



# **Numsa Media Monitor**

**Friday 29 July 2016**

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

## **South African workers**

### **Fears over dry fuel pumps as strike continues**

*Xolisa Phillip, Business Day, 29 July 2016*

THE union representing thousands of striking workers in the petrochemical sector is yet to meet an employer association after wage talks deadlocked last week, as fears heighten that pumps could run dry should the action continue.

More than 20,000 workers active in the sector including truck drivers and refinery operators, have embarked on the protected strike, which enters the second day on Friday.

National Petroleum Employers Association deputy chairman Zimisele Majamane confirmed on Thursday the association had not met the Chemical, Energy, Paper, Printing, Wood and Allied Workers Union (Ceppwawu) since July 18, when the parties sat down for a round of talks facilitated by the Commission for Conciliation, Mediation and Arbitration (CCMA) to resolve the dispute.

The association represents the country's major oil companies including Chevron, BP and Sasol.

When the talks failed, the CCMA granted the union a certificate of nonresolution.

At the heart of the impasse are the duration of a wage agreement, should one be struck, and the percentage of the wage increase.

The employer body wants to ink a two-year agreement and is offering a 7% wage hike in the first year, as well as April inflation plus 1.5% in the second year.

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Ceppwawu wants a one-year agreement and a 9% wage increase, as well as a shift allowance.

Majamane said: "The talks between the parties started in May and we had several engagement sessions, as stipulated by council rules. We last met on July 18 and have not spoken since.

"The main sticking points are the duration of the agreement and the percentage increase of wages. Employers cannot have a situation wherein they are negotiating wages every year.

"You want to avoid situations like this one, where we experience strike action every June and July. A two-year agreement would ensure stability in the sector," he said.

Clement Chitja, Ceppwawu's head of collective bargaining, said on Thursday the union expected to hear from the employer association on Friday.

"There is no change in the situation, the strike is still on. We have not heard from the employers, but are expecting them to contact us on Friday," he said.

"On the production side (which encompasses refineries and depots), we have 100% strike attendance. However, there are some workers on the administration side who are still reporting for duty," said Chitja.

Sapref, the biggest refinery in SA, was operating on Thursday.

<http://www.bdlive.co.za/national/labour/2016/07/29/fears-over-dry-fuel-pumps-as-strike-continues>

## **Cosatu backs petroleum sector strike**

*eNCA, 27 July 2016*

JOHANNESBURG – The Congress of South African Trade Unions (Cosatu) on Wednesday said it fully supported its affiliate – the Chemical, Energy, Paper, Printing, Wood and Allied Workers Union (CEPPWAWU) – in its bid to demand a living wage.

More than 15,000 employees in the petroleum sector are expected to go on strike on Thursday over wage negotiations against the employers in the chemical industry, the National Petroleum Employers Association (NPEA).

CEPPWAWU is demanding a 9-percent wage increase over one year, but the employers are only offering a 6.5 percent multi-year agreement.

The union has already served a 48-hours industrial strike notice with effect from Thursday, making it clear that they were ready to lead workers into the streets and bring refineries and fuel depots across the country to a halt.

Cosatu spokesperson Sizwe Pamla said it was unacceptable that the employers refused to accede to the workers reasonable demands.

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Pamla said that workers were having a tough time to cope considering that high consumer price inflation meant that working class families were battling to afford food, transport, goods and services.

He said the price of bread had gone up 10.6 percent and transport by 8.7 percent, and the current employers offer of a 6.5 percent on wage increment was "wholly inadequate".

"Cosatu is calling on the employers to accede to the workers demands of a nine-percent wage increase, minimum wage of R8,000 and a one-year agreement," Pamla said in a statement.

"To avoid strikes and improve labour relations, employers need to address the extreme levels of inequality and poverty wages they pay workers."

Pamla said a meaningful living wage was also good for the economy because it would make a significant contribution to stimulating equitable economic growth and development.

"We are calling on all our affiliates to support CEPPWAWU in their struggles," Pamla said.

"The 12th National Congress of the federation made it very clear that all our affiliates are expected to practice the principle of solidarity and ensure that they support each other's struggles."

<https://www.enca.com/money/cosatu-backs-petroleum-sector-strike>

### **Cosatu to fight NWest farm evictions**

*Molaole Montsho, Independent Media, 27 July 2016*

Rustenburg - The Congress of SA Trade Unions (Cosatu) deputy general secretary Solly Phetoe will be in the North West to fight farm evictions and help the NUM to recruit, the federation said on Wednesday.

Spokesperson Sizwe Pamla said Phetoe would be visiting the farm workers and farm dwellers at Rooistad in Klerksdorp on Thursday, to fight their illegal eviction by the new farm owner.

"This workplace visit will be done jointly with the department of rural development and land reform in the province [North West]," he said.

"These poor farm workers, who have spent their whole lives on that farm, are being evicted with no regard to due legal processes by the new owner. The federation is intensifying its campaign of defending vulnerable workers, and will be mobilising all progressives in the area to defend the workers against these unfair evictions, from a farm where they have lived for 70 years."

