



Media statement by the Bench Marks Foundation

Demilitarisation welcomed but private security companies need investigation

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Demilitarisation of the police is a welcome recommendation in the long-awaited report released by the Farlam Commission into the events that led to the deaths of 44 people in August 2012 in Marikana in the North West Province of South Africa, says the Bench Marks Foundation.

“We have highlighted the increasing militarisation of the police, especially in mining communities, for a very long time. It is truly unfortunate though that it has taken a horrendous event such as the Marikana massacre to bring this to the fore,” says Executive Director for the Bench Marks Foundation, John Capel.

“It is our hope that investigation will also be made into the private security companies that are hired by mining companies, since much of what happened during August 2012 can be attributed to events that occurred during other strikes in the area throughout the year, where workers were killed by mine security”.

Capel says that the report showed Lonmin’s continuous use of rubber bullets through its security company.

“These rubber bullets were shot at the protestors during the period, often in contradiction to the instructions of the police as not warranting such action.

“The report shows that the violence escalated after Lonmin’s aggressive actions. Prior to this, strikers only bore sticks and shields but after this incident, they armed themselves with sharp objects.

The Bench Marks Foundation, a leading research organisation involved in evaluating the mining industry and in assessing the impact of the Marikana massacre on South African mining, says that it is very disappointed in the limits of the Farlam Commission’s terms of reference.

“This,” says Capel, “has resulted in little investigation into the history of the area and of the period preceding the event which would have given more answers to the true happenings and events that gave rise to the massacre.

“Facts such as the strikers only arming themselves after the violence by Lonmin, seems to not have influenced the outcomes of the Farlam proceedings, yet it shows that Lonmin’s actions escalated the strike into a huge confrontation leading to the events that transpired on 16 August 2012”.

In addition, Capel says that the report shows that for a while there was a hope of settling the strike, but it seems the police, informed by Mr Cyril Ramphosa, who was relying exclusively on what Lonmin was telling him, dealt with this as a criminal issue and not a labour concern.

“Farlam seems to think that he could not have anticipated the police brutality that followed. But after reading the report, we definitely see the link leading to the harsh action and the killing of the 34 workers”.

Capel also points out that far too much blame has been directed at workers and not the real culprits by the Commission, and the suggestions (by President Zuma) that the Lonmin 2012 strike was similar to service delivery boycotts does not do justice.

“Out of 44 people who died during the period under review by the commission, 37 were killed by the police which demonstrates the overwhelming culpability of the police and the state,” says Capel.

“There was no evidence at the time that this was purely an inter-union rivalry dispute. In fact Lonmin’s July 2012 records show that AMCU had miniscule membership at Lonmin and that rock drillers were largely un-unionised.

“And the report acknowledges that the workers didn’t trust NUM who failed to raise their wage concerns and that AMCU had no membership at that time.

“AMCU was in fact called on by Lonmin to diffuse the strike. It is therefore extremely surprising that AMCU has also been blamed for the events”.

“It would be also essential to really know the role of the tri-partite alliance in all of this and how this influenced the outcomes on 16 August 2012”.

Capel says that the Farlam report is clear that the strike was a labour issue. It also says that the use of police to deal with the dispute was unacceptable.

“Lonmin should have been severely censored on this in the Farlam report. It’s unacceptable that they chose not to negotiate; that they chose to hide behind NUM and to use private militarised security instead, and to push for police intervention.

“We cannot forget the role of Bishop Jo Seoka during the strike and the picture that we had of him addressing workers on the koppie and all they wanted was for management to meet with them”.

“Bishop Jo Seoka has stated that there is no doubt in his mind that the police collaborated with the government and used live ammunition on the strikers who were peaceful at that time, who wanted to engage their employer on their living and working conditions,” says Capel.

“Bishop Seoka has also said that there is no evidence that the strikers charged on the police on that day. In fact, he has said that in discussions he had with Lieutenant General Mbombo a few hours before the massacre, he understood that the decision for the ‘D-day’ had been taken by the police to ‘kill this thing’.

“The Bishop understood from Mbombo that instruction had been given for a ‘concomitant action’ to be taken.

“We strongly feel that the Farlam Commission falls short due to its mandate and fails to lay blame where it is needed. We also need to contextualise exactly what happened.

“There is no doubt in our minds that had the strike not been criminalised and Lonmin engaged with its workers properly, and Seoka been listened to, things would have turned out differently.

“This can be seen in the strikes that followed in 2014 which were largely peaceful.

Says Capel: “In order to prevent another Marikana, We believe that a proper contextual analysis needs to be done and justice given to the victims.

“In addition, we share our chairperson, Bishop Jo Seoka’s belief that the only route to justice is for the workers, widows and those injured to seek litigation as a means to justice and that focusing on Phiyega and Mbombo is not an answer or a solution, but a cover up for the executive.

“We also call on the government to apologise formally to the workers and their families and properly compensate them for the loss of their bread winners”.

The Bench Marks Foundation released a report, Policy Gap 6, on the situation in the North West Province in July 2012, days before the Marikana massacre. It later released another report called Policy Gap 7: “Lonmin, Coping with Unsustainability” in October 2013 which looked at the company’s reporting of itself over a period of ten years in its Corporate Social Development Reports.

Bishop Seoka addressed workers during the strike and played a large role in ending the strike.

For more information on the Bench Marks Foundation, and to read their many reports, go to www.bench-marks.org.za.

ENDS

Bench Marks Foundation is an independent non-governmental organisation mandated by churches to monitor the practices of multi-national corporations to

- ensure they respect human rights;
- protect the environment;
- ensure that profit-making is not done at the expense of other interest groups; and
- ensure that those most negatively impacted upon are heard, protected and accommodated within the business plans of the corporations.

The Foundation was launched by the Rt Rev Dr Jo Seoka who chairs the organisation and by member churches of the SACC in 2001.

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