

# 9<sup>th</sup> National Congress Declarations

18-21 September 2006

We delegates, gathered at our Ninth National Congress, representing 1.8 million members, hereby declare to the country and the world:

COSATU has now concluded two decades of existence and is moving towards its 30th anniversary in 2015. We are proud of this history of bold, principled, determined and steadfast struggles to improve the lot of the downtrodden masses of our people. We are deeply indebted to the pioneers who built the democratic trade union movement and the broader liberation movement and vow not to betray their vision, dreams and hopes.

We came to this Congress against a backdrop of speculation about the state of the organisation and the unity of our leadership. We hereby declare that COSATU remains a strong, vibrant, united and democratic trade union movement, passionate about economic and social justice. We emerge out of Congress encouraged and emboldened by the achievements of the Federation in the past three years and more. This gives us the determination to redouble our efforts to strengthen our movement, fight for workers' rights and deepen democracy.

We were thrilled by the vindication of COSATU by the judge of the High Court in the case involving the state and the ANC Deputy President Jacob Zuma. Fifty-one years ago, our people demanded that "all shall be equal before the law." Our Constitution takes this principle forward through amongst others the principle that a person is innocent until proven guilty. We reiterate what our Third Central Committee said: Comrade Jacob Zuma is a victim of political conspiracy. It is now clear that the decision to dismiss him and later charge him was motivated by a political decision, not by existence of proof that he acted corruptly as alleged by his detractors. We demand that the NPA, media and so-called political analysts respect the decision of the court and leave Zuma alone.

We also came here at a time when market fundamentalism and neo-liberalism have again failed humanity. The gap dividing the poor and the rich is widening both between and within countries. In South Africa, we continue to see mass poverty, high unemployment, starvation wages for many workers and rising rates of HIV and AIDS.

Yet a new world is both possible and desirable. We shall spare no effort, energy or resources to realise a just, humane and equitable world.

Believing that we have entered a new phase of the National Democratic Revolution (NDR), we are further encouraged by the following:

- COSATU remains the union of choice among the workers and we must live up to the faith that workers have in the Federation, and their commitment to it. We realise that this places on us a heavy responsibility to meet the needs of our members.
- COSATU's membership increased by 4% in the last three years, reversing the decline in membership experienced in the run-up to the Eighth National Congress. This membership growth attests to the fact that only through taking up struggles and a conscious recruitment campaign can we draw more workers to the fold. It is only in sectors with high union density that labour rights have become a reality. It is only through solidarity and organisation that workers can enjoy better working conditions. We have taken concrete decisions to improve solidarity amongst all affiliates of the Federation and to strengthen the effectiveness of our Living Wage Campaign.
- COSATU and its affiliates derive almost all their income from their members. To us this is a major achievement that shows COSATU belongs to members and no one else.
- The world is changing; neo-liberalism has failed and is a discredited ideology. Rich countries are unable to impose their will without challenge from developing countries, as reflected in the collapsed trade negotiations. Left-wing governments have been installed in a number of Latin American countries, shifting the balance of forces in the Western hemisphere.

We remain disappointed that the government has not adopted a far-reaching programme to transform the economy in favour of working people and the poor. Still, thanks in part to the campaigns waged by COSATU, the government has changed aspects of its policy in a manner that seeks to address some of the criticisms we have been raising. This gives us hope that we can conquer under-development, poverty and unemployment. Above all, the government has finally set targets to reduce unemployment and poverty, and has substantially increased its spending on services and infrastructure for our people. The recent agreement to reduce clothing imports from China points to the emergence of a more nuanced approach to trade.

Yet more can and should be done, and we resolve to intensify our campaigns on all fronts. Congress agreed to convene a Central Committee in September 2007 to discuss the class project that came to the fore in 1996, with the adoption of GEAR, which saw capital re-assert its influence over national economic policy.

We declare that this decade of democracy should be the decade of the working class and hereby resolve:

1. To make the Jobs and Poverty Campaign the centrepiece of our programme in the coming period. This will involve a number of coordinated campaigns focused on:

- a. The living wage for workers as a primary means to fight poverty and close the apartheid wage gap and broader inequalities in our society;
- b. A comprehensive plan to create quality employment on a large scale;
- c. A campaign against privatisation and job losses, and for the nationalisation of SASOL and other commanding heights of the economy;
- d. A call for an increase in taxes on company profits;
- e. Revision of trade and industrial policy as well as fiscal and monetary strategies to align with the objective of protecting and creating employment;
- f. A re-invigorated Proudly South African Buy Local Campaign;
- g. A review of competition policy and legislation to support job security and employment creations;
- h. Development of a job-loss monitoring mechanism to keep tabs on job losses in the economy; and
- i. Formation of a united front against poverty and unemployment.

2. To fight for the rights of workers as the fundamental basis of South Africa's labour market policy. In this regard

- a. We will ensure every worker belongs to a COSATU union, since it is only through COSATU unions that workers can take advantage of their rights in the law.
- b. We commit ourselves to resist with all our energy and power attempts to reduce the rights of workers under the guise of "labour market flexibility."
- c. We will seek to strengthen the rights of workers in small businesses, with a combination of an organising strategy and protection of the rights in the law.
- d. We will undertake a concerted campaign to improve organisation and conditions of farm workers.
- e. We will defend and expand bargaining councils as a means of securing wage coverage and improved dispute settlement for large numbers of workers.
- f. We will ensure full protection of casual and sub-contracted workers through changes in the labour laws and through the creation of decent jobs, and by fighting for the conversion of temporary employment into full-time employment.
- g. We will work for an end to police brutality and unlawful restrictions on workers' right to demonstrate.
- h. We will ensure that government procurement policy helps to enforce better labour standards.
- i. We will fight for retention of the labour courts and NEDLAC's role in the appointment of labour court judges. In particular, we will serve a notice at NEDLAC under Section 77 of the LRA to oppose judicial reforms that undermine the gains in the LRA.
- j. We will strengthen the fight against dismissals and retrenchments and challenge cases that undermine or overturn workers' gains in the labour law.
- k. We will defend workers' organisational rights, including the right to picket, and call for the review of labour laws with regard to essential services, secondary strikes, and so forth.