He said this was part of the federation's ongoing back to basic campaign, where the leadership was conducting workplace visits to deal with all challenges facing vulnerable workers across all the sectors of the economy.

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Phetoe would also join the National Union of Mineworkers (NUM) during the union's door to door and recruitment campaigns in the area of Marikana in Rustenburg on the same day.

Phetoe was regarded as the champion of farm workers and other vulnerable workers before he was elected the deputy secretary of Cosatu in November last year. He was for fighting for the right of all vulnerable.

Pamla said Cosatu was deeply troubled by the farming sector's total disregard for the country's labour laws.

"We have seen a troubling continuation of the illegal evictions of farm workers and farm dwellers, who are not even given insufficient time notification or alternative housing.

"Most of these workers are not even allowed to visit the graves of family members and friends on other farms after being evicted. Their graves are sometimes desecrated or destroyed and their live stock confiscated by farmers during these evictions," he said.

"We cannot allow generations of farm workers, who were born on the farms, where they work, to be treated and evicted in the same way they were evicted by the evil apartheid regime."

<http://www.iol.co.za/business/news/cosatu-to-fight-nwest-farm-evictions-2050384>

## **Economy continued to shed jobs, latest report shows as SA heads to the polls**

*Ntsakisi Maswanganyi, Business Day, 28 July 2016*

Unemployment in SA remained high in the second quarter of 2016 — falling just 0.1 of a percentage point to 26.6%, Statistics SA's Quarterly Labour Force Survey showed on Thursday.

That meant 5.6-million people were unemployed.

The economy shed 129,000 jobs in the second quarter, mainly due to losses in the services (127,000), agriculture (44,000), transport (39,000) and mining (24,000) sectors, and more people gave up looking for work.

Statistician-general Pali Lehohla said the latest jobs data pointed to the difficult economic situation facing SA.

"The question that has to be asked is, are the strategies adequate to deal with this matter (unemployment) ... and what is to be done?" Lehohla said.

The expanded unemployment rate, which takes into account people who have given up actively looking for work, increased by 0.1 of a percentage point to 36.4% in the second quarter.

Lehohla said policy makers should focus on which sectors were creating jobs to gauge where investments should be made.

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Jobs increased in manufacturing, private households (which includes domestic work) and construction increased, the survey showed.

Although the formal sector lost jobs for two consecutive quarters, to 10.9-million, employment in the sector was still 0.8% higher compared with the second quarter of 2015.

The informal sector contracted by 58,000 jobs.

<http://www.bdlive.co.za/economy/2016/07/28/economy-continued-to-shed-jobs-latest-report-shows-as-sa-heads-to-the-polls>

## **Huge loss of jobs sets off alarm bells**

*Ntsakisi Maswanganyi, Business Day, 29 July 2016*

SA has lost almost 500,000 jobs in the first six months of 2016, raising the alarm about the blood bath that could follow should the country slide into recession.

The outlook for job creation is bleak for the millions of unemployed, with economic growth forecast at close to zero.

"The employment picture is not looking great. We do not see any significant employment growth this year," FNB economist Mamello Matikinca said.

The economy shed 355,000 jobs in the first quarter. About 129,000 more were lost in the second quarter, leaving the official unemployment rate little changed at 26.6% in the second quarter, Statistics SA's quarterly labour force survey showed on Thursday.

This meant 5.6-million people were jobless.

The near-500,000 jobs shed in the economy in the first half of 2016 highlights the intense pressure the economy is under, particularly given crimped profitability in most sectors, BNP Paribas Securities economist Jeff Schultz said.

"This is unlikely to sit well with the government and policy makers, particularly on the doorstep of next week's local government elections," Schultz said.

The expanded unemployment rate, which also takes into account people that have given up actively looking for work, rose slightly to 36.4%. Youth unemployment remained high at 37.5%. About 3.2-million youth aged between 15 and 24 are neither employed nor in education or training.

The latest unemployment numbers reflected the difficult economic situation facing SA, statistician-general Pali Lehohla said.

The jobs numbers suggested that programmes aimed at reducing unemployment were ineffective, partly due to global factors but also to local ones. Local factors that policy makers and analysts have highlighted before as contributing to high unemployment include low levels of education and skills, and stringent labour legislation.

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The reported drop in the labour participation and absorption rates was a "telling sign" of the high number of discouraged work seekers and companies that were not able to create jobs, Matikinca said. The acceptable average labour absorption rate among most emerging markets was 60% and SA's was nowhere near that at 42.5%, she said.

The gloomy jobs data called for "bold economic leadership", according to National African Federated Chamber of Commerce and Industry chief economist Landiwe Mahlangu.

"The government needs to ensure that small businesses access finance because they create the jobs. There must also be a clear intention to train students and an opening of the market to private companies," Mahlangu said.

Jobs were lost in the services, agriculture, transport and mining sectors. The loss of jobs in services was partly attributed to the ending of the contracts of people hired by the Electoral Commission of SA to help with registrations for the local government elections.

