



Numsa Media Monitor

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A daily compilation of local, national and international articles dealing with labour related issues

Numsa

Numsa announces termination of relationship with Castro Ngobese

TimesLive, 4 September 2016

The National Union of Metalworkers of SA (Numsa) has announced that it has terminated its relationship with its former spokesman, Castro Ngobese.

In a statement, Numsa said that Ngobese, who had served the union with distinction and whose commitment to the cause of the working class it did not doubt, had absconded from work for a long time at the beginning of this year, which was in breach of the union's code of conduct and discipline.

"Numsa instituted internal disciplinary processes against Comrade Ngobese, as is our practice in such cases. Comrade Ngobese personally and voluntarily aborted internal Numsa disciplinary processes, and took the matter to CCMA. "While the union was absolutely sure it had a watertight case against Comrade Ngobese, the union initially offered at CCMA, as Comrade Ngobese correctly states, to settle the matter by way of a payment to Comrade Castro, and termination of his services," Numsa said.

He said the national office bearers of Numsa had decided to try to approach Ngobese with a view to finding a resolution to the matter which would lead to him returning to work at the union.

"The General Secretary met with Comrade Ngobese and the matter was resolved. Comrade Ngobese could return to work, upon signing a document confirming the withdrawal of the decision from the CCMA, and committing to the new conditions negotiated with the General Secretary.

“The General Secretary duly complied with his part of the bargain, and sent Comrade Ngobese the document he was required to sign. We have been waiting for Comrade Castro to sign and or speak to us regarding the new settlement of his matter. “When the Numsa General Secretary sent Comrade Ngobese an SMS inquiring where things were at with the document he was supposed to sign, Comrade Ngobese resorted to use of public media to communicate his frustrations with the union, and resorted to the CCMA settlement,” Numsa stated.

“In the circumstances, the union finds itself with no choice but to do as Comrade Castro Ngobese now wishes us to: terminate our relationship with him and settle on the basis of the CCMMA settlement. The union has accordingly, paid him,” Numsa added.

<http://www.timeslive.co.za/politics/2016/09/04/Numsa-announces-termination-of-relationship-with-Castro-Ngobese>

South African workers

Union leaders' court power bid backfires

Amy Musgrave, Sunday Independent, 4 September 2016

Johannesburg - An attempted power grab by a faction of paper and chemicals union Ceppwawu failed in the high court in Pretoria this week, leaving the beleaguered union in an even deeper constitutional and financial hole.

Instead, Ceppwawu general secretary Simon Mofokeng and president Thamsanqa Mhlongo will have to rely on messy and protracted disciplinary hearings in the coming weeks to rid themselves of their rivals. The two have suspended 11 senior members and fired one more.

The Chemical, Energy, Paper, Printing, Wood and Allied Workers Union's Mofokeng and Mhlongo approached the high court to set aside an interim order interdicting them from holding national executive committee (NEC) meetings and implementing decisions from those meetings.

They argued that there had been material changes in the circumstances that occurred subsequent to the granting of the order in April.

However, in a hard-hitting rebuke of Mofokeng and Mhlongo, Judge AC Basson said in her judgment she was not persuaded by the arguments put forward by the Ceppwawu bosses and raised concerns that the opposing faction would be prejudiced if she set aside the order.

Ceppwawu, a Cosatu affiliate, has been rent down the middle for years, in a fight fuelled by Mofokeng and his allies' attempts to grab direct control of the union's R6-billion investment fund.

Although the Mofokeng faction has openly flouted the constitutions of both Ceppwawu and Cosatu, as well as basic Labour Relations Act requirements, the faction survives because of the backing it has from Cosatu bosses and Labour Minister Mildred Oliphant.

According to court papers, in January Mofokeng and Mhlongo attempted to seize power following an NEC meeting by fraudulently creating a number of fictitious resolutions. These resolutions purportedly approved the draft audit statements of the union for 2010-13, which the Labour Department had been demanding and which are required under the Act. They also suspended some members from attending NEC meetings, instituted disciplinary action against them, and allowed Mofokeng to “take over complete control of unspecified regions of the union”.

The suspended members then approached the court to stop the resolutions from being implemented and stop NEC meetings from taking place, arguing that if they were not allowed to attend the meetings the members they represented in the union would be prejudiced. The court agreed.

In the latest court bid, Mofokeng’s group attempted to overturn that judgment. They argued that because the NEC gatherings have been halted - the committee is meant to meet three times a year and so far this year there have been no legal meetings - the union’s day-to-day running was being impaired.

They also claimed because these meetings were not being held, they were unable to access their Nedbank internet banking facilities, and that the union was unable to provide the Labour Department with audited financial statements as directed by the Labour Court in yet another verdict against the Mofokeng faction. Incredibly, they also argued that they were not able to call a national congress, although this was meant to have happened in 2014 already.

But the respondents in the case, who include the union’s former general secretary Samuel Seatholo and former treasurer Thulasizwe Sibande, told the court that the reasons forwarded were bogus, and Judge Basson agreed.

She said the union could operate its bank account albeit by giving instructions to Nedbank, and that it had been aware since April that internet banking would be an issue. The respondents said it was not necessary for an NEC meeting to sit to nominate new internet banking administrators, and while two of the employees authorised to make electronic transfers had been suspended, they remained willing to render their services. Mofokeng told the court he no longer trusted these employees.