- l. We will generally work to ensure better enforcement and monitoring of labour laws.
- m. We will fight against racism and sexism in the workplace and to that end ensure that workers benefit from skills and equity legislation.
- n. We will defend the rights of all vulnerable workers with special attention to farm, domestic, casual and sub contracted workers.
- o. We will demand that trading be banned on our main national days.

3. To rebuild our industrial and economic base through the sharper, focused use of industrial and trade policies. To this end:

- a. The development of economic policies must rest on inputs by working people and the poor through the Alliance. Once the Alliance has endorsed a development strategy, all the organs of the state must implement it purposefully and strongly, without fearing to discipline capital where necessary, based on the mobilisation of our people to defend their demands and interests.
- b. The most important interventions must support:
  - Labour-intensive activities;
  - More equitable ownership, especially collective ownership through the state, worker control and co-ops, including through nationalisation of mining and other commanding heights of the economy as provided in the Freedom Charter;
  - Investment in people and communities through education, skills development, and social programmes like health, welfare and housing;
  - Macro-economic, trade and industrial policies that encourage, rather than stifle, growth in light industry and services;
  - Increased worker organisation and protection for workers' rights.
- c. Measures to achieve these ends include the development of sector strategies that ensure every major industry does more to generate decent work; procurement by the state and big business that supports local production and job creation; efforts to control import-parity pricing; policies to reduce the cost of living by ensuring more efficient and affordable infrastructure and encouraging production of basic goods and services; a redirection of competition policy to protect jobs; and greater encouragement of industries that can create employment and meet the needs of poor communities; and greater support for the development of the entire southern African region.
- d. COSATU will continue to work to ensure that workers' retirement funds are invested in ways that support our transformational aims while meeting the needs of workers.

4. In order to ensure that broad-based black economic empowerment benefits the majority, it should be separated from privatisation and outsourcing; ensure an expansion of worker and community ownership, collective ownership through cooperatives and ownership by the state; close the wage gap and ensure decent work and pay for all workers, particularly black, women and casual workers; and be linked to local procurement. COSATU will engage with all BEE Charters and with the BEE Codes of Good Practice to ensure they meet the needs of working people and the poor.

5. To ensure a strong developmental focus to the 2010 FIFA World Cup. This will include demanding a framework agreement at NEDLAC on the 2010 World Cup with the following aspects: local procurement; employment creation; infrastructure development; enforcement of labour standards; clear BEE guidelines; promotion of co-ops; access to matches; and development of local football.

6. To hold a Conference on Strengthening Democracy by mid-2007 that will review issues such as constituency-based representation, regional and local-government demarcation and the role of provinces.

7. To build NEDLAC as the central forum for social dialogue, through strengthening organised labour's focus, internal capacity and coordination. This involves:

- a. Developing better procedures for mandating within COSATU and labour more broadly and improved coordination of our involvement in NEDLAC. This will also include better communication and education for our members on NEDLAC engagements and agreements;

- b. Improved resourcing of NEDLAC to ensure that it has adequate resources to conduct its work;
- c. Ensuring that major policy and legislation is tabled and negotiated at NEDLAC. To that end, COSATU will work to make sure that other forums like the Presidential Working Group and the Millennium Labour Council do not displace NEDLAC as a premier institution for social dialogue.

8. To intensify solidarity between workers and affiliates. Our resolve to intensify solidarity will include setting up a solidarity fund; embarking on mass pickets in support of ongoing strikes; and a strategy in COSATU organising to co-ordinate solidarity. Further, we will review labour legislation concerning secondary/solidarity strikes.

9. To redouble our efforts to build strong and united trade unions with the following elements:

- a. Step up the recruitment campaign with renewed focus on organising workers that remain outside the labour movement such as workers in smaller companies with under 20 workers, domestic and farm workers, sub-contracted and temporary workers, women and young workers;
- b. Rebuild our structures at local, provincial and national level including by ensuring allocation of adequate resources;
- c. Strengthen organisational development work to ensure better management of our organisation and resources;
- d. Maintain internal coherence and discipline within the ranks of the trade union movement. For that reason, we will ensure democratic space to raise issues so that no member feels marginalised and excluded;
- e. Build a strong, united, democratic and independent trade union movement on the African continent and globally.

10. We will continue to build a unified struggle to defeat HIV and AIDS, ensuring that all our people have access to adequate solidarity, information, prevention, testing, treatment and nutrition. We recognise that this is only possible if the public health sector is qualitatively strengthened. We will expand our work with the TAC, the SACC and SANGOCO, build the new SANAC and hold a national civil society conference on HIV and AIDS.

11. Congress endorsed the 2015 Plan, which argued that we must strengthen the Alliance, the ANC and the SACP, as well as COSATU, in order to ensure that a stronger working class bias as well as greater ability to guide the state. Having said that, we will encourage a debate within the Alliance about the following:

- a. Combating centralisation of patronage;
- b. Ideological differences within the Alliance;
- c. Growing class contradictions within our society and movement;
- d. Strengthening an independent programme of the Alliance partners;
- e. The need for a structured agreement/pact/accord between the parties on the minimum programme to advance the NDR under the current conditions.

12. In light of the control of the media by interests outside of and often opposed to the working class, Congress agreed that COSATU would explore the possibility of establishing a workers' newspaper.