<http://www.bdlive.co.za/economy/2016/07/29/huge-loss-of-jobs-sets-off-alarm-bells>

### **GDP growth does not mean a better life for all: Gordhan**

*Penwell Dlamini, The Times, 29 July, 2016*

Finance Minister Pravin Gordhan has called for South Africa to pursue inclusive growth as the measure of economic growth continues to leave the poor behind.

Speaking at a business breakfast hosted by Radio 702 and technology firm EOH, Gordhan said the world was waking up to the reality that economic growth as measure in GDP did not benefit all people.

"Globalisation has produced many beneficial things in terms of technology, financial world and so on but it has not lifted everybody to a better space socio-economically," Gordhan said.

"It has, [instead] left too many people behind. Even the growth numbers called GDP don't necessarily mean that everybody in society is benefiting if you grow at 5%.

"One of the big issues in the world now is that, yes, economies grow and somebody seems to benefit, but it appears that the bottom parts of society get marginalised."

He urged businesses to continue working in partnership with government in order to bring more poor people into employment and reduce inequality.

The business breakfast held in Sandton brought together CEOs across various sectors in the economy to discuss and pledge their contribution to create jobs in the Youth Job Creation Challenge.

Gordhan commended the work being done by private sector to turn the tide against youth unemployment.

He told the CEOs that government currently had 104 job creation projects sponsored by NGOs, the state and business.

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Government has allocated R5.4-billion, which attracted R6.3-billion from the other partners.

Already, these partnerships have created 121 000 permanent jobs, while 167 000 people benefited from work-readiness programmes and internships. A total of 19 000 short-term jobs were also created and 64% of all the jobs created went to young people.

“The aim is to create sustainable jobs,” Gordhan said.

<http://www.timeslive.co.za/local/2016/07/29/GDP-growth-does-not-mean-a-better-life-for-all-Gordhan>

## **South Africa**

### **Land rights act is entirely invalid, Constitutional Court judges declare**

*Olivia Kumwenda-Mtambo, Business Day, 28 July 2016*

THE Constitutional Court on Thursday declared invalid a law that reopened a process for blacks to make claims on land taken from them during the apartheid era, citing lack of consultation before the law was passed.

The Restitution of Land Rights Bill was among the first laws passed by the country’s first democratic government in November 1994. Many people failed to claim their land in an initial period from 1995 to 1998, however, and President Jacob Zuma gave them fresh rights to make claims when he signed the Restitution of Land Rights Amendment Act on June 30 2014.

The top court said Parliament had failed to allow for proper consultation before passing the law to reopen the window to make land claims. The court pointed out that provinces gave out notices just days before hearings, which were held only in certain municipalities and excluded many of those affected. Those who did get to attend were not given an opportunity to share their views.

Parliament now has 24 months to re-enact the law and no land claims lodged since July 2014 may be processed until this is done, or claims submitted before 1998 are finalised, the court ruled.

Parliament also approved a bill in May that would enable the state to pay for land at a value determined by a government adjudicator and then expropriate it in the “public interest”, ending the willing-buyer, willing-seller approach to land reform.

Most of South Africa’s land remains in white hands and many commercial and small-scale farmers are currently facing tough times because of the worst drought in at least a century. Around 8-million hectares (20-million acres) of land have been transferred to black owners since apartheid, equal to 8% to 10% of the land in white hands in 1994. The total is only a third of the ruling ANC’s long-standing target of 30%.

Responding to the ruling on Thursday, the Legal Resources Centre (LRC) and law firm Webber Wentzel said urgent action was needed to finalise the thousands of outstanding restitution claims lodged before 1998 and that the judgment “vindicates the right to public participation in the legislative process”.

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The LRC and Webber Wentzel had petitioned the court on behalf of the Land Access Movement of South Africa, the Association for Rural Advancement, the Nkuzi Development Association, Moddervlei Communal Property Association, the Makuleke Communal Property Association, and the Popela Communal Property Association.

“Our clients will now be able to meaningfully participate in the public participation processes leading up to the enactment of an amendment act,” they said.

They had challenged the amendment act on the basis that Parliament and the provincial legislatures had failed to comply with their constitutional obligation to facilitate public involvement before passing it.

“The National Council of Provinces (NCOP) and the provincial legislatures failed to afford people affected by the amendment bill a meaningful opportunity to comment on it. The NCOP created artificial urgency by insisting the bill should be passed before the 2014 elections. This meant that the provincial legislatures had insufficient time to enable public participation and to adequately consider the bill,” the LRC and Webber Wentzel said.

“The hearings themselves were inadequate because they were not properly advertised, there was insufficient time to prepare submissions, translated versions of the bill were not available, the bill was not properly explained, and people’s comments were not accurately recorded.

“Moreover, members of the NCOP failed to attend the public hearings in their provinces, and the reports of public hearings prepared by the provincial legislatures were not distributed to the other members of the NCOP Committee.

“Finally, the NCOP failed to properly consider amendments proposed by several provincial legislatures as a result of the public hearings.

