attacks in Gauteng and the Western Cape, COSATU in the Eastern Cape took pre-emptive measures as another form of defence. Rayi stated,

“ As you have said that here in Eastern Cape it was in low scale compared to Gauteng and other parts of the country. What we did in Eastern Cape we quickly established a structure that brings together all organisations in the province, namely labour, community, businesses and religious bodies. We also invited foreigners. Then we convened a big meeting which adopted a declaration against xenophobia. The aim was to stop this thing.⁷³ ”

Further, Rayi stated that the meeting on xenophobia, which took place at Fort Hare University in 2008, was initiated by the Eastern Cape Socio-Economic Consultative Council (ECSECC), a tripartite structure which brings together government, the South African Council of Churches (SACC), the Eastern Cape NGO Coalition and other structures⁷⁴.

⁷⁰ Interview with Tafa Moya. 2 October 2009. Johannesburg.

⁷¹ Interview with Glenn Mpufane. 18 September 2009. Johannesburg.

⁷² Dawlo, A. (2008) :“Xenophobia and the plight of Somalis in South Africa”*Khanya Journal*. 20 November 2008. Pp.53 – 55.

⁷³ Interview with Mandla Rayi. 28 August 2009. East London.

⁷⁴ Ibid.

COSATU and coalitions against xenophobia

The Coalition Against Xenophobia (CAX) was formed in 2008 in Johannesburg during the xenophobic attacks. It was led by the Anti-Privatisation Forum (APF), a social movement, and was also comprised of Non-Government Organisations (NGOs), such as Khanya College, and organisations of migrants, including the migrants who resided at the Central Methodist Church. The trade union movement only had one consistent representation in the coalition, Steven Faulkner, the international secretary of SAMWU. He was mandated by SAMWU to be a part of the coalition and its campaigns.⁷⁵ Among other things, this coalition led a march against xenophobia in May 2008, just after the xenophobic attacks. Attended by about 5 000 people, the march was the most pronounced public demonstration against the action of the xenophobes. Organisations of migrants from different countries were given a platform to express their objections to the xenophobic attacks⁷⁶.

Last year, just after the May xenophobic attacks, the Coalition Against Xenophobia initiated what was called a "Shut Down Lindela Campaign"

The Coalition argued that **the Lindela Repatriation Centre on the West Rand represented all that is wrong with Government's immigration policies.** These policies are premised on the detection, detention and deportation of suspected illegal immigrants, according to the Coalition.

Lindela had gained a notorious reputation and had been condemned by a range of human rights organisations including Human Rights Watch and the South African Human Rights Commission. COSATU was also not part of this campaign.

Bongani Masuku also stated that on the 17th of May, 2008 COSATU organised a march against xenophobia. All civil society structures were invited to the march⁷⁷. This march does not seem to have received much publicity.

The interviewees were asked about the lack of participation of COSATU and its affiliates in CAX. In responding to the question, Bongani Masuku, the International Secretary of COSATU, said,

I am not sure. I do not remember receiving the invitation. Maybe it was sent to a different department. If I had received it, we would have been part of it. There are many different means of contributions and as COSATU we do participate. I think we must also accept that there are challenges with regard to the cohesion of the progressive movement⁷⁸.

⁷⁵ Interview with Steve Faulkner. 30 July 2009. Johannesburg.

⁷⁶ Ibid.

⁷⁷ Interview Bongani Masuku. 8 September 2009. Durban.

⁷⁸ Interview Bongani Masuku. 8 September 2009.

The question of the lack of cohesion of the progressive movement dates back to the tale of two marches at the World Summit on Sustainable Development (WSSD) in Sandton in 2002. On 31st August, 2002 over 20 000 people marched from the impoverished Alexandra township to affluent Sandton. Under the banner of the Social Movements United (SMU), the largest ever post-1994 mass march was staged outside the traditional Congress-aligned Alliance. The SMU was made up of the Social Movements Indaba (SMI), Landless People's Movement (LPM), Via Campesina and many other organisations and movements. The counter-march of the ANC/COSATU Alliance was smaller in comparison to the SMU-led march. According to estimates, less than 5 000 people participated in the Congress Alliance march.⁷⁹

The APF which was one of the leading organisations in the march of social movements and the Coalition Against Xenophobia, has had differences with COSATU over the attitude to the ANC, government, the alliance and methods of struggle.⁸⁰

Steven Faulkner, a SAMWU representative in CAX, was positive about possibilities of collaboration between social movements and COSATU. He indicated,

I think the imbalance between that and xenophobia is because we have an undeveloped position [on xenophobia]. But trade unions are slowly addressing that. This personal political assessment I have made. When the initial march against xenophobia was organised and calls did go out in a very broad way and it did not get support, I think at that time there was still hesitation for unions to fully commit themselves to that march. Because the organisers were very clear associated to the social movements on the far left, that time there was still antagonism on the leadership of social movements and COSATU unions. This dated back at two marches at WSSD and marches on Palestinian solidarity. I think that SAMWU was unusual to a certain point and clear about the need to have a working relationship with the Social Movements. Sometimes, despite sectarianism of COSATU and Social Movements themselves, we were very upset with the two WSSD marches. It is a really wasted opportunity and antagonism that is out there. Both sides have turned to focus on extreme polarised arguments around selling out and bankrupting of the alliance.

According to Mazibuko and Peberdy, the Western Cape Emergency Civil Society Task Team on Xenophobia and Violence was established on the initiative of the TAC and the AIDS Law Project. It was formed through a meeting of over 20 civil society organisations held "to discuss a strategy for pre-

⁷⁹ Appolis, J. (2002) :The Political Significance of August 31".Khanya Journal. No.2. December 2002. Pp 7-8.

⁸⁰ For more details on the differences between COSATU and the APF, see Buhlungu. S. (2005):"The Anti-Privatisation Forum: A Profile of a Post-Apartheid Social Movement" Centre for Civil Society and the School of Development Studies, University of KwaZulu-Natal. Pp. 1- 26. <http://www.ukzn.ac.za/CCS/files/Buhlungu%20APF%20Research%20Report.pdf> accessed on 6 September 2009.

emptying what has happened in Gauteng from spreading to this province". The meeting established a civil society task team made up of trade unions, faith-based organisations, legal and human rights organisations, humanitarian agencies and refugee organisations. COSATU became an important member of this task team. The purpose of the task team was a humanitarian focus on working with the provincial and national governments "to prevent violence against foreign nationals and to provide humanitarian and other forms of assistance where necessary". It also recognised the need to "take proactive steps to prevent attacks against foreign nationals by mobilising and educating all communities across the province."⁸¹ According to Mike Louw, the organiser and educator of COSATU in the Western Cape, this task team was instrumental in engaging local authorities, provincial government, the police and mobilising humanitarian aid for migrants⁸².