13. International solidarity remains a critical principle for COSATU. Congress resolves to build the solidarity of workers together with all anti-imperialist forces with the following elements:

- a. We will seek to develop the practical solidarity of workers against the multinationals that today dominate the global economy. We will actively develop relations with other unions. We call again for the formation of a single continental confederation for Africa.
- b. We will continue to support the struggles of workers against regimes that are hostile to their rights. We have shown and will continue to show active solidarity with workers in Swaziland, Zimbabwe and Australia in the face of anti-labour states.
- c. Congress expresses its solidarity with the peoples the Middle East. We will campaign for an end to the armed aggression of the U.S., Israel and their allies in the region. We call for the release of Palestinians, Iraqis and others held unjustly and without charge. We call on COSATU members to boycott Israeli goods and to demonstrate at the embassies of the U.S. and Israel. Our government should withdraw its ambassador from Israel and the Israeli ambassador to South Africa should be expelled.

d. Congress expresses its solidarity with the people of Cuba. We demand an end to U.S. aggression and threats of invasion. We also demand the release of the five Cuban heroes, and will campaign actively for their release. At the same time, we recognise and support the new progressive governments in Latin America.

e. We will campaign for ratification of the ILO Conventions on home workers, part-time work, maternity protection, private employment agencies, safety and health in agriculture, employers' insolvency, collective bargaining and employment policy. On the basis of the new ILO Recommendation on the Employment Relationship, we will campaign for the rights for workers in multiple contractual arrangements, including through joint and several liability on both the employer and the contracting party; reforms in legislation to ensure quick and easy determination of the existence of an employment relationship; measures in southern Africa to combat disguised employment relationships; and the extension of the Employment Conditions Commission or CCMA mandate to include regular reviews of ambiguous employment situations to ensure workers receive the full protection of the employment relationship.

## 1. Political Resolutions of the 9th National Congress

### 1.1 The Alliance

This Ninth National Congress notes:

1. Past COSATU resolutions on the Alliance.
2. A lack of democratic participation exists at all levels, with COSATU, the SACP and even to some extent the ANC itself sidelined from policy development due to the levels of centralisation of power and authority in the office of the Presidency, which has been a driver of policy development. This situation goes hand in hand with the dominant influence of big business on the policy direction of our country and the marginalisation of representative institutions from decision-making.
3. There are continuous tensions amongst the Alliance partners due to lack of consultation, lack of tolerance amongst comrades holding high positions in the Alliance partners, lack of trust amongst leadership of the Alliance partners, etc.
4. There is no alternative political organisation with the mass support of the ANC, which remains the only political party capable of fighting for a non-racial, non-sexist and free democratic society in South Africa. The ANC is however a contested terrain that is lobbied by different strata in our society. This has caused conflict within the ANC and the Alliance and a shift from the ANC's earlier working-class bias as adopted in its Morogoro Congress of 1969.

Believing:

1. The Tripartite Alliance was strategically entered into as a revolutionary vehicle to take forward the objectives of our revolution.
2. Through comradesly debates, not bureaucratic suppression of debate, and properly structured processes for arriving at consensus and unity, the proper mode of functioning of the Alliance can be renewed with a focus on the strategic challenges facing our revolution.

Therefore this Ninth National Congress resolves:

1. To pursue the following principles that should guide the functioning of the Alliance:

1. While led by the ANC, the partners should recognise one another's independence in the Alliance and accord each one equal status;

2. Work for mutual benefits in which there is respect and recognition of the role of each component of the Alliance while forging maximum unity;
3. Strengthen one another's formations, including providing time and resources for organisational building of the Alliance;
4. Manage the tensions in the Alliance by consulting one another through meeting regularly and hammering out the issues; and
5. Promote debate and discussion within the Alliance through democratic participation of the components of the Alliance and strive to resolve such debates through discussion and consensus.

2. The programme of action agreed upon in the Ekurhuleni 2 Summit must be implemented, and in particular:

1. The Alliance must co-ordinate its activities and provide leadership to social transformation in all spheres of society, including civil society and the state;
2. The process of policy development and its implementation should be informed on an on-going basis by a collective endeavour;
3. In order to carry its programmes and maintain unity going forward, the Alliance Secretariat should meet every two weeks to co-ordinate and implement agreed-upon programmes and address other issues that may arise from time to time;
4. The Alliance ten-a-side, which is meant to address policy matters of importance, should meet quarterly for a full day to consider matters advanced by the Secretariat of the Alliance;
5. The Alliance as agreed upon must be convened to develop a longer-term programme of the Alliance on the specific questions that were canvassed in the recent bilaterals between COSATU and the ANC;
6. The structure of the Alliance must be reviewed so that all the partners will play a meaningful role in pursuit of the National Democratic Revolution in all battles of the struggle for both national and social liberation.

3. The interactions of the Alliance should be led by all Alliance partners' leadership, in particular the top six leaders of each Alliance component.

4. The political centre must be properly defined and constituted as a representative force of the Alliance capable of executing the tasks set by the National Democratic Revolution.

5. The structure of the Alliance must be reviewed such that all the partners will play a meaningful role in the pursuit of the National Democratic Revolution in all battles of the struggle for both national and social liberation.

6. There should be thorough preparation for the transition programme from capitalism to socialism. The radical character of the National Democratic Revolution remains high on the agenda of the working class and must become the guiding force for a coherent Alliance programme aimed at eliminating all forms of inequality.

7. To initiate a debate within the Alliance in the build-up to the 2007 ANC conference and SACP 11th Congress around the restructuring of the Alliance to make it an effective tool for social transformation. This debate should include the following:

1. Combating centralisation and patronage;
2. Confronting and debating ideological differences within the Alliance;
3. Confronting and debating growing class contradictions within the ANC, including the current accumulation path, which is creating a black bourgeoisie, and the need to maintain a pro-working-class, pro-poor agenda and leadership within the ANC and the Alliance;

4. Strengthening the independent programmes of the Alliance partners, e.g. debates about the SACP putting forward candidates should not be seen in opposition to the Alliance strategy;
5. The need for a more structured “pact” between the parties, with conditions and agreed minimum goals. This should include agreements on deployments and quotas for representation of the different Alliance partners at every level, with independent caucuses and the power of recall to ensure accountability.

8. An Alliance-led deployment committee should oversee the whole process of deployment.
9. Mutual respect should be observed between all members of the alliance.
10. Sufficient time should be given to engage on crucial matters for consideration. This will lead to less tension between the partners of the Alliance.
11. In the event the SACP decides to contest the next elections, COSATU should call a special Central Committee to consider the Federation’s position.