“The NCOP, National Assembly and eight provincial legislatures opposed the challenge, contending that the public participation process passed constitutional muster.

“This judgment sends a clear message to Parliament to facilitate meaningful and reasonable public participation processes in its legislative process,” the LRC and Webber Wentzel said.

“As the judgment notes: ‘It is beneath the dignity of those entitled to be allowed to participate in the legislative process to be denied this constitutional right.’”

<http://www.bdlive.co.za/national/law/2016/07/28/land-rights-act-is-entirely-invalid-constitutional-court-judges-declare>

## **LGE2016: Battleground Gauteng and the coming ANC fallout**

*Ranjeni Munusamy, Daily Maverick, 29 July 2016*

Whatever the outcome of the local government elections, the ANC in Gauteng is bracing for a backlash. The factional war in Tshwane that caused an outbreak of violence last month has been buried for now but will be confronted after the elections. Should the ANC perform badly in Gauteng, the guns will be out for the

provincial leadership. If one or more municipalities fall to the opposition now, the ANC might lose the entire province in the 2019 national elections. Next week's election results will also impact on the Gauteng ANC's role in electing a new president next year. There are powerful people who want Gauteng's role in the ANC diminished.

This weekend the major political parties will present one last show of force in their closing rallies before election day. The ANC always holds its main "Siyanqoba" closing rally in Gauteng – usually at the FNB Stadium. This year, the ANC opted for the 62,000-capacity Ellis Park, with the Johannesburg Stadium alongside also booked to accommodate an expected overflow. With parties still competing to fill stadiums, it appears it was a safer bet for the ANC to choose a smaller stadium that will be filled to capacity rather than go through the trauma again of explaining the reasons for partially filled stands.

But filling up Ellis Park is not the ANC's biggest problem now. People who will go to the closing rally are those who will definitely be voting ANC. The worry will be whether the ANC's big-budget campaign (thanks to Nomvula Mokonyane, we know that the national campaign might or might not have cost R1 billion) did enough to convince the bulk of Gauteng's 6.2 million registered voters to vote ANC.

At a media briefing on Thursday, Gauteng ANC chairperson Paul Mashatile said the party was confident that they would retain the 10 municipalities they currently control in the province and win Midvaal from the Democratic Alliance.

"We have gone to every community in Gauteng. We ran an effective, positive and disciplined campaign, and have touched every corner of the province. We have engaged young people, women, workers, students, professionals, religious sector and senior citizens," Mashatile said.

Speaking at a gathering of businesspeople, academics and professionals in Midrand later on Thursday, Mashatile dismissed the Ipsos polls that show the DA ahead of the ANC in both Tshwane and the City of Johannesburg. Still, not wanting to take chances, he urged ANC supporters to vote early on Wednesday and also help to ferry voters to polling stations.

But all the high profile campaigning and contingency planning cannot counter the internal problems the ANC in Gauteng faces. The factional warfare in Tshwane, which resulted in unrest in various parts of the city after the announcement of Thoko Didiza as the ANC's mayoral candidate, has been parked off until after the elections. The ANC papered over the cracks to keep its election campaign running but there is nervousness about the effect the divisions will have on voting patterns.

At Thursday's media briefing, the ANC Gauteng leadership avoided answering directly whether there had been efforts to mediate the conflict between the two factions. ANC provincial secretary Hope Papo said the election campaign had taken precedence over the problems in the Tshwane regional executive committee (REC). He said it had been decided to cancel a meeting with the region's branches that had initially been announced during the spate of violence.

"Because the campaign is far more serious, we agreed we need to talk about campaign. Our members were more interested in going to the residents to urge them

to vote for the ANC,” Papo said. “After elections we will meet the REC and assess the state of our organisation.”

“Assessing” the organisation could very well mean disbanding the Tshwane REC, which will be inevitable if the ANC loses its majority in the metro. The ANC has not been able to bridge the divides in the region for some time, so the provincial executive committee (PEC) will have to contemplate dissolving the structure in order to set in place a process for a new committee to be elected. If the divisions are allowed to continue, the metro might be permanently lost to the ANC, and also impact on voting patterns in the national and provincial elections.

But the Gauteng PEC might itself be on the danger list should the ANC lose the majority in Tshwane and perform badly in other parts of the province, including Johannesburg. The ANC’s national leadership tried to pin the downward slide in support in the 2014 elections on the Gauteng PEC, with some people agitating for the provincial committee to be disbanded. The province was strong enough to fight off disbandment then. But if the ANC suffers heavy losses in the province now, the Gauteng leadership will come under pressure again, particularly from the “premier league” faction that is close to President Jacob Zuma.

Ironically, the reputational damage the ANC has suffered as a result of Zuma’s scandals would have done more damage to its support base than anything the provincial leadership might or might not have done. But it will be the province that will have to shoulder the blame and the deal with the consequences of a drop in support at the polls.