Judaline Mulqueeny, the South African Communist Party's (SACP) Provincial Working Committee member in KwaZulu Natal, stated that COSATU and the SACP initiated the Coalition Against Xenophobia, Racism and Ethnicism in May 2008. A "food and fuel" crisis march in May last year which was organised by COSATU, was utilised as a platform for agitating against xenophobia in Durban. She further indicated that the Social Movement Indaba and other groupings of migrants from Zimbabwe were also part of this coalition.⁸³

Given its size and importance in the South African body politic, the COSATU Western Cape provincial leadership and office played an extremely strategic role in the response, and did more than other trade union federations. They were actively involved developing the strategic response in the committees and assisted in ensuring people who wanted to could go to Blue Waters. But unlike the TAC, COSATU's role did not include the mobilisation of the hundreds of thousands of its members in the range of social, humanitarian and political work that was done. This is particularly striking given that the majority of the attacks were in the Cape Town urban ghetto where a large proportion of the COSATU constituency lives. Whilst there were several shop steward council meetings held to brief worker leaders and agree on common positions and roles, COSATU failed to organise their mass base or bring their social weight behind the socio-political issues that underpinned the violence and which are reflected more broadly in the South African society. Given their ability to reach workers where they work and where they live an opportunity to play an active progressive activist role in the response, appears to have been missed. Perhaps in part this was because of the almost complete failure of their alliance partners, the ANC and the SACP to come on board.⁸⁴

⁸¹ Mazibuko K. Jara and Sally Peberdy. (2009) : "Progressive humanitarian and nascent social mobilisation by civil society in a neo-apartheid Cape Town: a report on the role of civil society and the May 2008 outbreak of xenophobic violence in Cape Town", pp 1- 43.

⁸² Interview with Mike Louw. 24 August 2009. Cape Town.

⁸³ Telephonic Interview with Judaline Mulqueeny. 6 October 2009.

⁸⁴ Mazibuko K. Jara and Sally Peberdy. (2009) : "Progressive humanitarian and nascent social mobilisation by civil society in a neo-apartheid Cape Town: a report on the role of civil society and the May 2008 outbreak of xenophobic violence in Cape Town", pp 1- 43.

As shown earlier in the paper, **COSATU in Gauteng where a lot of attacks took place, did not mobilise its members. COSATU was not at the march of CAX and its attempts to organise its membership did not yield any positive results.**

Perhaps the reason for this lack of mass mobilisation against xenophobia has to do with the fact that COSATU does not see xenophobia as a priority issue.

As also argued earlier on in this paper, COSATU's perspective on xenophobia needs to see struggle against xenophobia and the organising of migrants as essential campaigns for the promotion of the human rights culture in South Africa and the continent.

COSATU's interventions at the NEDLAC level

As part of the spirit of social dialogue, COSATU participates in the National Economic Development and Labour Council (NEDLAC) – a national forum that includes big business, labour and communities. Jane Barret of SATAWU participates in the development chamber of NEDLAC as a representative of COSATU and labour. She introduced a discussion at the chamber which led to the formulation of a declaration and a plan of action against xenophobia. Barret had this to say about the NEDLAC process,

“ I sit on the development chamber of NEDLAC. It is a chamber that also has representatives from communities. All the chambers meet once in a month. The meeting of the development chamber met in May last year when the attacks were happening. On behalf of labour I raised the issue⁸⁵. ”

The starting point of the declaration was the recognition of the South African constitution as a document that protects and respects human rights. It also notes that migration is not only an African phenomenon, but it also affects the whole world. It further argues that migrants, according to the constitution of the Republic, have rights and responsibilities. Condemnation of the xenophobia, racism, tribalism, sexism and intolerance is also part of the declaration. The social partners then committed themselves to combating xenophobia and racism in accordance with the final Declaration of the World Conference Against Racism and Xenophobia which was held in Durban in 2001. Further, social partners committed themselves to educating the public about problems of xenophobia⁸⁶.

Subsequently, a workshop whose objective was to create a platform that enables in-depth engagement between the NEDLAC Social Partners and Government on the broader aspects within which to view migration and to find long-term solutions that seek to prevent the recurrence of the recent xenophobic attacks, was organised on the 12th of September 2008. The workshop examined regional integration, migration laws and methods of engaging xenophobia at the level of NEDLAC.

⁸⁵ Interview with Jane Barret. 29 July 2009. Johannesburg.

⁸⁶ See NEDLAC. Declaration of the Social Dialogue on the Promoting Tolerance Through Diversity in South Africa: Adopted in Pretoria South Africa. 19 August 2009.

Engaging the state and government

When evaluating COSATU's attitude toward the government's response to xenophobia, the internal struggles in the ANC between a faction led by President Jacob Zuma, who was supported by COSATU, on the one hand, and the then State President Thabo Mbeki, on the other, need to be taken into account. Concerning the xenophobic attacks, Mbeki was seen as a denialist who really did not care about people on the ground. On the other hand, COSATU saw Jacob Zuma as a person who was willing to give people a hearing, and also cared.

Although Zuma was not President of the country at the time of the attacks, he acted as a caring Statesman. Zuma and the senior ANC leaders visited communities and the xenophobic hotspots across Gauteng in May 2008⁸⁷. Mike Louw of COSATU Western Cape mentioned that they were not impressed with the manner in which Mbeki's national government handled xenophobia.⁸⁸

The same view was also shared by Moses Makhanya, the Provincial Secretary of SACCAWU in KZN who said, "We as COSATU were not impressed in the manner which xenophobia was handled. We are saying this for various reasons. It took a lot of time for government to make ultimately meaningful interventions, if you remember⁸⁹".