#### 1-2 Advancing working-class hegemony within the ANC

This Ninth National Congress notes:

1. The current class composition of the structures of the ANC.
2. That COSATU, as a component of the working class, has a class interest in the policy direction that the ANC and the state pursue.
3. That while the historical constituency of the ANC remains the black working class and poor majority, the national leadership of the ANC is increasingly becoming capitalist and middle-strata in composition and character. Furthermore the organisation is also dominated by cadres drawn from the state and there are far too few cadres from outside of the state. Working-class leadership has been weakened within the national leadership structures of the ANC.
4. The undefined role of ANC in relation to the state has rendered the ANC ineffective in relation to the mass movements and connections with the masses of our people.
5. A leadership debate underway in our country has polarised the Alliance formations, and COSATU, as a component of the working class, has a class interest in who leads the ANC and what policy direction the ANC and the state develop and pursue.
6. It has become a habit to elevate individuals over principle, undermining the revolutionary morality that has guided the liberation movement.
7. The resolution of the Eighth National Congress for COSATU members to “swell the ranks of the ANC.”

Believing:

As an organised formation of the working class, we have a principled and non-sectarian interest in the working-class biasness of the ANC, and the policy orientation and leadership of the ANC must reflect its working-class biasness.

Therefore this Ninth National Congress resolves:

1. That the Eighth National Congress resolution on swelling the ranks of the ANC must be based on the following guidelines:

1. Working-class cadres must ensure that activities of the ANC structures (including meeting agendas) are dominated by working-class issues and concerns such as the pursuit of all the

Freedom Charter demands, and not dominated by narrow BEE interests, tenders, factionalism etc.;

2. Working-class cadres must contest for leading positions of the ANC to ensure that business personalities do not dominate the ANC;
3. Working-class cadres must expose the post-1996 class project, its limitations and its crisis. This must not be done in a factionalist manner, but in a manner that encourages debate and discussion within the ANC structures;
4. Working-class cadres must promote the unity of the Alliance and involvement of the Alliance in all activities of the ANC and visa versa.

2. The structures of the affiliates and the Federation must on an ongoing basis do an audit to assess whether we are realising the decision which calls on our members to swell the ranks of the ANC and participate within the structures of the ANC.

3. Debates of the leadership of the ANC must be informed by our political objectives stated in this resolution as well as endeavours to unite the liberation movement.

a. The first Central Committee after this Ninth National Congress must enter into a principled debate and resolve on the programme that must unite the liberation movement and identify leadership which can best pursue a programme in the interest of the working class;

b. Upon resolving on the above, the Central Committee must give a mandate to the Central Executive Committee and the National Office Bearers to manage this process so that it is not handled in a factionalist way within the structures of the Alliance.

4. While COSATU will continue to support the ANC in the next period, we note that currently the ANC is dominated by the interests of capital rather than the working class. COSATU at its first CEC in 2007 should develop a set of policy objectives against which to measure the extent to which the ANC is able to shift to represent the interest of the working class. The criteria shall include:

1. Implementing the nationalisation provisions of the Freedom Charter;
2. An end to privatisation, public-private partnerships and the commercialisation and commodification of service delivery;
3. The adoption of economic policy that ensures the distribution of wealth to the poor;
4. The abolition of legislation that is not worker-friendly.

5. The criteria must include measurable outcomes, with specified timescales so that by June 2008 we are able to assess the extent to which these criteria have been met. The hope is that other unions, NGOs and social movements will generate their own list of demands. In this way all issues will be covered.

6. On the basis of progress made in this regard, the COSATU CEC shall deliberate on the way forward.

7. Through systematic implementation of the 2015 Plan, in particular the call on workers to swell the ranks of the ANC, to reclaim ownership of the ANC so that it becomes a true instrument of people's power and plays a positive role towards the achievement of a free, just and equal South Africa. To this end, our members, particularly the leadership, should bring their ANC membership cards to all Constitutional meetings as proof and encouragement to other members to join. The CEC has a responsibility to monitor this adequately.

8. The forthcoming ANC national conference presents another opportunity for the working class to assert its leadership of the NDR.

9. To popularise our understanding that the ANC must have a pro-poor/pro-working-class bias, and be an anti-capitalist and anti-imperialist liberation movement.

### 1-3 The SACP and state power

This Ninth National Congress notes:

1. The Eighth National Congress resolution on building the SACP.
2. The lack of resources in the SACP makes it difficult for it to conduct its political work more effectively.

Therefore this Ninth National Congress resolves:

1. To reaffirm the Eighth National Congress resolution on building a strong, independent SACP as an instrument of the working class, including through the provision of resources by the Federation and affiliates.
2. To create clear mechanisms to synergise the SACP's medium-term vision and COSATU's 2015 Plan, and to locate any decision on the SACP's participation in the elections in that context. The SACP should engage other Alliance partners to determine the manner in which it will enter the electoral processes.
3. To call on the SACP to unite the progressive left formations, including left-wing political formations committed towards a radical transformation and socialism. Part of the work to achieve the above requires the following:

1. The SACP needs to initiate the unity of the left movements that believe in socialism as part of a process of building a popular movement towards socialism, including convening the Conference of the Left;
2. The SACP needs to work hard in its work to transform trade union consciousness into working-class consciousness;
3. The SACP must link working-class political consciousness with other forms of social consciousness.

4. In the event the SACP deciding to contest political power as the independent working class party, the Alliance should be engaged to determine the manner in which the SACP would enter the electoral process, and mobilise the electorate for that eventuality.
5. The SACP must now begin to develop policy positions on the following key areas of state power: the nature of the developmental state; land redistribution; developing fundamental basic necessities; deployment of Communist cadres in strategic centres of power; contesting elections; and commitment of resources for recruitment to take forward the COSATU's 2015 Plan and the SACP's Medium Term Vision.
6. COSATU and the SACP must have a clear programme on a path to socialism that would encourage individual members to make financial contributions to the SACP. The CEC must ensure a systematic campaign to strengthen the debit order campaign. Any contributions from workers and affiliates to the SACP should be on a voluntary basis.
7. COSATU leadership must lead by example and be card-carrying members of the SACP.
8. COSATU will set up its own taskteam, constituted by affiliates' General Secretaries and NALEDI, to conduct a detailed and deep but urgent global survey of the prospects for socialism in South Africa. The survey must.