The fact that the provincial leadership had called on Zuma to “reflect deeply and do the right thing” – a polite way of telling him to step down – after the Constitutional Court judgment against him will also be used against them. The province has since recanted on that position but there are clearly tensions between some national leaders and the PEC. The local government election results could be used to diminish the influence of the provincial leadership, particularly ahead of the ANC’s 54th national conference next December.

The Gauteng ANC played the role of dealmaker in previous national conferences, although they were walloped at the 53rd national conference in Mangaung in 2012. At that conference, they backed Kgalema Motlanthe to replace Zuma as ANC president. The campaign backfired, and as a result Gauteng’s leaders and their allies were punished in the election of the 80-member national executive committee.

The Gauteng ANC intends to back Cyril Ramaphosa to succeed Zuma at next year’s conference. Those who are opposed to Ramaphosa’s candidacy know that the best way to pull the rug out from under him is to destabilise the Gauteng ANC. This will allow the “premier league” led by the leaders of the Free State, North West and Mpumalanga, and backed by the ANC Youth League and ANC Women’s League, to lobby freely for their candidate of choice.

The Gauteng ANC is trading cautiously and has run a safe elections campaign. They have been careful not to do or say anything that would warrant a reprimand from the national leadership – as had happened in 2014 when they wanted to reduce Zuma’s appearances on the campaign trail.

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But if the ANC performs badly in the province next week, they will need to provide the answers as to why this happened. It will be a difficult path to traverse without assigning some responsibility to the “Number One” turnoff for many traditional ANC voters. Zuma’s supporters will try to insulate him from blame and it is likely that those very people will be gunning for their Gauteng counterparts.

In the event of no party winning an absolute majority in Tshwane or Johannesburg, negotiations would have to take place for coalitions with other parties. Left to their own devices, the ANC in Gauteng could probably seek deals with opposition parties as they have not been confrontational in their campaign. But Zuma in particular has been firing a volley of insults at the DA and Economic Freedom Fighters.

Again, the sins of the national leadership will haunt the province.

Next week’s elections are a high stakes gamble for many people around the country. In Battleground Gauteng, it might be a matter of political survival – for those who will be on the ballot paper and those who are not. And while expectations have been built up that an axe will be hovering over Zuma after the elections, it is more likely to fall on his detractors than him.

<http://www.dailymaverick.co.za/article/2016-07-29-lge2016-battleground-gauteng-and-the-coming-anc-fallout/#.V5sPrE3lrIU>

### **KZN: ANC struggles to present a picture of unity**

*Cyril Madlala, Daily Maverick, 29 July 2016*

A group of ANC leaders in KwaZulu-Natal is taking their party to court to have the results of the November provincial conference nullified, challenging the authority of the entire provincial leadership. What does this mean for the party days before the elections and for those in the losing faction who have been kicked to the curb?

On Sunday the African National Congress in KwaZulu-Natal will once again stage a spectacular show of strength ahead of Wednesday’s local government elections when it hosts the Siyanqoba rally at the massive Moses Mabhida Stadium in Durban.

At the rally, the ANC will project an image of a united force assured of victory. But the façade of great bravado will only serve to mask temporarily the anxiety over the potential wages of the sins of factionalism and the isolation of those who voted with the losers in the provincial conference last November.

Ordinarily, the passage of time heals broken hearts.

Or perhaps the August elections loomed too soon for those who supported former chairman and premier Senzo Mchunu to have had enough time to get over their loss and campaign vigorously for victory for the ANC.

Whether the current leadership admits it or not, events subsequent to the conference point to an organisation that is not only yet to heal the rifts, but is on a trajectory that leaves a lot of room for uncertainty about the choices that ordinary, non card-carrying ANC supporters will make when they are all alone in the ballot cubicle on Wednesday.

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While the ANC can reasonably and fairly accurately work out how its members and their immediate constituents will vote, the reality is that the vast majority of those who vote for the party are not members.

For many, voting for the ANC is simply the right thing to do because it delivered liberation. On the ground, in every local municipality, life in KwaZulu-Natal in 2016 is indeed way better than it was before freedom.

At provincial government level, Mchunu appeared to be steering the ship steadily in the direction he wanted and there was certainly no sense that a rescue operation for a government in distress was called for not even half-way through his five-year tenure.

That will be the first challenge for the ANC at the ballot box on Wednesday.

Many of those who are not at the coalface of ANC provincial politics, even in opposition parties, agree that his party treated Mchunu shabbily.

Stability of government had been a hallmark of ANC rule in the province, a far cry from the days of IFP supremacy when premiers and members of the executive council were hired and fired regularly.

The question has then been: What sin has been committed by Mchunu to earn this badge of dishonour?

The fact that he has since been conspicuous by his absence in high-profile campaigns for his party in the build-up to the elections has sent an unambiguous message that the façade of unity in the party is just that.

Those aligned to his supporters will think twice about voting for a party that has treated one of its own so unkindly.

Second, the process to select ANC candidates for the elections has been fraught with challenges across the country, and KwaZulu-Natal is no exception.

Unfortunately, what ordinarily could have just been an internal matter for the party to drive has spun out of control. The result is a slew of ANC members standing as independent candidates and a number of murders suspected to be linked with these nominations.