The judge also said that she did not believe the NEC had to urgently sit to agree to a national congress because “in light of the union’s history of inaction in calling a national congress there is no pressing need for an NEC meeting”.

She also concluded that the prima facie evidence of widespread fraud remained extant.

“In conclusion, the fact that all the respondents (except for one) have since the order of Modiba J either been dismissed or expelled, has in my view only served to aggravate the potential prejudice to the respondents and especially those who represent certain regions,” Basson said.

“Unions are by their very nature democratic institutions and should therefore be seen to act democratically and in the interest of their members and not only in the interest of a select few. Excluding the respondents from participation in the NEC meetings, especially against the background of resolutions that have been found to have

(prima facie) been taken fraudulently, is not in the broader interest of the union and its members.”

<http://www.iol.co.za/business/companies/union-leaders-court-power-bid-backfires-2064253>

NMMU protest over working conditions

Athena O'Reilly, HeraldLive, 2 September 2016

Hundreds of disgruntled NMMU staff members staged a peaceful march yesterday to highlight their dissatisfaction with their working conditions.

About 350 National Education, Health and Allied Workers' Union (Nehawu) members marched from the north campus to the south campus, where they handed over a list of demands to acting vice-chancellor Dr Sibongile Muthwa.

The march follows last year's special council sitting where NMMU declared that all outsourced services like catering, gardening, security and cleaning would be insourced.

Nehawu demanded its list of grievances be addressed within five working days.

Included in the 17-point memorandum were issues including pay increases with back pay included, overtime payment, dignified working conditions for all, fair leave structures including maternity leave, the eradication of systemic racism, and staff development.

Nehawu deputy chairman Sandile Mpepo, who led the march, said NMMU had promised workers insourcing would start at the beginning of July.

<http://www.heraldlive.co.za/news/2016/09/02/nmmu-protest-working-conditions/>

CWU begs ANC for help with Telkom strike

Mary-Jane Mphahlele & Shina Mphahlele, Independent Media, 2 September 2016

Johannesburg - Telkom employees affiliated to the Communication Workers' Union (CWU) staged yet another protest outside Luthuli House in Johannesburg on Friday while their leaders had a meeting with the African National Congress leadership in a bid to ask them to intervene in their plight.

Telkom workers have been on strike for about five weeks, demanding an 11 percent salary increase, six months maternity leave, gain-sharing, bridging the “apartheid wage gap”, and a three-year moratorium on retrenchments and outsourcing.

The CWU argued that Telkom was still implementing apartheid era wage gaps, with evident disparities between African and white males in particular.

The CWU's Mphikeleli Nkuthu said the union was begging the ANC to remove Telkom chief executive Siphosiso Maseko. He said it was clear that Telkom was not responsive to their demands but wanted the status quo to remain.

He also said if the situation did not change the union would withdraw their labour as provided for by the Labour Relations Act.

“We will only return to work when the company responds to our demand,” Nkuthu said outside Luthuli House.

ANC spokesman Zizi Kodwa was not immediately available for comment.

However, according to Telkom, the current CWU strike was as a result of substantive wage negotiations that culminated in the South African Communications Union (Sacu) and Solidarity signing a new collaborative partnership agreement. The CWU, despite having initially indicated that they would sign the agreement, were still refusing to do so. The CWU went on strike on August 1, demanding, among others, an 11 percent across-the-board increase.

In the collaborative partnership agreement signed in June this year with Sacu and Solidarity, Telkom agreed to a two year moratorium on any further retrenchments. So there were no retrenchments currently underway or planned.

On August 15, the CWU blockaded access to a number of Telkom facilities around the country, including the main campus in Centurion in Gauteng. Telkom went to court and secured an urgent and interim interdict to stop the union from blocking access to the facilities. The union was also interdicted from damaging Telkom property and intimidating employees, contractors, and customers. The interdict also required protesters to remain 50 metres from the entrance of any Telkom facility.

On Friday, Telkom went to the Labour Court to secure a contempt of court judgment against 13 CWU members, along with the union’s president, for failing to comply with the original interdict. These workers were identified to have been protesting outside various Telkom stores, while intimidating employees and shoppers in the affected malls.

These CWU members had to, on the return date in November 2016, appear in court to show cause why the court should not hold them to be in contempt for contravening the interdict secured by Telkom on August 15. The judge also awarded costs against the CWU.

On Wednesday this week, the Labour Court handed down a judgment against the CWU describing the union as “confrontational” and “obstructionist”, and noted that the CWU had withheld key facts from its founding affidavit. The judgment related to an urgent application brought to the Labour Court on August 1. The CWU sought to interdict Telkom from completing the section 189 (retrenchment) phase of the company’s restructuring of its corporate office.

The judgment found against the CWU and was clear that the union had not consulted in good faith noting “... there is not one real example in any of the consultations conducted of the CWU making a proper proposal on any of the section 189(2) consultation topics”.

Between March 8 and July 19, Telkom attempted to consult with the CWU on 15 different occasions. Telkom even sought to supplement consultations outside of the formal facilitated process to ensure that all issues were addressed.

Despite these many attempts, the judgment noted that the union maintained an “intransigent” position, insisting that all processes be halted and wages be negotiated. The court found no unfairness in the circumstances surrounding

Telkom's restructuring process and instead found that the conduct of CWU itself had undermined consultation efforts.