1. Seek to establish how much support among South African workers of all races exists for the SACP to contest political power towards a socialist South Africa;

2. Identify ways to forge direct working relationships with progressive working people and political formations throughout the world;
9. The process must culminate in a draft Manifesto of the Working Class in South Africa that will inform all the campaigns of the Federation and the SACP.
10. COSATU must design a short, medium and long term sequenced political and education programme of action for its members to ensure that by the time of the Fourth Central Committee it has concrete proposals on the way forward towards a socialist South Africa. These proposals should be placed before the SACP. COSATU must develop programmes and activities that expose the agenda behind the post-1996 class project and its threat to our NDR.
11. The NOBs must table at the first CEC in 2007 a time-bound programme of work with clear allocation of responsibilities for achieving these resolutions on socialism.

#### 1-4 The National Democratic Revolution (NDR) and socialism

This Ninth National Congress notes:

1. The persistent dominance of a perspective that separates national democracy from socialism, with the so-called "Third Way" dominating the international political discourse.
2. A conservative economic policy that limits spending on social and economic development programmes, while business wants to roll back the progressive labour regime established after 1994.
3. A revolution is worth nothing if it cannot defend itself and seize state power.
4. Historically, the NDR has always provided a clear and unambiguous attitude towards socialism. Currently, the clear dangers are that the historical attitude of the NDR towards socialism is being challenged within the Alliance.
5. Since the April 1994 democratic breakthrough, while the theory of the NDR has been fully adopted by the ANC through its strategy and tactics, the relationship between the NDR and socialism has not been fully discussed within the ANC itself. Failure to address this question has been partly responsible for the rupture on our shared understanding of the NDR.
6. The strategic socialist direction of the NDR has been increasingly challenged by a capitalist agenda, for example through the post-1996 class project.
7. In recent times, the leadership role of the NDR has been taken over by other class forces, particular the capitalist class. This is demonstrated by the fact that the capitalist class (black or white) has been the main beneficiary since the April 1994 democratic breakthrough.
8. The current trajectory of the NDR, if left unchallenged, can deliver our revolution into the hands of the capitalist class.

Believing:

1. The NDR seeks to resolve national, class and gender contradictions in our society and lay the basis for socialism, which means it must affect property relations.
2. Because of the multi-class character of the NDR, various class forces continue to contest its essence.
3. Since the ascendancy of the ANC into power, the primary contradiction has begun to elevate itself, with a life-and-death fight now underway for the control of the ANC between the working class and the comprador, parasitic, aspirant black capitalist class.
4. The comprador element has gained access and influence through the office of the Presidency in policy formulation to disarm and re-direct the NDR from its socialist orientation envisaged in the Morogoro and Kabwe conferences and the Green Book.

5. The post-1996 class project is in deep crisis and the solution can only be provided by a working class leadership of the NDR. The solution requires a complete break with the policies promoted or advanced by this class project.

Therefore this Ninth National Congress resolves:

1. The Alliance is meant to achieve a minimum programme and, given its multi-class character and the associated limitations, the Alliance cannot be the vehicle to achieve an egalitarian society.
2. The working class must re-direct the NDR towards socialism and jealously guard it against opportunistic tendencies that are attempting to wrest it from achieving its logical conclusion, which is socialism.
3. The working class should assert its leadership role of the NDR, and not outsource this leadership role to other class forces.
4. The working class must mobilise society and all progressive forces against the current macroeconomic framework.
5. We must bring back the fundamental thrust of the Freedom Charter and the RDP on nationalisation of key and strategic industries.
6. The state should take drastic steps on the redistribution of wealth, e.g. via the tax system.
7. This decade must be dedicated to a struggle to challenge and defeat the dominance of white monopoly capital, which reproduces itself through the emerging parasitic black capitalists. We must consistently expose and struggle against the neo-liberal agenda of the state, which leads to the growing impoverishment of the working class and the poor.
8. The National Liberation Movement as led by the ANC should speed up the process of reviewing the clauses affecting the working class in the national Constitution that could contribute towards a developmental state. The sunset clause entered into with the National Party should be reviewed.
9. We should define in practical terms the political economy of the NDR in the current epoch as articulated in the Freedom Charter.
10. We adopt an official position that rejects the separation of the NDR from socialism and asserts that the dictatorship of the proletariat is the only guarantee that there will be a transition from NDR to socialism.
11. A popular movement towards socialism, located within a restructured Alliance and involving a range of mass movements, must be formed to assert the leadership of the working class in the NDR.
12. To directly call for an open debate and discussion within the ANC (and the Alliance as a whole) on the relationship between the NDR and socialism. This debate must be accommodated at the 2007 ANC National conference.

#### 1-5 Strengthening democracy

This Ninth National Congress notes:

1. The current Constitution was a compromise with many problematic elements such as the property clause, the promotion of a degree of federalism and the electoral system that does not promote accountability of people's representatives.
2. The degree to which a federal system in the form of provincial legislatures has become wasteful of resources permits destructive competition amongst provinces, prevents radical redistributive measures, and marginalises citizens who live in smaller or poorer provinces.
3. The Eighth National Congress resolution on the electoral system called for a mixed electoral system at national, provincial and local level and specifically proposed 65% constituency-based and 35% proportional representation.

Believing:

Our democracy must be anti-imperialist and jealously safeguard the interest of popular classes and the sovereignty to make its policies.