In the Western Cape, COSATU's Mike Louw shed some light on COSATU and the Task Team who engaged the local and provincial government. COSATU was able to put pressure on the city of Cape Town and the Provincial Government. He stated,

Then also as the voice of civil society we engaged the provincial and local government to see how we will be able to house people who are displaced. In addition, we were pleased with the manner that provincial leadership of police reacted because immediately the provincial commissioner called all the Station Commissioners and us as civil society. Firstly, [the engagements took place] in one big meeting. Secondly, we had representation in a security task force team. Those meetings provided us an opportunity to highlight problems we had with police. Instead of dealing with the perpetrators, they were standing and watching not necessarily carrying out their duties of providing protection. We were able to pull resources, consolidated and provided a united social civil society voice in dealing with the matter⁹⁰.

⁸⁷ SAPA. "Zuma to visit xenophobia spots." 24 May 2008. http://www.news24.com/Content/SouthAfrica/Politics/1057/a05a40777bd64952a969a76abdac38de/24-05-2008-08-36/Zuma_to_visit_xenophobia_spots accessed on 29 September 2009.

⁸⁸ Ibid.

⁸⁹ Interview with Moses Makhanya. 19 August 2009. Durban.

⁹⁰ Mike Louw. 24 August 2009.

As part of the preparations for the Tenth Congress, COSATU convened an International Solidarity Conference in June this year.

Among other things, **the conference raised concerns about the snail pace at which the state authorities and the judicial system were handling cases of xenophobia.** The conference argued that despite 1600 arrests, only a small number of convictions had taken place in relation to theft and damage to property. More importantly, **no one had been charged with murder, assault and rape, despite the prevalence of such cases and damning evidencing contained in films.**⁹¹

Here COSATU was also highlighting the fact that rape as a form of graphic violence against women was carried out by the xenophobes during the attacks.

Under the Zuma government, the Home Affairs Department introduced a 90-day visa waiver for Zimbabweans planning to live in South Africa for less than three months while they seek jobs.⁹² Wandile Ntsangani, the COSATU East London Local Secretary, saw that as a positive move for the migrants from Zimbabwe. He exclaimed, "The government is handling the issue properly and if there is something that happening it does inform us as civil society. ... The Home Affairs Minister has pronounced that they should be issued with permits. We are also on board and towing the line"⁹³.

Organising migrants

In a context of globalisation, people tend to migrate to areas where they are likely to have access to economic and job opportunities. For example, migrants from the South tend to move to European cities such as Paris, France, where they are likely to work and earn some income. In Southern Africa, capital is concentrated in South Africa and Johannesburg. That seems to explain migration towards major cities like Johannesburg in Southern Africa⁹⁴. Trade unions, in a context of globalisation and its impact on migration, are faced with a huge challenge of organising migrant workers, particularly those who do not have papers or citizenship documents. Therefore, organising and integrating migrants into the Union structures is one of the most powerful weapons in the struggle against xenophobia, as it strengthens workers identity and solidarity.

⁹¹ See COSATU. Report of COSATU International Solidarity Conference, Johannesburg, 24 – 26 June 2009. Pp 31 – 32.

⁹² Khanyi Ndabeni. "90-day SA visa waiver for Zimbabweans": 29 September 2009. <http://www.theherald.co.za/article.aspx?id=477760> accessed on 3 October 2009.

⁹³ Interview with Wandile Ntsangani. 29th August 2009. East London.

⁹⁴ See Khanya College. (2004): "Workers Unite Against Xenophobia and Racism : Research Report on Migration and Xenophobia in Southern Africa". Research Commissioned by the Public Service International. pp. 17.

As part of a response to xenophobia, has COSATU and its affiliates been organising migrants? Despite COSATU Congress resolutions on xenophobia and solidarity in 2000 and recently in 2009⁹⁵, COSATU as a whole has not held an in-depth discussion and strategy on organising migrants as a powerful tool for combating xenophobia. It must be noted that COSATU in the Western Cape had a one-day workshop where international experience in organising migrants was discussed.⁹⁶

The May 2008 COSATU Central Executive Committee does not mention a need to organise migrant workers as part of an important response to xenophobia. COSATU's inability to subject itself to a paradigm shift remains an obstacle towards organising migrant workers. The calls for employers to stop taking advantage of migrants, as well as demanding that employers fire the "illegal ones", are an indication that the federation has not been able to imagine real possibilities of building international solidarity within the South African border, which entails organising migrants⁹⁷.

Baruti Amisi, a migrant of Congolese origin, a coordinator of the KwaZulu Natal Refugee Council and a scholar at the Centre for Civil Society KwaZulu Natal, reflected on the failure of unions to organise migrants. Amisi has a Master's Degree in Agriculture which he obtained in the Democratic Republic of Congo. Due to the precarious position of migrants, he was forced to work as a gardener in Durban. To make matters worse, he was attacked by a South African worker who thought he was stealing his job. He also worked as a security guard. When asked about the role of unions in defending migrant workers, he had this to say,

No. I was not a union member because I was not a South African. So let me give my opinion on unions. Unions only care about you while you are still working. Secondly, we as foreigners or non-South Africans we have challenges of getting to formal sector. ... I wanted to join a union so that I can be protected like other workers. I was not covered by union because I did not carry a green identity book⁹⁸.

During a face-to-face interview, a question regarding the organising of migrants in the security sector was posed to Evan Abrahamse, the Provincial Secretary of SATAWU in the Western Cape. His response was,

We had always had immigrants who are part of the union and they take part consciously in the structures of the union also in action of workers. There is a perception that due to the nature of that labour market of illegals, people will be staying away from the unions because they are not

⁹⁵ NUMSA. Focus on xenophobia. NUMSA Bulletin. No. 20. August 2008. Accessed on 11 September 2009. <http://www.numsa.org.za/article.php?cat=&id=1482>. Also see COSATU. Consolidating Working Class Power in Defence of Decent Work and Socialism: Resolutions Book 7. Pp. 17- 23.

⁹⁶ See Workshop Report: Entitled: Human Right and Organizing of African Migrant Workers/Refugees in Cape Town Submitted to: Rosa Luxemburg Foundation Johannesburg Office. September 2009.

⁹⁷ See Lehulere, O. (2008) : The xenophobia outbreak in South Africa: strategic, political and organisational questions facing the new social movements. Khanya Journal. No. 19. July 2008. Pp. 32 – 45.