The judgment stated: "The overall objective of fair consultation has been achieved, despite the CWU's best efforts to scupper this. In the end, it is the conduct of CWU itself that stands in the way of it claiming procedural unfairness."

While the judge indicated a temptation to award costs, based on the conduct described in the judgment, the decision was not to award costs in an effort to maintain the relationship between Telkom and the CWU. In total, 57 employees were finally retrenched from the corporate office, Telkom said.

<http://www.iol.co.za/business/companies/cwu-begs-anc-for-help-with-telkom-strike-2064035>

Mashaba's promises and plans may clash with Johannesburg's realities

Karen Heese & Kevin Allan, Business Day, 2 September 2016

UNTIL August elections, local government was run in a largely technocratic way, focusing on ensuring service delivery and sustainability within legislated structures and systems. Political priorities and focus areas were articulated through integrated development plans and budgets, but institutional models were fairly standard.

The exception was Johannesburg which, after facing bankruptcy almost 20 years ago, was remodelled into a series of corporatised utility agencies.

With avowed free-marketeer Herman Mashaba now the city's mayor, it will be interesting to see whether this model can or will be used to design a new way for metros to operate. Mashaba articulated several objectives for his term, including functioning traffic lights; cleaner government; the provision of title deeds to city-owned houses; job creation; and outsourcing refuse removal, with Pikitup to be broken up into seven parts.

Some of these are more doable than others. Working traffic lights can be delivered with focused intervention by the Johannesburg Roads Agency, but may take longer than Mashaba hopes, given the challenges of load-shedding, cable theft, and budget limitations.

Tackling corruption is an issue of political will. Mashaba may launch several probes. The Johannesburg ombudsman can provide a starting place for finding areas of citizen concern, but investigations should not become political witch-hunts that infuse institutional instability into Johannesburg's administration.

Job creation will be a major challenge. Mashaba may find that promises made extrapolating from employment rates in the Western Cape may not be transferable to Gauteng, given its different education base and other structural constraints. He may, therefore, choose to rely on his plans to outsource employment opportunities to entrepreneurs, but this is likely to face significant opposition, especially from the South African Municipal Workers Union (Samwu). His biggest challenge will be trying to restructure Pikitup into smaller, more efficient entities. The major hurdles will be Samwu's opposition and ensuring the council's support.

It will be interesting to see how Mashaba and Samwu manage each other at the negotiating table. The city may face strike action, as the previous administration did.

Despite supporting Mashaba's election, the EFF expressed concern about his commitment to the poor. With 30 seats in Johannesburg's council, the party's support will be imperative for any structural changes, and Mashaba will need to demonstrate that his plans will benefit the poor.

Ironically, this may be easier than one may think. Mashaba's desire to transfer ownership of housing (a free market principle to provide collateral) sits comfortably with the EFF's desire for land restitution. The packaging and detail of any programme will need to find such meeting points for it to muster sufficient council support, and this will hinge on the level of engagement by EFF councillors in particular. More than anything else, a level of pragmatism will be required of Mashaba as he tries to balance what he has promised against what he can deliver. This is the somewhat depressing reality and grave responsibility faced by all who move from opposition to taking power. Pikitup, for example, could do with changes at the top to improve governance and increase efficiency. But would it be prudent to dismantle the entire company into smaller entities, each with their own very expensive capital assets and governing structures?

The new mayor should be given the benefit of the doubt. After announcing his mayoral committee, Mashaba urged: "Before I make any real commitment, give me time to understand the finances of the city." It would be unfair to give him less than 100 days to find his feet.

But there is little doubt that he will need to carefully consider the feasibility of some of his ideological commitments before trying to load Local Government 2.0.

- *Heese is Municipal IQ's economist and Allan its MD*

<http://www.bdlive.co.za/opinion/2016/09/02/mashabas-promises-and-plans-may-clash-with-johannesburgs-realities>

Linda Mti 'co-operating well' with Trollip's NMB government

Lizeka Tandwa, News24, 2 Sept 2016

Johannesburg – Controversial head of safety and security at Nelson Mandela Bay metro Linda Mti is working well in the DA-led municipality, Deputy Mayor Mongameli Bobani told News24.

This despite DA Mayor Athol Trollip's overwhelming outrage throughout his local election campaign over Mti's appointment during former mayor Danny Jordaan's tenure.

"There was something about Mti before the election. Even Trollip was saying there was evidence that he is corrupt. He is co-operating well with this government because we are treating him like any other worker," UDM member Bobani said.

He said the metro's new leadership was not planning on purging any staff.

Suspicious appointments

He said the newly-elected leadership would be scrutinising suspicious appointments in its first 100 days and "those that managed to get a job through corrupt ways – we will scrutinise them and will take action in accordance with the labour laws of the country".

Bobani was elected as the city's deputy mayor after rigorous negotiations with the DA.

He told News24 that the South African Municipal Workers' Union (Samwu) and Independent Municipal and Allied Trade Union (Imatu) had already initiated talks with the metro.

"Samwu has welcomed the new leadership. There is not even a toyi-toyi since we came to power. Not a single worker is out of office. Instead, the workers are so happy they are in this new environment. There will be no purge of any staff members.

"Samwu and Imatu, without us even asking, came to tell us that there are these grey areas which we need the new leadership to focus on. Unfortunately the ANC employees have a contract of five years and the municipal manager wrote a letter saying they must vacate the city offices."

Last week Cosatu general secretary Bheki Ntshalintshali announced that workers should prepare for serious battles in DA-led municipalities.