Therefore this Ninth National Congress resolves:

1. Floor-crossing legislation must be totally scrapped.
2. To seek to convince our Alliance partners on the need to test the attitude of the electorate toward a constituency-based electoral system through a referendum. To this end a ballot should be conducted of all people during May and June 2007.
3. A constitutional review/amendment conference should be convened as soon as possible after the 2007 ANC conference. Its primary tasks would include:
  1. Developing mechanisms to incorporate systematically the Freedom Charter economic clauses and deal systematically with the property clause;
  2. Developing a process of abolishing provincial legislatures and establish a unitary system of government;
  3. Reviewing and reworking the present electoral system on the basis of the current COSATU proposals for a mixed electoral system.
4. To campaign for inclusion of these demands in the manifesto of the ANC, and mandate the leadership of COSATU to pursue them in Alliance meetings.
5. The Alliance must develop a people-centred and people-driven consultation process on demarcation, and provide guidance to the demarcation board.
6. Participatory democracy must be the defining feature in which the state fosters popular involvement in governance and decision-making processes.

#### 1-6 Progressive Women's Movement of South Africa

This Ninth National Congress notes:

1. This year, 50 years after the 1956 women's march to Pretoria to protest the pass laws, the struggle for women's total emancipation is far from over.
2. The way in which gender issues are raised, even in the past decade of our democracy, has focused mostly on women representivity at the expense of broader issues affecting women.
3. The current top-down approach adopted by organisers of the National Women's Movement (NWM) undermines the intention of empowering women in all sectors of society.
4. The emergence of other social and support groups like the Progressive Women's Movement of South Africa aiming to empower women, which could however be hijacked by elitist and BEE-type groups, which would reproduce and exacerbate the economic and social oppression of women and widening inequalities in South Africa.

Believing:

1. The time has come for the working class of South Africa, 12 years into democracy, to define a clear working-class perspective on the thorny issue of not only the triple (class, national and gender) oppression and exploitation of women, but also how to most effectively mobilise all working-class women and men to struggle for full and true equality within and between the sexes.

2. The same radical approach that we have used to fight racial discrimination and class oppression must be adopted in the struggle to fight for gender inequality and women.
3. The struggle for gender equality should be waged by women and men. The gender content of our revolution cannot be addressed effectively unless we have a strong working-class-led progressive women's movement at the head of such a struggle.

Therefore this Ninth National Congress resolves:

1. A forum of women activists within COSATU and SACP should be established to develop intervention strategies to promote working-class leadership as well as take up issues affecting women workers and the poor within the progressive women's movement.
2. To support the Progressive Women's Movement of South Africa and its aim of empowering women and removing gender bias. All women in South Africa must own the Progressive Women's Movement of South Africa.
3. COSATU should build a new working relationship with the Progressive Women's Movement of South Africa only around specific issues that are pro-poor and pro-women workers.
4. COSATU Provincial Gender Structures must be the driving force to take issues to the Progressive National Women's Movement of South Africa. The gender structures must:
  1. Develop a clear programme that deals with poor women's struggles in society, and
  2. Develop a clear reporting structure, i.e. at local level, regional level, provincial and national level.
5. Women in COSATU must be encouraged to join the ANC and SACP women structures.

#### 1.7 Monuments to worker heroes:

This Ninth National Congress notes:

1. Workers have always been in the forefront of the liberation struggle, but many who sacrificed enormously have not been sufficiently profiled as heroes and heroines of our struggle.
2. The failure to profile these leaders could mean the new generation loses its knowledge of its history.

Therefore this Ninth National Congress resolves:

1. COSATU recognise the role played by workers in the struggle by building monuments in their towns.
2. COSATU recognise the role played by working-class leaders by building a workers' monument, and engage government on building a museum for worker heroes and heroines.
3. The affiliates will submit names of the past heroes and heroines to COSATU, and the CEC be mandated to establish a task team to receive the names and verify them before compiling a final list for consideration to the first CEC of COSATU in 2007.

#### 1-8 Special Resolution on the Deputy President of the ANC

This Ninth National Congress notes:

1. The outcome of the case against the Deputy President of the ANC in the Pietermaritzburg High Court.

2. The comments of the judge about the case.
3. The role of the NPA and other state agencies in building a case against the Deputy President of the ANC through the use of media and unsupported insinuations.
4. The failure to protect the basic Constitutional rights of the Deputy President of the ANC.
5. The position adopted by COSATU to defend the basic Constitutional rights of the Deputy President of the ANC.
6. The continued controversy surrounding the arms deal and COSATU's call for a full investigation of the arms deal.

Believing:

1. That COSATU and the Deputy President of the ANC have been vindicated.
2. The NPA and other state agencies have not acted in good faith and should not be used for narrow political ends.
3. That the constitutional rights of all citizens must be protected.
4. That corruption needs to be combated and rooted out.
5. That attempts to re-introduce charges on this case will amount to a malicious prosecution of Jacob Zuma.
6. That the judgement in the Shabir Shaik case, insofar as it makes a finding on Jacob Zuma, undermines the common law principle of hearing both sides.

Therefore this Ninth National Congress resolves:

1. To call for the urgent convening of the Alliance to discuss the political management of this matter.
2. To call for the judiciary to protect South African democracy without being influenced.
3. The Scorpions should be incorporated into the South African police services under one Commissioner.
4. To reaffirm the decisions of the Central Committee of COSATU in relation to the support for the ANC Deputy President Jacob Zuma, including the call for a full and impartial investigation into the arms deal.
5. To welcome the judgement and to call on all parties to respect it, and to congratulate the Deputy President of the ANC on the outcome of his court case. In addition, Jacob Zuma should be treated as any other innocent citizen.
6. To call for the legal moves against the Deputy President of the ANC to be laid to rest once and for all.
7. To call for a review of the activities and role of the NPA and other state agencies.
8. To call for the immediate reinstatement of Comrade Jacob Zuma to the position of Deputy President of South Africa.

## 2. Organisational Resolutions

### 2.1 Constitutional amendments

This Ninth National Congress resolves:

1. To replace all references to "Region" with "Province" wherever it appears in the constitution and any reference to "Regional Office Bearers" in the constitution must be replaced with "Provincial Office Bearers".
2. Term of office for Local Office Bearers: The term of office for local office bearers to be aligned to that of the provincial and national office bearers i.e. 3 years.