⁹⁸ Interview with Baruti Amisi. 17 August 2009. Durban.

registered. Employers are utilising this gap to prevent them from being unionised. Unionisation is not just an abstract thing. It translates to better working conditions and better wages. Most illegals outside our scope are not organisable. We broadly estimate that about 10% workers in security and cleaning are unionised. Due to the nature of the industry we believe that most immigrants will be that 90% [of the workforce]. In the country, we have a strong history of unionism but we manage to get 10% to be unionised in one sector⁹⁹.

According to Nosiziwe Ganyile, a female organiser of SATAWU in KwaZulu Natal, employers are further employing “divide and rule” tactics by reducing the number of South African workers and replacing them with migrants. This causes tension among workers. She further stated that employers prefer to employ migrant workers because they pay them low wages and are made to work under worse working conditions. At the time of the interview, the union was still trying to deal with the tension among South African workers and migrants in a security company.¹⁰⁰

Honest Sinama, the Provincial Secretary of SATAWU in the Eastern Cape, spoke about how the union is grappling with organising migrants and diffusing xenophobia in the security and transport sectors. He commented,

As SATAWU we are able to explain to our members to say even ourselves we can be regarded as migrants because we have our drivers who travel as far [as] Zambia, Mozambique etc. So how would we feel if those people are treated with [the] same attitude as South Africans are showing to other people? In the security [sector] we have people who are from other countries who are also our members¹⁰¹.

In an interview, Xolani Nyamezele the Provincial Secretary of Gauteng, gave some insights into the organising of migrant workers which has been done by SATAWU in Gauteng as an attempt at combating xenophobia. He exclaimed, “It was not easy because our members who are South Africans did not like the idea. We did it because we had to organise workers regardless of their country of origin.¹⁰²

The agreement on migrants reached by SATAWU and Freight Hall, the Freight Company in Alrode has the following elements:

- › All employees (South African and non-South African) must be treated equally, i.e. no fixed contract for non-South Africans.

⁹⁹ Interview with Evan Abrahamse. 25 August 2009. Cape Town.

¹⁰⁰ Interview Nosizwe Ganyile. 19 August 2009. Durban.

¹⁰¹ Interview with Honest Sinama. 28 August 2009. East London.

¹⁰² Interview with Xolani Nyamezele. 1 October 2009. Johannesburg.

- SATAWU is representing all employees in the company, namely South Africans and non-South Africans.
- The bargaining council system must cover all employees¹⁰³.

What was the driving force that led to the organising of migrants at the Freight Hall? Nyamezele's response was, "We are all oppressed as workers regardless of our countries of origin. Solidarity is part of our political education in SATAWU."¹⁰⁴ Here we can deduce that the union was organising workers as part of advancing international solidarity. Of course, this caused some friction in the union because some South African members of the unions felt that jobs must be reserved for South African workers.

The leadership of the unions has an important role to play in the struggle against xenophobia and the organising migrants. The cases of NUM, SACCAWU and SATAWU show that the leadership can play an important role in defending the rights of migrants. At the same time, the leadership has to patiently engage its membership in the significance of international solidarity and the defence of rights of migrants in South Africa. Hyman's advice on a need for trade union leadership to engage in a dialogical education with its base is worth noting here.¹⁰⁵

Bongani Masuku of COSATU also stated that the organising of migrants is uneven. A teachers' organisation from Zimbabwe (Progressive Teachers' Union) was dissolved into SADTU. He also indicated that SATAWU has also been organising migrant workers¹⁰⁶.

SACCAWU is also organising the hospitality sector that tends to have a prevalence of migrants workers, particularly women from Zimbabwe. During the interviews the question was posed on whether the union organises these workers. Ntombi Ndlovu, the regional gender coordinator of SACCAWU in KwaZulu Natal, stated, "Yes, we do have members who are foreigners, especially in restaurants they come at office and fill out the forms but I don't know what exactly happens to them, but they do join the union¹⁰⁷".

When asked whether it is the union is that policy to also recruit migrants, she responded by saying that she had never heard of such a policy. In addition, she believes that those who join do have papers to work in South Africa. Moses Makhanya, the Provincial Secretary of COSATU shared his views on organising migrants by saying,

The problem we have as a union [is that] for starters they employ them at a very low salary scale. Our South Africans end up not getting jobs because jobs are taken by those people who the employer regards as cheap labourers. I think that is the first point. The second difficulty is that

¹⁰³ See the letter from SATAWU Gauteng Province dated 15 April 2008 and another one from Freight Hall dated 18 April 2008.

¹⁰⁴ Interview with Xolani Nyamezele. 1 October 2009. Johannesburg.

¹⁰⁵ Hyman, R. (1999): "An emerging agenda for trade unions?" Discussion paper Labour and Society Programme International Institute for Labour Studies Geneva. Pp. 11.

¹⁰⁶ Bongani Masuku. 8 September 2009. Johannesburg.

¹⁰⁷ Interview with Ntombi Ndlovu. 18 August 2009. Durban.

it becomes extremely difficult to organise those people because some of them get paid, eat and enjoy themselves and think that it is the end of the world.

From the two statements from SACCAWU interviewees there is a sense of “othering”

In other words, **migrants are not seen as people who have social agency and possibilities of organising**. There is also a concern that those who join the Union need to have papers.

The issue of papers was also confirmed by Makhulwe Ndwandwe, the COSATU Durban Central Local Secretary. She indicated, “We only organise those who are here legally and having proper documents. No, that is not the policy but the LRA demands that only the people with documents must be employed, so we organise those who are employed.”¹⁰⁸

On the other hand, in defence of organising migrants, even those who do not have citizenship documentation, Crosby Booi, the Provincial Secretary of SACCAWU in the Western Cape, argued,

Yes! Of course like presently we have a case where we are assisting one of our members at Ritz Hotel in Sea Point. This comrade has been in the country for more than five years but he struggles to get proper documentation. This is despite the fact the companies and the union have intervened by engaging the Home Affairs to get this comrade registered as a citizen of South Africa¹⁰⁹.

On the other hand, the NUM has had a different approach to organising migrants. The NUM had to deal with the question of migration because a big part of its membership is comprised of migrant workers. The mining industry in South Africa is the foundation of South African capitalism and its cheap black labour and the migrant system. Ryklief argues that the formation of the NUM in 1982 was an important development in confronting the appalling conditions within which migrant workers from South Africa and other Southern African countries worked and lived. The NUM organises the mining and construction sector which has a substantial number of immigrant workers¹¹⁰.