Workers being ignored

Ntshalintshali said the DA's anti-worker and anti-union policies "automatically" meant that the party could be expected to "unleash a war against workers and purge many of them from municipalities they won", News24 reported.

Responding to those threats, Bobani accused Ntshalintshali of ignoring workers. He said Trollip's office wrote to Cosatu asking them to visit the city and hear its plans.

"Ntshalintshali never even visited us so we can give him our plans. He is ignoring his union Samwu. He just called journalists and made a statement. Samwu is supporting us... Where does he take this thinking that we are going to purge staff?"

In June, Trollip called for Jordaan to suspend Mti until his appointment was regularised, accusing Jordaan of slipping him in to the position irregularly.

According to the DA, his appointment was supposed to have been ratified by the MEC for co-operative government and traditional affairs Fikile Xasa within 14 days of his appointment on May 9.

The DA questioned Mti's appointment to that position given his two drunk driving convictions and possibly being the subject of a National Prosecuting Authority investigation.

Mti then sent a lawyer's letter to Trollip warning him to stop making "insulting remarks" or face court action.

<http://www.news24.com/SouthAfrica/News/linda-mti-co-operating-well-with-trollips-nmb-government-20160902>

South Africa

Eastern Cape schools burn as students protest against teacher shortage

Nombulelo Damba-Hendrik, GroundUp, 2 Sept 2016

Some schools short of teachers since February, says Equal Education

Three schools were burnt in Ngqeleni and Libode this week during protests against a shortage of teachers, bringing the number of schools burnt in the Eastern Cape to four in just in one month.

On Wednesday night Chief Henry Bokleni High School in Libode, 34 km from Mthatha, was set alight. Students were protesting against corporal punishment, and against demands for R250 from parents to pay teachers employed by the School Governing Body (SGB) to solve a teacher shortage. They also want the school to participate in more sports events in the district.

SGB chairperson Mandla Jali said he had been woken up on Wednesday night and told the school was burning.

“We managed to stop the fire and we are going to stay here for a while guarding the school,” he said. Grade 12 students were able to start their matric prelims with community members guarding them, Jali said.

He said a meeting had been held at the school between parents, teachers and students in an attempt to find solutions.

The burning of Chief Henry Bokleni High School comes after six classrooms, the principal's office, an administration block, library and laboratory at Nogemane Senior Secondary School in Ngqeleni were set alight by students who were demanding a matric farewell party.

SGB member Jongimvula Hohlo said the school was planning to hold the event after the prelim exams.

A house rented by Sandi Senior Secondary School in Ntsudwana Village in Ngqeleni as well as a school hall were vandalised and set alight on Monday 29 August. Students were demanding more teachers. Five teachers, including the deputy principal, were fired in February by the SGB which held them responsible for the drop in the matric pass rate from 100% to 35% in the past few years.

Matric prelims were put on hold in both schools while parents, representatives of the Eastern Cape Department of Education, community leaders and representatives of the South African Democratic Teachers Union (SadtU) discussed the problem of teacher shortages in the Libode District.

Equal Education (EE) and SadtU have said the department should take responsibility for the crisis.

EE called on the department to investigate the shortage of teachers.

Deputy general secretary Ntuthuzo Ndzomo said EE did not condone the burning of schools. But the shortage of teachers was a crisis in the Eastern Cape, he said.

“We are very disappointed in the department for not taking this issue of a shortage of teachers very seriously. In some of these schools you find that pupils have been out of teachers since February,” he said. The department should have intervened long ago, said Ndzomo.

Other schools also faced a lack of teachers. Some of the teachers left because the department took too long to pay them, he said.

Sadtu EC spokesperson Sindisile Zamisa said the union had raised the issue with the department many times without success.

Zamisa agreed with Ndzomo about teachers not being paid. “It is a norm in this province for teachers not to be paid for more than five months, without anyone facing consequences. This is one thing we are not prepared to tolerate this time around,” he said.

Last month students in Libode near Port St Johns burned down classrooms and two storerooms and removed taps at Mhlanganisweni Technical and Commercial High School in protest at a shortage of teachers.

Students said that at a meeting last week with the Department of Education, parents and teachers, they were told to clean up the damage they had made before there would be any discussion about additional teachers. Grade 12 students were able to start their prelims but students from other grades said they did not know when they would return to school.

<http://www.groundup.org.za/article/eastern-cape-schools-burn-students-protest-against-teacher-shortage/>

‘State machinery used to discourage our cause,’ #OccupyLuthuliHouse organisers claim

TimesLive, 5 September, 2016

The organisers of Monday’s #OccupyLuthuliHouse protest said they were “baffled that barbed wires are used to create barriers between a people’s organisation that leads society and people with every intention to peacefully demonstrate and deposit their concerns”.

The movement said it was toning down its action as its “supporters and comrades...have been threatened by violence through state machinery used to discourage our cause”.

Rather than a mass protest, spokesperson Sasabona Manganye told TMG Digital that its members had been asked “not to come in their numbers” and the protest’s leadership would hand over a memorandum at the African National Congress’ (ANC) offices in Johannesburg.

South African Polices Service officers, metro cops, private security and uniformed Umkhonto weSizwe Military Veterans' Association cadres set up a watchful perimeter ahead of the #OccupyLuthuliHouse on Monday morning.