3. Removal of Local Office Bearers: To add a new paragraph 8.5 in the constitution that deals with the "Removal of the Local Office Bearers," as follows:

"A Local Office Bearer shall vacate his/her position if he/she:

1. No longer pays union subscriptions to his/her affiliate subject to provisions of affiliate's Constitution.
2. Has not attended three consecutive meetings of the Local Shop Stewards Council or Local Executive Committee without sending a reasonable written apology.
3. Is no longer employed and or has resigned from the workplace and ceases to be a member of the affiliated union in good standing."

In addition, to add a new paragraph 8.6 as follows:

"In the event that there is a suspension of a Local Office Bearer, he/she shall temporary vacate his/her position until the matter has been finalised or alternatively, in the event where a Local Office Bearer has been suspended by his/her union, such office bearer shall temporarily vacate his her position until his/her suspension process have been finalised.

4. Duties of the Central Committee (CC): The CC duties to be clearly defined and to deal with the assessment and the implementation of resolutions, not only to draft resolutions on urgent matters at the time of the CC.

5. To amend the Constitution so that only stewards or elected worker representatives or the office bearers of affiliates in good standing are eligible for election to the positions of President, Deputy President, Second Deputy President, and Treasurer.

2.2 Farm workers, farm dwellers, labour tenants and land reform

This Ninth National Congress notes:

1. Twelve years into democracy, farm workers'/dwellers' access to a better life is still a pipe dream. Farm workers/dwellers and their next of kin continue to be intimidated and brutally killed by farm owners and generally continue to suffer tenure insecurity, poverty, indignity, and even child labour and forced labour.
2. Farm workers and labour tenants have not benefited from land reform, instead facing evictions reminiscent of the apartheid era. The market-based land reform policy of the State cannot benefit the poor majority of rural people.
3. Farm workers and labour tenants face an often indifferent police and judiciary as well as inadequate support from Department of Labour inspectors and other government representatives.

Believing:

1. New policy proposals concerning farm workers', farm dwellers' and labour tenants' housing must include proper participation by those who are directly affected.
2. Organising and servicing farm workers is a mammoth task that needs to be adequately resourced in the light of the difficult terrain of the agricultural sector, ranging from distance and poor roads, to scarce transport, trespass and private property laws, private security etc.
3. Farm workers' limited union membership is a major factor behind their continued oppression. There are about million farm workers – almost one worker in ten in South Africa – but only about 10% belong to a union.

4. The current recruitment campaign budget should cover or include the organising of farm workers and farm dwellers as part of the 2015 Plan.

Therefore this Ninth National Congress resolves:

1. To roll out a grassroots media campaign, using a widely adopted declaration condemning slavery, indignity, and poverty on farms and in the agribusiness sector.
2. To call for a special Tripartite Alliance Summit to decide on programmes to address the plight of farm workers/dwellers.
3. All affiliates must set aside resources for recruitment campaign in line with previous Congress resolutions. COSATU CEC should make available resources to focus on organising farm workers.
4. To set up a COSATU Campaigns Committee to roll-out an organising plan and campaign strategy, taking into account the ongoing processes of land and agrarian reform and the SACP's Red October Campaign, with the following elements:

1. a. The concept of roving health and safety representatives be adopted as a way of improving occupational health and safety on farms in order to complement the work of existing Government inspectors.
2. b. The transformation of the judiciary and law enforcement agencies through the establishment of an investigating agency against abuses and murders of farm workers and their families.

5. To call on the Department of Labour to speed-up the implementation of a new campaign, with trade unions and civil society, to liberate farm workers as agreed at the meeting on 31 March 2006 concerning the continued sub-ordination and abuse of farm workers. The campaign could have the following items:

1. To reaffirm our commitment to the total elimination of child labour in the agricultural sector;
2. To advocate that the Department of Education defines farm schools as "no-fee schools" and organises adequate scholar transport;
3. To advocate that the Department of Health prioritises farm worker access to mobile clinics and emergency medical treatment, including transport by public and private ambulance services;
4. To advocate that the State expropriate land for the roll out of government services and amenities such as schools and health care facilities, and where appropriate, cemeteries;
5. To ensure that farm workers, farm dwellers and labour tenants have identity documentation, knowledge of, and access to, social grants like child support grants, old-age pensions and disability grants, amongst others;
6. To advocate that government, in partnership with trade unions and civil society, develop and implement a proactive strategy to ensure security of tenure for farm workers, farm dwellers and labour tenants.

6. To call for government to speed up the implementation of a farm worker, farm dweller and labour tenant housing policy that is based on direct and proper consultation with those who are directly affected and a full consideration of the impact of each policy option (e.g. on-farm housing and other proposals).

7. Farm workers and dwellers should have access to basic services and infrastructure.
8. Contribute to the building of popular structures or organs of the rural poor struggling for a comprehensive agrarian reform in the countryside.
9. Call on government to introduce a moratorium on evictions of farm workers and dwellers.

10. Call on government to engage civil society organisations in the land sector and affected communities in a transparent and participatory process to review existing legislation aimed at protecting tenure security of the rural poor, especially women and children.

### 2.3 Quota system in the Federation

This Ninth National Congress notes:

1. The 2003 Congress resolved that the quota system applicable to the Federation should be set by the CEC and quota systems applicable to affiliates should be set by affiliates. It said that quotas should be based on the share of women in membership and the need to rapidly develop women leadership.
2. The CEC of the Federation has not set a quota for itself, and many affiliates have not met their own quotas. The public face of the Federation remains almost exclusively male.
3. Women continue to be marginalised in the Federation and its affiliates. Gender equality is not just about numbers and quotas but also about eliminating the psychological, economic and social oppression that women have to endure as a result of male chauvinism and patriarchal society.