The provincial ANC has been firm: Members opting to stand as independents no longer belong to the organisation, they have dismissed themselves.

As those millions of voters wait to make their marks on the ballot paper, the ANC will wonder how many think the process to nominate their ANC councillors was flawed.

How many might be thinking of teaching the organisation a lesson for the future? Even if it is just this once, in order to send a message that by the time the next national elections come, support cannot always be taken for granted by the liberation movement.

What is clear for now is that the ANC does not have much time for dissidents.

That is also pretty much the message to those running to the Pietermaritzburg High Court this week, seeking an order nullifying the results of the November conference that elected the current provincial leadership.

There were allegations that accreditation processes for the conference were flawed and that "ghost delegates" participated. The party's own internal mechanisms to deal with such complaints found no substance in them, and even the national leadership endorsed the outcome.

Massive protest marches to the provincial offices of the ANC in Durban yielded no desired result.

News24 reported this week that Lawrence Dube, Sibahle Zikalala, Martin Mzangwa, Mzwani Ngcobo and Lindiwe Buthelezi now want the court to come to the rescue of disgruntled comrades.

Now, taking the ANC to court by members is frowned upon at the best of times.

These are the worst of times in KwaZulu-Natal when the authority of the entire provincial leadership is being challenged.

In the build-up to what may be Sunday's massive show of strength, the party will understandably be in no mood to entertain thoughts of what would be a true catastrophe if the court were to entertain the applicants' wishes.

But again, as supporters vote on Wednesday, the ANC might wonder if there will be a price to pay for the events that unfolded that November.

For now the message is one: Victory is certain on Wednesday.

<http://www.dailymaverick.co.za/article/2016-07-29-kzn-anc-struggles-to-present-a-picture-of-unity/#.V5sOcE3lrIU>

## **SABC**

### **Muthambi: Everything's fine at SABC and Hlaudi's a hero**

*Sipho Mabena and Dominic Mahlangu* *The Times*, 29 July, 2016

The "crisis" at the SABC is nothing more than an invention of the subversive media, and the corporation's COO, Hlaudi Motsoeneng, is to be hailed as a great "revolutionary", says Communications Minister Faith Muthambi.

Speaking in Pretoria on Thursday, Muthambi said media accounts of problems at the public broadcaster were mere "hype" concocted by those who wanted to "control the narrative".

The SABC has for the past month lurched from crisis to crisis but this is the first time that Muthambi has spoken out. But instead of talking about the situation at the SABC she accused the independent media of "feeding propaganda" to the public.

"There has been a hype and the people are saying "where is the minister of communications, why is she so quiet?" [It's] not that we don't know what to say.

"But censorship - I don't know what you mean by 'censorship'," she said.

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The public broadcaster has been marred by disastrous decisions under Motsoeneng, with the banning of coverage of destructive protests shot down by the broadcasting regulator, the Independent Communications Authority of SA, and journalists.

But this week Motsoeneng capitulated, reversing all decisions adverse to the editorial independence of the corporation.

In addition, the SABC was ordered by the Labour Court to reinstate seven journalists it had fired for questioning the change.

The Times has learned that the ANC is working behind the scenes to stop the rot. Senior party members close to discussions in its communications subcommittee, led by Jackson Mthembu, said heads would roll and Muthambi would have to account to the party .

Asked to clarify her statements yesterday, Muthambi refused, saying she would not comment because of media "arrogance".

Muthambi criticised the media for disseminating propaganda and misleading people with anti-government reportage. She said "the SABC is one state company that I am proud of."

She said the independent media chose to sensationalise destruction of property but did not teach the public why public property should not be destroyed.

"This is why [the SABC] is attacked. It is not about anything. It is about revolutionary decisions that they have taken," she said.

Mthembu said the party and courts had pronounced on SABC decisions.

"We have said what we needed to say. We are not going to comment any further," he said.

Political analyst Daniel Silke said Muthambi and Motsoeneng's "language of defiance" mirrored factional and ideological wars in the party.

Silke said Muthambi was working in the interests of Motsoeneng, who enjoyed the backing of President Jacob Zuma.

"It seems the ANC is so factionalised it can no longer speak with one voice. It would seem the party is prepared to air factional differences publicly," he said.

<http://www.timeslive.co.za/thetimes/2016/07/29/Muthambi-Everything's-fine-at-SABC-and-Hlaudi's-a-hero>

**'SABC made me an offer I had to refuse'**

*Gabi Falanga, The Star, 29 July 2016*

Johannesburg - SABC contributing editor Vuyo Mvoko was told that he could have his position back if he retracted everything he had written and said about the public broadcaster.

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The offer, which Mvoko turned down, was made on Thursday morning, moments before he was due to appear in the Johannesburg High Court to challenge the broadcaster on his dismissal.

He and seven other SABC journalists were fired in the past month for challenging the broadcaster's editorial policy. Mvoko was axed after he wrote an article for The Star criticising the censorship and culture of bullying at the corporation.