#OccupyLuthuliHouse organisers issued a statement on Monday saying that the threats it had received are “evidence of the degree of intolerance that has crippled our organisation”.

“The prevailing culture of intolerance in our ranks is rather unfortunate and sadly depicts anyone with dissenting views as an enemy or agent provocateurs,” the statement said.

“We must reiterate that these tactics and degree of paranoia is no different from those sanctioned by the apartheid regime which our glorious organisation vehemently fought against.”

They also said it was “with utter dismay that we witness...(that) at no point has the leadership condemned all violent threats by supposed ‘defenders’ of Luthuli House”.

“The ANC has evidently disregarded that this will be a peaceful protests. The security contingency measures provided by the state are abnormally extreme and affirm that are perceived as enemies.

“We unfortunately can’t predict what might transpire today but we are not naïve to the degree of violent threats which our supporters as well as organisers of #OccupyLuthuliHouse have received.

“It would be unfortunate to see people being hurt in pursuit of a legitimate cause. South Africans can’t be casualties of the current tragic state of the ANC.

“...Given the potential severity of violent threats, we want to appeal to the multitudes of people who confirmed that they will join us this morning not to come. We are aware that self-proclaimed defenders of Luthuli house have the aid of state machinery to cause disruptions. We fail to understand why there would be such antagonism to a cause legitimised by South Africans.”

<http://www.timeslive.co.za/politics/2016/09/05/%E2%80%98State-machinery-used-to-discourage-our-cause%E2%80%9A%E2%80%99-OccupyLuthuliHouse-organisers-claim>

Cops brace for violent protests at Luthuli House

Thabiso Thakali & Mogotsi Magome, Sunday independent, 4 September 2016

Johannesburg - Police have beefed up security around Luthuli House in Joburg in anticipation of a violent protest at the ANC headquarters.

The protest, planned for Monday, comes amid growing calls from within the party structures for President Zuma to step down.

On Saturday the police began deploying water canons and barbed wire for possible barricades on streets around Luthuli House.

Police spokesperson Colonel Lungelo Dlamini said he would not comment on operational plans, but police were ready for any eventuality.

“We are ready and we will be working with the Joburg metro police. We will deploy enough members to take care of the protests in any case that might arise,” he said.

Joburg metro police department spokesperson Chief Superintendent Wayne Minnaar said hundreds of the department's officers would be deployed. "We are expecting a violent protest, but we will be working with the SAPS and Gauteng traffic police to deal with the situation. I cannot confirm the number of protesters, but we engaged with the organisers and we will monitor and control the protest."

ANC spokesperson Zizi Kodwa said the party took the protest seriously because it was by ANC members who had the right to protest and voice their unhappiness. "This is not just people who are saying they are going to march. They say they want to occupy and that is a serious threat. So we view it as a security threat as well to say you are coming to occupy Luthuli House, because you cannot stop Luthuli House from functioning."

The party's Youth League said any attempts to "occupy" Luthuli House would be met with fierce resistance.

The group that has promised to occupy Luthuli House said it wanted the immediate resignation of Zuma as ANC president and as president of the state, the immediate resignation of all NEC members who had failed to provide leadership "in this current trajectory and continued to serve factions rather than the ANC, rather than holding the president accountable".

"We call upon stalwarts of the ANC to take us to a special consultative conference - and the immediate implementation of 53rd National Conference resolutions which will revive the ANC."

<http://www.iol.co.za/news/politics/cops-brace-for-violent-protests-at-luthuli-house-2064241>

SACP calls for further action on Zwane statements

ANA Reporter, Independent Media, 3 September 2016

Johannesburg – President Jacob Zuma needs to consider further action following Mineral Resources Minister Mosebenzi Zwane's statements and the presidency's subsequent "distancing the Cabinet from those utterances", the South African Communist Party said on Saturday.

The SACP noted the statement by the presidency on Friday clarifying that the utterances made by Zwane on Thursday represented his personal views and not those of the Cabinet, the SACP said in a statement.

"The minister said a Cabinet inter-ministerial committee in which he is involved recommended to the president to establish a judicial commission of inquiry into the decisions taken by various financial institutions to cut business ties with the Gupta-owned Oakbay Investments.

"This directly contradicted a public outcry and call to the president, including by the SACP, to establish a judicial commission of inquiry into corporate state capture not limited to but including allegations levelled against the Guptas."

“Minister Zwane’s utterances effectively fed into the use of our Cabinet to advance the private business interests of the Guptas while ignoring public outcry and call for a judicial commission into corporate state capture.

“It also shows how an individual Cabinet minister can use his position to serve private business interests, break policy coherence, and cause the confusions such as the presidency had to clarify regarding Zwane’s utterances.? Such wrongful things must come to an end. The president needs to consider further action to achieve the objective,” the SACP said.

<http://www.iol.co.za/news/politics/sacp-calls-for-further-action-on-zwane-statements-2064164>

Hawks squeeze Nene to help nail Gordhan

Mzilikazi wa Afrika, Sabelo Skiti & Stephan Hofstatter, Sunday Times, 4 Sept 2016

The Hawks are going all-out to build their case against Finance Minister Pravin Gordhan, even approaching his predecessor, Nhlanhla Nene, in a bid to make him a state witness.

The Sunday Times can reveal that Hawks investigators met Nene and his lawyer in Johannesburg on Thursday afternoon in a bid to bolster three criminal charges against Gordhan.