In 1991, the NUM called for the dismantling of the migrant labour system, in favour of policies focusing on regional economic development¹¹¹. The NUM negotiated that mine workers who worked in the South African mines for more than 10 years be given permanent residential status. The amnesty gave mine workers permanent residence, not citizenship. Permanent residence allows people to apply for

¹⁰⁸ Interview with Makhulwe Ndwandwe. 19 August 2009.

¹⁰⁹ Interview with Crosby Booi. 26 August 2009. Cape Town.

¹¹⁰ Ryklief, S. 2003. “Migrant workers in South Africa : A brief overview”. Bargaining Monitor Volume 19 No. 153 August 2003. Pp10-12.

¹¹¹ Ibid.

citizenship; but they remain citizens of their own country. They are however allowed to live in South Africa with all the rights and responsibilities of a South African citizen (except the right to vote) until/ if they choose to take up citizenship. But, if they were to commit a serious crime their permanent residence could be taken away and they could be deported.

The NUM also argued that South African workers and workers from other Southern African countries should be treated equally. In 1996 the Union also called for the abandonment of deferred pay, which is wages paid as remittances to migrants when they get back to their country of origin.¹¹² In 1995, the NUM and the Department of Home Affairs negotiated what was called a “miners amnesty”. Immigrant miners who had worked in the country for more than 10 years and voted in the 1994 elections were to be granted South African citizenship. A number of immigrant workers acquired South African citizenship as a result of these negotiations. On the other hand, a number of immigrants did not want to become South African citizens because they still had ties with their countries of origins. For example, workers from Mozambique and Malawi had family networks and friends in their countries of origins. Of an estimated 104 000 eligible miners, only 47 000 applied for South African citizenship, primarily from Lesotho.¹¹³

In an interview with Glenn Mpufane, the International Secretary of the NUM, he indicated that the NUM has always been organising migrants. He explained,

Concerning organising, we have organised irrespective of language or country of origin. At one stage NUM had a large membership from the neighbouring countries. If you can study the NUM as a social phenomenon, you see the solidarity that exists between our members. It is not easy. In a sense we managed to deal with issues of factionalism, tribalism in the mines.¹¹⁴

Tafa Moya, the National Coordinator of the Mining House, Anglo Gold Ashanti, stated that the mere existence and formation of the NUM was a step forward for the working class in the mines as it united these workers, regardless of their country of origin. As a result, the NUM also has leaders who originate from other African countries. Moya explains,

We have dealt with it long ago even before the attacks. If you remember in mine hostels workers were staying according [to] their ethnic groups. NUM approached the mine bosses and argued for the integration of workers in the hostels. They are now staying as workers no longer Basotho and Ngunis. This has helped us a lot because people regard themselves as people and us as the union we regard them as members of the union.

¹¹² Ibid.

¹¹³ See Khanya College. (2004): “Workers Unite Against Xenophobia and Racism : Research Report on Migration and Xenophobia in Southern Africa”. Research Commissioned by the Public Service International. Pp.58.

¹¹⁴ Interview with Glenn Mpufane. 18 September 2009. Johannesburg.

In terms of recruitment, we recruit across the borders. In our branch leadership you will find a chairperson who is from Lesotho or Swaziland and other countries. We do not have [the] problem of who leads the union, as long [as he] is a worker.¹¹⁵

In a context of the 2010 Soccer World Cup, the NUM has also tried to organise construction workers from the neighbouring countries. Bhekani Ngcobo, the regional coordinator of the NUM in KwaZulu Natal, had this to say,

The construction sector is nomadic. Working with foreign nationals is not a problem. If you go to the workplaces in South Africa, you would see the increase of workers, especially from Mozambique and Zimbabwe. You will see those xenophobic tendencies. People are being called Kwerekwe. These things have not turned into violence but we need to correct that. We organise everybody including migrants¹¹⁶.

Tyelovuyo Mgedezi, the regional coordinator of the NUM in the Eastern Cape, also spoke about the difficulties in organising migrants and tensions that exist between unionised workers and migrants.¹¹⁷ A similar story was also shared by Stanford Ndobu, a NUMSA shop steward at Scaw Metal in Gauteng. He also stated that some workers end up gossiping about migrants. He further indicated that the Union is trying to forge unity by trying to organise migrants and having discussions on xenophobia¹¹⁸.

The Western Cape Provincial Secretary of the NUM, Xolani Holiday, highlighted the fact that one of the shop stewards in the Mega Mix, a company that mixes concrete for construction purposes, defended a migrant worker who was not a member of the Union. The worker had been involved in a truck accident and had been asked to pay a R15 000 access fee to the insurance company. After a successful defence by the NUM shop steward, this worker decided to join the union.¹¹⁹

Are there organising lessons that can be learned from other experiences? Pat Horn, an activist from StreetNet International and an activist who was involved in organising workers during the formative years of the South African trade union movement, shared some perspectives on organising migrants,

All our affiliates are from different countries. The question of favouring a citizen of another country is not even on the agenda. We have 36 affiliates in 32 countries. International solidarity is our starting point because we are

¹¹⁵ Interview Tafa Moya. 2 October 2009. Johannesburg.

¹¹⁶ Bhekani Ngcobo. 19 August 2009. Durban.

¹¹⁷ Interview with Tyelovuyo Mgedezi. 27 August 2009. East London.

¹¹⁸ Interview with Stanford Ndobu. 23 September 2009. Johannesburg.

¹¹⁹ Telephonic Interview with Xolani Holiday, 30 September 2009.

an international organisation. That framework helps to tackle xenophobia because when you talk of international solidarity you cannot entertain any xenophobic interest. Twenty of our affiliates are in Africa and in Zimbabwe and Namibia; Our affiliates are an alliance of informal economy which [compromise] a part of cross border trade organisations¹²⁰.

According to Horn, xenophobia is one of the issues that they had to confront as StreetNet. One of the creative tactics they use included exchange visits where South African members of StreetNet would visit other African countries. This has helped in reinforcing a perspective of international solidarity in the organisations. Hawkers in Zambia and Namibia have formed cross-border organisation that are able to negotiate at the level of the South African Customs' Union (SACU).