While his seven colleagues were reinstated this week, Mvoko was not. He then applied to the court to have his contract enforced after the SABC said he would no longer be used to produce programmes until their dispute was settled.

In the high court in Joburg Judge EJ Francis and the SABC's lawyers questioned why Mvoko's application should be seen as urgent.

Mvoko's lawyer, advocate Tembeka Ngcukaitobi, argued that Mvoko's income had been stopped. Also, the longer he was unable to work, the more his economic value decreased because his status as a senior political journalist was linked to the amount of access he had to prominent figures.

Ngcukaitobi said journalists should be able to work without any editorial interference and that in the past, Mvoko, who ran an elections show, had been told to censor information that painted the president in a bad light.

Mvoko's counsel agreed to re-enrol the case for Tuesday.

Advocate Stephan du Toit SC, for the SABC, asked the court to award the corporation costs for the day's proceedings on the basis that the application had not been urgent.

Francis said costs would be dealt with on Tuesday.

During proceedings, Mvoko sat in the public gallery with some of the journalists from ANN7 who were dismissed after they booed ANC Youth League leader Collen Maine.

An unperturbed Mvoko said there was no way he would retract his statements.

"Obviously I couldn't accept that because everything I've said or written is true."

He added: "I have a three-year contract with the SABC which is only about four or five months in.

"So, from where I sit it's valid and they're supposed to honour it."

Meanwhile, a group of SACP members gathered outside the court to support Mvoko. They held posters that read "Stop apartheid style censorship".

The party also demanded that SABC chief operations officer Hlaudi Motsoeneng and the board be sanctioned.

<http://www.iol.co.za/news/crime-courts/sabc-made-me-an-offer-i-had-to-refuse-2050918>

**International**

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## **Autorickshaw unions end strike on third day**

*Deccan Herald [India], 29 July 2016*

Autorickshaw unions called off the strike on the third day after the Delhi government agreed to form a policy to regulate app-based cabs in the city.

The Delhi government said the autorickshaws and taxis registered in neighbouring states will be penalised for ferrying passengers in the capital. Taxis bringing commuters to Delhi from National Capital Region (NCR) will not be allowed to take passengers back to NCR, the government told the protesting unions.

Earlier in the day, commuters had a tough time reaching their destinations on Thursday. However, some autorickshaws were seen plying on the city roads.

The Joint Action Committee (JAC) comprising 20 auto and taxi unions went on an indefinite strike on Tuesday against the operations of app-based cabs in the city.

The striking unions met Union Transport Minister Nitin Gadkari on Thursday. "The minister said it is a state government matter. The state government has the authority to regulate the app-based taxis. So we are in talks with the Delhi transport minister to regulate the taxis and cabs," said Rajender Soni, General Secretary of Delhi Autorickshaw Sangh and Delhi Pradesh Taxi Union, hours before the strike was called off. Soni was sitting on hunger strike outside the house of Chief Minister Arvind Kejriwal at Civil Lines.

Passengers complained that autorickshaw drivers were overcharging to take them to nearby places. "First, most of the autorickshaw drivers refused to ply. The ones who did agree were charging more than double for even taking us to the nearby metro station," said Rupali Mehta, a private firm employee.

Commuters at the New Delhi Railway Station said the cab drivers refused to shuttle passengers fearing damage to their vehicles. "When I called up an app-based cab, the driver refused to come at the entrance of the New Delhi Railway Station because of the ongoing strike. He asked me to come out at the main road if I wanted to hire his cab," said Akansha Jain, who had come to visit her aunt in Delhi.

Transport Minister Satyendar Jain had called a meeting of taxi unions on Wednesday afternoon and claimed that 17 unions called off the strike. But the unions affiliated to the Delhi Autorickshaw Sangh and Delhi Pradesh Taxi Union decided to continue the strike until their demands were met.

The striking unions were demanding that Uber and Ola taxis should be banned as they do not have permits to run in Delhi, said Soni.

Jain on Tuesday called the strike "politically motivated" and said that banning the operation of app-based cab services does not come under the Transport Ministry's ambit.

<http://www.deccanherald.com/content/560892/autorickshaw-unions-end-strike-third.html>

**Comment and opinion**

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## What Brian Molefe did NOT say in his defence of the Guptas and nuclear

*Wayne Duvenage, Daily Maverick, 29 July 2016*

Brian Molefe comes across as someone who lacks the decorum and the engaging style of leadership we expect of someone at the helm of a critical state-owned entity. His challenge and disrespectful attack against the media contingent was, to put it mildly, both shocking and pitiful.

Recently, at Eskom's press conference on their financial results early in July 2016, Brian Molefe posed two important questions to the media:

1. Why is Africa opposed to nuclear energy, why should it stop at renewables?
2. Why have the major South African Banks decided not to allow the Guptas/Oakbay to bank with them?