But while senior officials at the Hawks claimed that the meeting resulted in Nene agreeing to testify against his successor, a source close to the former minister dismissed this, saying the anticorruption unit was "on a fishing expedition".

“There was nothing official. They - Nene and his attorney - said the Hawks should send them something in writing and they would respond. The Hawks have not yet written to them. We don't know what the purpose is," said a person close to Nene.

Approached for comment on Friday, Nene said he was "not at liberty to discuss the meeting" with the Hawks.

"I can neither deny nor confirm that it happened," said Nene before declining to answer further questions.

The latest move by the Hawks comes as they continue to face criticism for their handling of a case that Gordhan sympathisers, inside and outside government, see as a political witch-hunt against the minister.

The probe is also viewed as a proxy war in the titanic battle between Gordhan and President Jacob Zuma over control of the National Treasury. Zuma's office has denied that he is at war with his finance minister.

The Hawks plan to arrest Gordhan as soon as National Prosecuting Authority head Shaun Abrahams has satisfied himself that the docket they submitted to him last week contains sufficient evidence to sustain the charges.

The investigation is headed by Brigadier Nyameka Xaba of the Crimes Against the State division of the Hawks and has targeted Gordhan and other former South

African Revenue Service officials accused of running a "rogue unit" that allegedly spied illegally on taxpayers.

"Nene is expected to testify about his knowledge of the SARS rogue unit during his tenure as finance minister, what did he do when the allegations about it were made public and whether he ever asked for an explanation about the role and the nature of the unit from Pravin," said a Hawks official with direct knowledge of the meeting.

But Treasury insiders said it was unlikely that Nene would turn against Gordhan, given that the two have enjoyed warm relations since Nene served as Gordhan's deputy during the latter's first stint as finance minister between 2009 and 2014.

Nene replaced Gordhan as finance minister following the 2014 elections but was fired by Zuma 18 months later following disagreements on a number of issues, including a proposed government nuclear deal and SAA.

The Sunday Times has also confirmed that the Hawks tried to get former SARS commissioner Oupa Magashula onto their witness list last week, but failed to reach an agreement with him.

"Oupa told them he wasn't willing to testify for an institution that humiliated him and ruined his reputation," another source said.

Magashula confirmed he had been approached to submit a warning statement but declined to comment on whether he had been pressured to testify against Gordhan.

Magashula was forced to resign from his R4.1-million-a-year job at SARS and make a public apology in July 2013 after he allegedly offered a chartered accountant a job inappropriately, in a recorded telephone conversation facilitated by convicted Durban drug dealer and businessman Timothy Marimuthu.

The NPA has not taken a decision to prosecute any person(s) in respect of the so-called SARS rogue unit investigation

"The Hawks thought Oupa would use the opportunity to settle a score against Pravin, who fired him from SARS," the source said.

Gordhan appointed retired Constitutional Court Justice Zak Yacoob and Advocate Muzi Sikhakhane to investigate Magashula after the recording surfaced.

Magashula decided to resign even though the inquiry found that he did not commit any crime but that his conduct had placed SARS's reputation and credibility at risk.

The Hawks plan to charge Gordhan with corruption and the violation of the Public Finance Management Act for approving early retirement for former SARS deputy commissioner Ivan Pillay on August 1 2010 and allowing the revenue service to pay an early retirement penalty of R1.2-million.

Pillay was reappointed to the position and offered a three-year contract on the same day his early retirement was approved.

Magashula had previously claimed that Gordhan had forced him to offer Pillay the three-year contract.

The finance minister could also be charged with violating the National Strategic Intelligence Act after he allowed the formation of the spy unit in 2007. SARS had asked for the formation of the unit, which was to be incorporated into the National Intelligence Agency, but went ahead on its own after the green light to establish it was given.

The unit focused on high-risk tax, smuggling and customs investigations.

The unit was later accused of illegal intelligence gathering, spying on prominent taxpayers and politicians, and bugging state offices.

"Hawks investigators have found and listened to some of the recordings gathered during the illegal bugging of the NPA offices by some members of the unit in what was called Project Sunday Evenings. More people are still going to be arrested for their role in the project," the Hawks official said.

Hawks spokesman Brigadier Hangwani Mulaudzi yesterday said he could not comment on the matter as he was on leave.

PA spokesman Luvuyo Mfaku said yesterday: "The NPA has not taken a decision to prosecute any person(s) in respect of the so-called SARS rogue unit investigation.

"It follows therefore that the issue of witnesses or witness list does not even remotely arise. It would be highly irresponsible for us to comment on investigative issues."

<http://www.timeslive.co.za/sundaytimes/stnews/2016/09/04/Hawks-squeeze-Nene-to-help-nail-Gordhan>

International

Head of GMC pleads with doctors' union to call off strike, warning hospitals can't provide 'safe service'

Kate McCann, The Telegraph [UK], 5 September 2016

The head of the General Medical Council has pleaded with the doctors' union to delay a mass walkout this month, warning that hospitals do not have enough time to provide a "safe service" for patients.

In a letter seen by The Telegraph, chief executive Niall Dickson warned that there is "real anxiety" over the planned strike in just seven days time because the NHS has not had time to make alternative arrangements.

He called on Mark Porter, the chair of the British Medical Association, to push the strike back because it has been arranged at "short notice" making contingency planning "very challenging".

The unprecedented letter, penned by the head of the organisation which has the power to fire doctors for putting lives in danger, called on the union to delay the strike and give hospitals more time to prepare.