Some concrete gains have been made through the use of the law and mobilisation of street vendors in Durban. According to Horn, street vendors were mobilised regardless of their countries of origin. In 2005, street vendors without green identity documents were given trading permits by the city because of mass mobilisation and the use of the law¹²¹.

When asked what she thinks about COSATU, xenophobia and the organising of migrants, Horn stated that COSATU's statements on xenophobia had been used in educating hawkers as part of a broader strategy of creating awareness and tackling xenophobia. She also argued,

I think xenophobia is similar on the race issue. When we were organising here, people were against Indians and we had to build non-racial organisations. I think COSATU has made it a point at public level. They give a clear message. Of course they did. But however they did not do enough. ... That is why global examples need to be brought in. I like the French one because it precisely focused on workers without papers.¹²²

COSATU in the Western Cape, together with other civil society formation and migrants' organisations held a one-day workshop which, among other things, examined the international experiences of organising migrant workers.¹²³ As a way of enriching the discussion on xenophobia and organising, let us briefly introduce international experiences in organising migrant workers¹²⁴.

According to Kennedy and Tilly, France has an estimated half-million undocumented immigrants (8% of the population, compared to 4% in the United States), including many from France's former colonies in Africa.¹²⁵ In 2008, the San Papier had to occupy offices of the Confédération Générale du

¹²⁰ Interview with Pat Horn. 20 August 2009. Durban.

¹²¹ Interview with Pat Horn. 20 August 2009. Durban.

¹²² Interview with Pat Horn. 20 August 2009. Durban.

¹²³ See COSATU, NGOs and Organisations of Migrants (2008): "Workshop Report: Entitled: Human Right and Organizing of African Migrant Workers/Refugees in Cape Town". Submitted to: Rosa Luxemburg Foundation Johannesburg Office. September 2008.

¹²⁴ This was requested explicitly by Horn and Dicks during the interviews.

¹²⁵ Lerougetel, Antoine. "France: Sans papiers continue occupation of CGT union hall". 5 June 2008. <http://www.wsws.org/articles/2008/jun2008/sans-j05.shtml> accessed on 1 October 2009.

Travail (CGT), France's largest union federation, to force the union to campaign for legal residence in France¹²⁶.

The sans-papiers (literally, "without papers"), as the French call them, lead a shadowy existence, much like their U.S. counterparts. And as U.S. immigrants did in 2006 with rousing mass demonstrations, the French undocumented have recently taken a dramatic step out of the shadows. But the sans-papiers did it in a particularly French way: hundreds of them occupied their workplaces¹²⁷.

The snowflake that led to this snowball of sit-in strikes was a November immigration law, sponsored by the arch-conservative government of President Nicolas Sarkozy, which cracked down on family reunification and ramped up expulsions of unauthorised immigrants. The law also added a pro-business provision permitting migration, and even "regularisation" of undocumented workers, in occupations facing labour shortages¹²⁸.

At that point, African sans-papiers took matters into their own hands. On February 13, Fodie Konté of Mali and eight co-workers at the Grande Armée restaurant in Paris occupied their workplace to demand papers. All nine were members of the Confédération Générale du Travail (CGT), who supported their efforts. In less than a week, Parisian officials agreed to regularise seven of the nine, with Konté the first to get his papers. The CGT and Droits Devant!! (Rights Ahead!!), an immigrant rights advocacy group, saw an opportunity and gave the snowball a push.¹²⁹

They escorted Konté and his co-workers to meetings and rallies with other undocumented CGT workers, where they declared, "We've started it, it's up to you to follow." Small groups began to do just that. Then on April 15, fifteen new workplaces in Paris and the surrounding region sprouted red CGT flags as several hundred "irregular" workers held sit-ins. At France's Labor Day parade on May 1st, a contingent of several thousand undocumented workers, most from West African countries such as Mali, Senegal, and the Ivory Coast were the stars. But local governments were slow to move on their demands, so with only 70 workers regularised one month into the sit-ins, another 200 sans-papiers upped the ante on May 20 by taking over twenty more job sites. Still others have joined the strike since then. As of early July, 400 former strikers have received papers (typically one-year permits), and the CGT estimates that 600 are still sitting tight at 41 workplaces.¹³⁰ The relationship between the CGT and the sans-papiers is not an easy one, but what is positive from the experience is that the CGT is working with migrants as part of a struggle against xenophobia and for human rights.¹³¹

The biggest and most representative Swiss trade union today is Unia. Formed in 2005 through the fusion of three important trade unions of the construction (GBI), metal industry (SMUV) and services (VHTL), Unia has almost 200 000 members employed in the most diverse branches of the mentioned

¹²⁶ Lerougetel, Antoine. " France: Sans papiers continue occupation of CGT union hall". 5 June 2008. <http://www.wsws.org/articles/2008/jun2008/sans-j05.shtml> accessed on 1 October 2009.

¹²⁷ Marie Kennedy and Chris Tilly. (2008) : "They work here, They live here, They stay here" French Immigrants strike for right work – and win". <http://allpower2dapeople.wordpress.com/2008/07/21/french-immigrants-on-strike-the-global-south-strikes-back/> accessed on 2 October 2009.

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ Ibid.

sectors, and over 50% of its members are migrants. Almost 60% of all the construction workers, 47 000, are Unia members, 75% of which are migrants.¹³²

UNIA argued that organising migrants strengthens the trade unions movement, and, especially in the context of globalisation which is characterised by the fragmentation and the weakening of labour, it is critical for the survival of the union movement. As part of a strategy for organising migrant workers, UNIA argued,

“ In response, new forms of work and new projects are being tried out. Cooperative work with trade unions in the home countries of migrants, the cross-border trade union work in the form of committees, research and work groups, the European Trade Union Confederation, or the project of an European migrant workers network are some examples¹³³. ”

UNIA is imaginative when it comes to organising migrant workers. It ensures that its publications are also translated into languages that can be understood by migrants. Here we see the importance of using one's mother tongue as a way of talking directly to workers. In addition, organisers who speak the language of migrants are also employed to recruit and service these workers. Further, there is also cross-border solidarity with the unions in home countries of migrants and on the Europe Union level.¹³⁴ Here the research has shown that it is possible to organise the so-called illegal migrants as part of a broader struggle for human rights and international solidarity.