These questions, which have been on the minds of many a concerned South African citizen, presented Molefe with a great opportunity to share his wisdom and some inspirational leadership, which one expects from a person in his position. Sadly it was not to be and he chose instead not to take the opportunity to convince the public as to why the nuclear energy option was the best way forward for the country, and why it will be worth spending hundreds of billions of rand on a deal when some of the leading thinkers on energy policy believe that government's nuclear energy plan makes no economic sense. He chose instead to be condescending, belittling and threatening to the media.

The debate on nuclear energy stretches far and wide, and one would have imagined Molefe might have made reference to a technical workshop on the Economics of Nuclear Energy held on the 9 March 2016 by World Wide Fund for Nature (WWF-SA), the Heinrich Böll Stiftung (HBS), the Centre for Renewable and Sustainable Energy Studies (CRSES) and the Goedgedacht.

Some of the key highlights from the report emanating from that conference were:

- The nuclear industry globally remains in decline and this is not post Fukushima, as nuclear energy had been on the decline before that.
- Research shows that a number of reactors have been taken offline due to operating costs being too high, against the backdrop of significant growth in renewable energy options.
- Some modelling suggests that we will need between 12 to 27GW of additional capacity by 2027 of which 16 GW will come from dispatchable power from Medupi, Kusile and others and 8GW of nondispatchable power from Renewable Energy. The question which begs an answer from Eskom is "do we really need an additional 9.6GW of nuclear energy?"
- It could take at least 15 years for the first nuclear reactor to come online, therefore nuclear is not a solution to our short- and medium-term supply challenges.
- The most pressing argument is that South Africa simply cannot afford to invest in nuclear, given that we have reached our limits on sustainable debt and struggle to afford diesel for generators, or to fund the construction of the Medupi and Kusile power plants.

We are yet to see leadership engage in a debate with society which addresses the pros and cons of nuclear energy. If Molefe says the current nuclear energy plans are the feasible solution for this country's energy needs, can we then at least have transparency on how this deal is to be financed, with whom our money will be spent and who is going to oversee this project?

To address Molefe's second question, the seemingly unfair treatment of the Gupta's Oakbay by the South African Banks: South Africa has some of the most stringent banking regulations in the world and the regulatory bodies within the SA lending industry have kept the country in strong stead throughout the recent global recession. Surely the question Molefe should be asking is; "What have the Guptas done to warrant such drastic actions from a regulatory body and banking industry who stands in good faith?" Molefe's conduct would suggest that all is well in the "State of Oakbay" and that there is nothing untoward about the Guptas' conduct in SA, their interference in political appointments and so many other issues which have arisen in relation to the infamous Guptas?

### **On Molefe's attack on the media**

Of additional and equal concern was Molefe's conduct by way of his personal attack on well known and respected journalist Chris Yelland and his company, EE Publishers. Molefe openly and verbally expressed his distaste for Yelland and said that it was his personal aim to close down EE Publishers. Strong words indeed, which had me thinking that Mr Yelland may have been a nasty person with a personal vendetta against Eskom or Mr Molefe, possibly with defamatory or derogatory statements thrown into the mix.

So, I took time out to learn about EE Publishers and Mr Yelland. The more I looked, the more I found a credible publication and a highly respected man in the journalist fraternity. In fact I have even seen a tweet from Mr Yelland defending Eskom against a questionable statement about Eskom. I found a man who was knowledgeable about the subjects he writes on and a thorough journalist who has the facts on matters he scribes about. Yelland certainly asks tough questions and highlights issues that need answers, such as his 15-point plan for Eskom to solve their crisis back in 2014. (*Disclosure: Chris Yelland is Daily Maverick contributor*)

Clearly Mr Molefe does not like his critics. This is also borne out in his tirades against others who criticise him or his organisation, such as Ted Blom, Dirk de Vos, Prof Eberhard, Carol Paton and others. It begs the question that if there has been no unlawful or defamatory conduct by Mr Yelland against Mr Molefe or Eskom, what did Molefe mean when he said it was his personal aim to bring down EE Publishers? Was this a direct threat? Does he intend to use the power of his position at Eskom to lean on those who do business with EE Publishers? What other sinister means might there be to carry out this threat?

Molefe comes across as someone who lacks the decorum and the engaging style of leadership we expect of someone at the helm of a critical state-owned entity. His challenge and disrespectful attack against the media contingent and their "kangaroo court antics" was, to put it mildly, both shocking and pitiful.

Could it be that Molefe's overt behaviour has positioned himself as just another arrogant and untouchable head of a monopolistic state-owned entity? Let's face it, if Eskom operated in a competitive environment, they would be defunct today. Mr

Molefe would be well advised to note the general consequence of those in authority, who get too high on their own *power juice*, and become confused between their choice of serving their stakeholder or the *stateholder*. Eskom's most important and critical stakeholder is the public, the very same people who question his defence of an irrational nuclear policy and the dubious Guptas.

His conduct will merely attract more suspicion, criticism and inquests. Not less.

<http://www.dailymaverick.co.za/opinionista/2016-07-29-what-brian-molefe-did-not-say-in-his-defence-of-the-guptas-and-nuclear/#.V5sQj03lrIU>

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