Labour's shadow health secretary is expected to deliver a statement in Parliament today in support of the strike, after she said she would join the junior doctor's picket line to show solidarity.

Diane Abbott told Sky News that she hopes the strikes will be called off but added that she would join the walk out to show her support.

It came as the GMC issued a statement reminding doctors that they have a duty to put patient safety before strike action and warning that lives will be put at risk if they do not turn up for work.

The document also sets out fresh guidance for doctors considering a walk out, warning they must not do so unless they are confident that another medical professional can cover their hours.

Mr Dickson also states in the note that the Government gives doctors the right to take industrial action "unlike some other professions", in what will be seen as a warning that this right may be under threat.

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The warning from the GMC, one of the most strongly worded of the dispute so far, states: "We are extremely concerned about the impact which this prolonged campaign of industrial action will have on patients' care and on the public's trust in doctors."

Professor Terence Stephenson, Chair of the GMC added: "The health service is under huge pressure. "We know that doctors will again want to do their utmost to reduce the risk of harm and suffering to patients. However ...it is hard to see how this can be avoided this time around.

"We therefore do not believe that the scale of action planned at such short notice can be justified and we are now calling on every doctor in training to pause and consider the implications for patients."

The updated advice states that doctors must "pause and consider the possible implications for patients" of refusing to work, and notes the escalation of the dispute between doctors and the Government.

It adds: "Given the scale and repeated nature of what is proposed, we believe that, despite everyone's best efforts, patients will suffer. "In light of this, the right option may be not to take action that results in the withdrawal of services for patients."

The advice also calls on employers to flag concerns about staffing levels with doctors as soon as possible, in a bid to make them think twice about refusing to work.

Mr Hunt has repeatedly called for more talks between officials and the doctor's union after the BMA voted for more strike action.

However it emerged last week that the vote was split on whether the strikes are appropriate amid concern that the public may not support mass walk-outs as the weather gets colder and the NHS comes under increasing pressure.

A BMA spokesman said: "Patient safety remains doctors' priority and since the announcement last week of further action, the BMA has been liaising with NHS leaders so that plans can be put in place swiftly to minimise disruption for patients.

"This action is still avoidable. The BMA has said it will call off next week's action if the Government puts a halt to plans to force junior doctors to work under a contract they have rejected because they don't believe it is good for the future of patient care or the profession."

The Labour leader is expected to back a statement in support of junior doctors later today in the House of Commons.

It follows his speech at an event to commemorate the longest strike in history yesterday, which lasted for 25 years.

<http://www.telegraph.co.uk/news/2016/09/04/head-of-gmc-pleads-with-doctors-union-to-call-off-strike-warning/>

Comment and opinion

Gupta Mania: How inexplicable devotion turns ANC leaders into kamikaze pilots

Ranjeni Munusamy, Daily Maverick, 5 Sep 2016

There is one question that should keep every South African up at night: Why did President Jacob Zuma fire Nhlanhla Nene? Nine months later, there is still no reasonable explanation as to why the president, who swore to "devote myself to the well-being of the republic and all of its people", indulged in such reckless behaviour, costing the country billions. There is now a lobby of people in the ANC willing to lie, as Mosebenzi Zwane did, and sacrifice their reputations, their organisation, our constitutional democracy and South Africa's future. They all have one thing in common: unwavering loyalty to the Guptas.

One of the recommendations in Mineral Resources Minister Mosebenzi Zwane's now infamous media statement on South Africa's banks said that his envisaged judicial enquiry should look into the relevant reporting structures set out in the Financial Intelligence Centre Act and the Prevention of Combating of Corrupt Activities Act. One of the reasons for this, Daily Maverick understands, is to open the way for the

Financial Intelligence Centre (FIC) to be moved from reporting to the Minister of Finance to fall under the ambit of the Department of State Security.

Zwane's statement issued on Friday claimed that the recommendations of an inter-ministerial committee on the shutdown of the Guptas' bank accounts were adopted by Cabinet. The main recommendation was that President Jacob Zuma should appoint a judicial inquiry into the closure of the Guptas' accounts. The Presidency has since repudiated the statement, saying it was issued in Zwane's "personal capacity".

"He does not speak on behalf of Cabinet and the contents of his statement do not reflect the position or views of Cabinet, the Presidency or government. The unfortunate contents of the statement and the inconvenience and confusion caused by the issuing thereof are deeply regretted," the Presidency said.

So whose position was it reflecting then?

Unlike others in Cabinet, state-owned companies and in ANC structures who are loyal servants of the Guptas, Zwane has not even attempted to camouflage whose bidding he is doing. As with his trip to Switzerland to facilitate a deal with Glencore on behalf of the Guptas, Zwane has not bothered to deny now that he is the Guptas' faithful emissary. In his clumsy attempt to blackmail the banks to reopen their accounts, Zwane did not mind lying that Cabinet had approved his recommendations, which included an investigation of the powers of the South African Reserve Bank.

With regards to the FIC, Zwane's statement was not clear on what exactly the judicial enquiry should investigate. But sources in government say that he has been campaigning for legislation to be changed for the FIC to report to State Security.

The FIC operates as an independent entity and its role is to combat money laundering and identify the proceeds of unlawful activities. It is not an "intelligence" outfit, as envisaged in the National Strategic Intelligence Act, but was established in 2003 in terms of the Financial Intelligence Centre Act to develop financial intelligence in accordance with international standards and requirements. The FIC shares information with law enforcement authorities, supervisory bodies, intelligence services, the South African Revenue Service (SARS) and other local and international agencies.