COSATU, gender issues and the xenophobic attacks

In his articulation of the relationship between gender and migration and xenophobia, Patrick Bond argues,

“ The crucial point is that it is Zimbabwean women who make that [cheap labour system] possible because of the cheap labour relations which allows male worker to come across the border, but not get education paid for locally [South Africa]. Male workers from Zimbabwe do not get sick pay, medical aid, pension and so forth. All those costs of reproduction of labour come from rural women typically from Southern Zimbabwe and Harare. Those women are the real victims of this process. A lot of migrant labour often is associated with rapid transmission of AIDS¹³⁵. ”

¹³² Pereira, Margarida. "Supporting Migrants in Switzerland: role of the trade unions by trade union Unia, Switzerland". Pp 1 -5. <http://www.unia.ch/index.php?id=174&L=0> accessed on 2 October 2009.

¹³³ UNIA. "Supporting Migrants in Switzerland". <http://www.unia.ch/Migrants-Trade-Unions.3099.0.html> accessed on 30 September 2009.

¹³⁴ Pereira, Margarida. "Supporting Migrants in Switzerland: role of the trade unions by trade union Unia" Switzerland. Pp 1 -5. <http://www.unia.ch/index.php?id=174&L=0> accessed on 2 October 2009.

¹³⁵ Interview with Patrick Bond. 18 August 2009. Durban.

SAMWU's written response to xenophobic attacks of May 1998 also highlighted the plight of women migrant and children. SAWMU further argued, "We especially condemn the attacks that have been made on women, and the use of gender-based violence to intimidate working class communities¹³⁶. COSATU also condemned the raping and the attacks on women from the migrant communities.¹³⁷ While the condemnations are positive, the challenge is that COSATU and its affiliates do not have a strategy that focuses on the most vulnerable sections of migrants, namely women. There is also need for COSATU and its affiliates to look at organising women migrant workers who tend to occupy precarious positions in the workplace.

Voices of migrants

The research would be incomplete without the voices of migrants. Representatives of migrant organisations were asked to evaluate COSATU's responses to xenophobia. This was done in order to initiate a dialogue between migrants and COSATU.

Kenneth Tafira, the former coordinator of the Coalition Against Xenophobia, a Zimbabwean migrant and a Master's student at Wits, was critical of the role played by COSATU in the struggle against xenophobia. He stated,

"COSATU has done nothing to unionise migrant workers and that is fundamental. If migrant workers are organised this issue of them accepting lower wages won't be there. I understand South Africans are grieving about migrant workers accepting lower wages but if they were unionised, they would be on a common platform of fighting. The capitalist would not take advantage of that cheap labour. COSATU will say that it does not organise them because they are undocumented, therefore let it fight for them to get documented. The nationalist agenda of COSATU, like their proudly South African campaign, remains an obstacle to the organisation of migrants¹³⁸."

In the same vein Ahmed Dawlo, the Director of the Somali Association of South Africa (SASA), stated that the statement by the COSATU General Secretary Vavi arguing that there are many Zimbabweans working in the South African hotels can be regarded as part of the xenophobic discourse. It is consistent with an argument that migrants are taking the jobs of South Africans, according to Dawlo. He also indicated that the absence of COSATU in the anti-xenophobia march which was organised by CAX was also disturbing. In addition, the fact that COSATU is representing a huge number of the working people makes it a powerful voice. He further said, "COSATU has to come out with a very strong message against xenophobia and the loss of innocent lives of migrants¹³⁹".

¹³⁶ SAMWU. "SAMWU Press Statement [on xenophobia]": 19 May 2008.

¹³⁷ See. COSATU. (2008) "COSATU Central Executive Committee statement" 28 May 2008. <http://amadlandawonye.wikispaces.com/COSATU+Central+Executive+Committee+statement> Accessed on 3 October 2009.

¹³⁸ Interview with Kenneth Tafira. 28 July 2009. Johannesburg.

¹³⁹ Interview with Ahmed Dalwo. 29 July 2009. Johannesburg.

The migrants' organisations are also looking forward to building a solidarity relationship with COSATU. Marc Gbaffou of the African Diaspora Forum, an umbrella body of African migrants' organisations in Gauteng, indicated that his organisation was part of the CAX march of 24 May 2009. They have been working with CAX and are hoping to also work with COSATU in stepping up the campaign against xenophobia¹⁴⁰.

Concerning the working relationship between migrant organisations and COSATU in the Western Cape, Barry Wuganaale of the Ogoni Solidarity Forum, had this to say,

From observations I do not know if I have become too friendly with them. Their leadership and the staff have welcomed the organisation that I represent. ... This has been very encouraging. From my observation they had never slammed their doors. So many times they have helped informal traders and migrant workers. Is not easy for someone to go to a federation because they are supposed go to a structure. But I have seen them [migrants] going to the COSATU Provincial Office for taking up their problems¹⁴¹.

Mohamed Adan Osman, the Western Cape Coordinator of the Somali Association of South Africa, also raised a need for COSATU to work closely with migrants in dealing with xenophobia. He stated, "I am not personally familiar with the role played by COSATU but I think it has a role to play. COSATU needs to help us in stopping the attacks in the townships"¹⁴²

Addiwahab Ibrahim Hakar, the Chairman of the Somali Association of South Africa in the Amathole Region, made a special appeal to COSATU and trade unions. He said, "We are asking for trade unions to come to us. *Nkosi sikelela i-Afrika is about Africa*"¹⁴³.

¹⁴⁰ Interview with Marc Gbaffou. 29 July 2009. Johannesburg.

¹⁴¹ Interview with Barry Wuganaale . 24 August 2009. Cape Town.

¹⁴² Mohamed Adan Osman. 27 August 2009. Bellville.

¹⁴³ Abdiwahab Ibrahim Hakar. 1 September 2009. East London.

The research managed to critically discuss COSATU's policy on migration, migrant workers and xenophobia. Despite the recent congress resolution which begins to show that while there are some people within the leadership layer of COSATU who are prepared to engage the question of xenophobia and migrant workers, there is still a need for COSATU to deepen its discussion and debate on xenophobia. This discussion needs to examine sources of xenophobia and migration, lessons from other countries with experiences in organising migrant workers and tackling xenophobia, grassroots educational programmes on xenophobia and the development of a plan for organising migrants as part of an anti-xenophobia strategy.

COSATU as a component part of civil society needs to play an important role which entails defending the rights of all migrants. **While the research has shown that some unions are starting to defend migrants, in the workplace this needs to be extended to other unions and the townships.**

COSATU needs to also examine ways of making links with other civil society formations particularly in the communities where the attacks have been taking place. The research has also shown that COSATU did provide assistance to victims of xenophobia, but more needs to be done as a way of promoting a human rights culture in the communities and the workplace.

We feel that an interview with Mike Louw captures what needs to be done when he concluded by saying,

// We want to work towards encouraging people to accepting the fact that refugees should join unions. At the same time, we have to work with our unions to break down the misconception they have [about migrants]. So that is an ongoing [process]. We raise these issues in our organisers' forums we have with the unions. We have got to recruit and organise the migrants¹⁴⁴. //

¹⁴⁴ Interview with Mike Louw. 24 August 2009. Cape Town.

List of interviewees

Name	Organisation	Position	Date	Place
COSATU HEAD OFFICE				
Bongani Masuku	COSATU (Head Office)	International Secretary	8 September 2009	Johannesburg
Crystal Dicks	COSATU (Head Office)	Education Secretary	9 September 2009	Johannesburg
George Mahlangu	COSATU (Head Office)	Campaigns Co-ordinator in the Organising Department	15 September 2009	Johannesburg
Dominic Tweedie	COSATU (Head Office)	Former Editor of the Shopsteward Magazine of COSATU	8 September 2009	Johannesburg
COSATU Gauteng Province				
Phutase Tseki	COSATU Gauteng Province	Chairperson of the Province	11 September 2009	Germiston
Thulani Mabaso	COSATU Gauteng Province	Chairperson of the Boksburg COSATU Local	23 September 2009	Johannesburg
Standford Ndobu	COSATU Gauteng Province	Deputy Chairperson of NUMSA at Ekurhuleni	23 September 2009	Johannesburg
Mlungisi Rapolile	COSATU Gauteng Province	NUMSA Education Officer at Ekurhuleni	23 September 2009	Johannesburg
COSATU Western Cape Province				
Mike Louw	COSATU Western Cape Province	Educator/ Organiser	24 August 2009	Cape Town
Christine Olivier	National Union of Metalworkers and COSATU Western Cape Province	Second Deputy President (NUMSA)	22 September 2009	Johannesburg

Anele Selekwa	ILRIG	Communications Officers	24 August 2009	Cape Town
COSATU KwaZulu Natal Province				
Zet Luzipho	COSATU KwaZulu Natal Province	Provincial Secretary	17 August 2009	Durban
Makholi Ndwandwe	COSATU KwaZulu Natal Province	Secretary of the COSATU Durban Central Local	19 August 2009	Durban
Baruti Amisi	Centre for Civil Society Kwa- Zulu Natal University	Researcher	17 August 2009	Durban
Pat Horn	StreetNet International	Office Bearer	20 August 2009	Durban
Oliver Math	Centre for Civil Society Kwa- Zulu Natal University	Community scholar	21 August 2009	Durban
Patrick Bond	Centre for Civil Society Kwa- Zulu Natal University	Director	18 August 2009	Durban
Judaline Mulqueeny	South African Communist Party (SACP)	Member of the Provincial Committee	6 October 2009	Telephonic interview
COSATU Eastern Cape Province				
Mandla Rayi	COSATU Eastern Cape Province	Provincial Secretary	28 August 2009	East London
Wandile Ntsangani	COSATU Eastern Cape	COSATU East London Local	29 August 2009	East London
SACCAWU				
Moses Makhanya	SACCAWU	KZN Provincial Secretary	19 August 2009	Durban
Ntombi Ndlovu	SACCAWU	KZN Gender Co-ordinator	18 August 2009	Durban
Mike Abrahams	SACCAWU Head Office	Media Officer	5 September 2009	Johannesburg

Patricia Synman	SACCAWU Head Office	Gender Co-ordinator	1 October 2009	Johannesburg
Phillip Nkosi	SACCAWU Wits region	Full-time shop steward	1 October 2009	Johannesburg
Crosby Booii	SACCAWU Western Cape	Provincial Secretary	26 August 2009	Cape Town
SATAWU				
Nosizwe Ganyile	SATAWU KZN	Organiser	19 August 2009	Durban
Honest Sinama	SATAWU Eastern Cape		28 August 2009	East London
Jane Barret	SATAWU Head Office	Researcher and Sector Organisers	29 July	Johannesburg
Veronica Mesatywa	SATAWU Head Office	Researcher and Sector Organisers	29 July	Johannesburg
Tinzi Lubabalo	SATAWU Head Office	Researcher and Sector Organisers	29 July	Johannesburg
Xolani Nyamezele	Gauteng SATAWU	Provincial Secretary	1 October 2009	Johannesburg
Evan Abrahamse	Western Cape SATAWU	Provincial Secretary	25 August 2009	Cape Town
NUM				
Glenn Mpufane	NUM head office	International Secretary	18 September 2009	Johannesburg
Tyelovuyo Mgedezi	NUM Eastern Cape	Regional Co-ordinator	27 August 2009	East London
Bhekani Ngcobo	NUM KZN	Regional Co-ordinator	19 August 2009	Durban
Xolani Holiday	NUM Western Cape	Provincial Secretary	30 September 2009	Telephonic interview

Tafa Moya	NUM head Office	Sector Co-ordinator of Mining House (Anglo Gold Ashanti)	2 October 2009	Johannesburg
Coalition Against Xenophobia (CAX)				
Steve Faulkner	SAMWU and CAX		30 July 2009	Johannesburg
39. Kenneth Tafira	CAX	Former Co-ordinator	28 July 2009	Johannesburg
Migrant Organisations				
Abdiwahab Ibrahim Hakar	Somali Association of South Africa	Chairman	1 September 2009	East London
Ahmed Dawlo	Somali Association of South Africa	Director	29 July 2009	Johannesburg
Marc Gbafou	Africa Diaspora Forum	Chairperson	29 July 2009	Johannesburg
Mohamed Adan Osman	Somali Association of South Africa	Coordinator in the Western Cape	27 August 2009	Bellville
Barry Wuganaale	Ogoni Solidarity Forum	Project Co-ordinator	24 August 2009	Cape Town