The proposal to move the FIC to report to the Minister of State Security would make South Africa noncompliant with international standards and OECD obligations.

Does Zwane and whomever he is collaborating with care? Of course not.

They see the FIC as a threat to their interests, particularly because it reports to Minister of Finance Pravin Gordhan. If the FIC is moved to State Security, even though this would be illogical in terms of role and of international standards, its ability to detect money laundering and the proceeds of crime could be controlled. It would then become another incompetent institution that might perhaps be used as a weapon against political foes.

State capture is not only about the directing of contracts into the hands of politically connected people. It is about the use of all facets of the state, like the Hawks,

Department of State Security, the National Prosecuting Authority and SARS, as the instruments of a political faction.

The big prize remains the National Treasury, which is out of bounds for as long as Gordhan and the current team of officials keep their jobs. The concerted campaign to lay criminal charges against Gordhan would not only dislodge him but would probably lead to a spate of resignations of senior officials from the Treasury. That would clear the way nicely for a contingent of flunkies to be installed in their places.

City Press reported that there was also a plan to strip the Treasury of some of its powers, including oversight on procurement systems. The paper said it is being mooted that the chief procurement officer, Kenneth Brown, no longer report to Treasury but to the Presidency instead.

All this would be easier to achieve once Gordhan is out of the way. The mission to charge him and have him fired is proving difficult, mostly because no crime was committed. The Sunday Times reported that the Hawks met former finance minister Nhlanhla Nene and his lawyer last week in yet another desperate attempt to secure state witnesses against Gordhan. Former SARS commissioner Oupa Magashula had also previously been questioned to secure his co-operation.

In the meantime, efforts are still being made to discredit Gordhan politically. On Sunday the ANC Women's League (ANCWL) appeared to blame Gordhan for the public furore around the Hawks' pursuit of him.

"We feel that it is very wrong of any member of the ANC to raise issues the manner in which they are raising their issues. If you are a member of the ANC and being called to account, you must just go and account, like the issue of the finance minister," ANCWL secretary-general Meokga Matuba said following a national executive committee meeting. "We are very much worried about the sudden interest of everybody, your NGOs, civil society, protecting the minister of finance. That minister is being deployed by the ANC, and he must account to relevant structures."

Even more bizarre was a media briefing by Umkhonto we Sizwe Military Veterans Association (MKMVA) last week, when they attacked their "comrade", Gordhan, and pledged to support the Hawks, led by an apartheid-era policeman, Mthandazo Ntlemeza.

Des van Rooyen, who served in Gordhan's position for four days, condemned his Cabinet colleague for following legal advice not to present himself to the Hawks. MKMVA chairperson Kebby Maphatsoe pledged support for the Hawks, saying there was a "well orchestrated and deliberate attack" on the police unit.

"The Hawks is but one of those institutions created by an act of Parliament to enforce the law. Why then is the Hawks not being given the same affection, protection and support in the latest investigation?" Maphatsoe asked.

If that was strange, his love for and loyalty to the Guptas is even more bizarre. In an interview on Wednesday with Stephen Grootes on 702's Midday Report, Maphatsoe said the Guptas were "friends of MKMVA" and their relationship would not change.

“If they are attacked unfairly we will defend them,” he said. “What we are seeing is xenophobia, racism... it’s hatred against the family which is doing business in South Africa,” Maphatsoe vented rather emotionally.

Last weekend, ANC deputy general secretary Jessie Duarte also felt the need to show the Guptas some love while turning the knife in her comrade’s back. While accusing Gordhan of “grandstanding” and being part of “an international campaign against South Africa”, Duarte defended the Guptas and bemoaned them being “run out” of the country. Speaking to the Gupta-owned ANN7 television, she said it was other companies, not the Guptas, who had undue influence in South Africa. It appears that Duarte was on her own frolic in the interview, as ANC Secretary-General Gwede Mantashe would not confirm that she was representing the views of the party.

But like Maphatsoe and Zwane, Duarte will probably still go to the wall for the Guptas. She wouldn’t be alone. An assortment of ANC leaders in Cabinet, the ANC Youth League and in the provinces have the kind of loyalty for the Guptas that surpasses the closest of friendships. Up to now, it was comradeship developed during the liberation struggle that bound people closer together than family members. But under the current leadership, ANC members see each other as enemies and threats to their respective camp’s survival.

People are willing to sacrifice those they fought alongside in the liberation struggle, the rule of law, the well-being of millions of South Africans and the tenets of our democracy, all for this family. We can only assume that this loyalty is bought. But how much does it cost to sell your soul?

The firing of Nene showed just how far this loyalty goes, the dangers to our nation and the contempt for South Africans and the losses we suffered. Although the Guptas have announced the sale of their shareholding in South African businesses, there is no indication yet that their grip on ANC leaders will be released any time soon.

Until they stop paying the piper, they will keep calling the tune.

Therefore, we need to live in constant fear of the next moves to satisfy the Guptas’ agenda. And find out what the asking price is for a comrade and a country?

<http://www.dailymaverick.co.za/article/2016-09-05-gupta-mania-how-inexplicable-devotion-turns-anc-leaders-into-kamikaze-pilots/#.V80fC03IrlU>