Therefore this Ninth National Congress resolves:

1. To reaffirm the Eighth Congress Resolutions on gender.
2. COSATU must raise a developmental path that will not only talk to representivity but also be able to address situations in which ordinary women are affected. We must reaffirm empowerment of women in all Federation policies.
3. By the next Congress to provide an assessment on achievement of balanced gender representation, taking into account the proportion of women members in the union. By 2015, where applicable, all affiliates should have a 50% quota of women at all leadership levels. Women workers must be encouraged to participate in all decision-making structures of the Federation, taking into account sectoral dynamics.
4. Affiliates and COSATU should develop a guide to report with regard to women development through scorecards and an annual audit. All the affiliates of COSATU must conduct thorough audits of their gender programmes and take concrete steps to ensure that their members are not polluted by the fashionable elitist, rightwing and capitalist philosophies that only serve to entrench gender inequalities, no matter how sweet sounding and well intentioned they may be.
5. The Federation and its affiliates must implement capacity building programmes for women workers that remove the stereotypes and indoctrination of the past and debate the issues of patriarchy and stereotypes within our structures.
6. COSATU must take practical measures and steps, through the production and running of a national gender programme, to instil in all members a working class and scientific Marxist-Leninist attitude to the question of gender. The gender programme must include education and teachings on revolutionary culture, socialisation, sexuality and relationships. It must combat male chauvinism, the culture and practice of the patriarchy, and all social and psychological aspects, which perpetuate inequalities and exploitation and oppression between the sexes.
7. COSATU and all its affiliates must always seek to understand, and explain to the masses, how the current capitalist accumulation path continuously produces and reproduces the historic exploitation, oppression and domination of women. In particular, COSATU needs to urgently conduct research to audit the extent to which BEE has negatively impacted on the struggle to liberate women from class, gender and national oppression and exploitation.
8. Resource should be allocated to build capacity of women and enable gender structure to carry out their work.

9. NALEDI to conduct research on women representation and submit findings to the CEC for consideration.
10. Within male dominated sectors gender discrimination should be vigorously addressed and equity plans should be implemented.

#### 2.4 Solidarity amongst COSATU affiliates

This Ninth National Congress notes:

1. Workers continue to wage heroic struggles in defence of their living standards, mainly in the form of strikes.
2. Our strikes are often isolated since there is very little active solidarity from workers in other sectors of the economy. Solidarity in COSATU is too often defined in general terms instead of ensuring practical internal solidarity.
3. Different approaches by individual COSATU affiliates towards collective bargaining gives employers leeway to defeat or frustrate them, weakens solidarity from other affiliates, and makes it difficult to measure affiliates' successes and failures.
4. The current ongoing strikes in different sector led by COSATU unions.
5. Aggression by bosses including the employment of scab labour with the aim of undermining the workers strikes.

Believing:

1. The current strikes require urgent co-ordination and solidarity.
2. The importance of rebuilding the foundation of worker solidarity.
3. The need for political intervention.

Therefore this Ninth National Congress resolves:

1. COSATU Congress should resolve on common collective bargaining guidelines and a single forum for COSATU affiliates.
2. Affiliates must provide regular reports on strikes and other collective disputes to the Federation through joint mandating committees.
3. To mandate the CEC:
  1. To ensure that a comprehensive capacity building programme on strike organisation is developed for all organisers and negotiators.
  2. To facilitate regular sharing of information on strike tactics amongst affiliates.
  3. To redefine the role of the Organising Unit to ensure that it gives strikes the necessary focus and attention.
  4. To establish a campaigns forum or structure that will constantly monitor and develop strikes and solidarity organisation, as well as related solidarity action across affiliates instead of each affiliate or even the company on strike left on its own and merely receiving moral message of support without concrete action.
  5. To consider establishing solidarity funds both at affiliates and Federation level. The CEC should develop a policy on the utilisation of the fund. Strike funds should aim to help workers during strikes due to lost wages.

4. COSATU to assist its affiliates in cases of need for sustenance of their industrial actions over a long period of time.
5. To review labour law provision on secondary/solidarity strike.
6. COSATU should immediately organise a well-coordinated programme of mass pickets in support of the current strikes.
7. COSATU should work towards a day of action in solidarity with the strikes.
8. COSATU should target companies that undermine strikes including calling on government not to grant tenders to such companies.

### 3. Socio-Economic Resolutions

#### 3.1 Jobs and Poverty Campaign

This Ninth National Congress notes:

1. The continued relevance of the resolutions of the 2003 COSATU Congress on the Proudly SA Campaign, restructuring and job losses and the declaration on the strength of the rand.
2. More than ten years into the democratic dispensation, our society is still ravaged by extremely high levels of unemployment, poverty arising from unemployment and low pay for workers, extremely high levels of inequality; and high school drop out rates due to poor budgets and unaffordable school fees.
3. Globalisation has led to the restructuring of the working class through mass retrenchments and layoffs and the expansion of casual, temporary, outsourced and other atypical work.
4. Import levels have caused serious damage to many industries, particularly in clothing, textile and footwear and other light manufacturing sectors
5. The medium-term vision of the Federation the 2015 plan places the defence and creation of quality jobs firmly on the Federation's agenda, in line with the commitments of the Freedom Charter and the RDP to ensuring work for all.

Therefore this Ninth National Congress resolves:

1. The Jobs and Poverty Campaign should be the centrepiece of COSATU and affiliate campaigns in the three years ahead.
2. The campaign should include a focus on the following components:
  1. A living wage for workers as the primary means of combating growing poverty. The living wage should be the cornerstone of the work of the trade union movement.
  2. A comprehensive plan to create quality jobs and to ensure that the millions of unemployed are able to work in conditions of decent work. In addition the state should provide a living unemployed benefit.
  3. Our campaign to stop privatisation and job losses. The state should provide permanent, quality jobs in the public service and not temporary, low-paid jobs as envisaged in the Extended Public Works Programme.
  4. The state should increase tax on company profits and the rich while scrapping VAT.
  5. Trade agreements should not undermine the capacity of developing countries to build a strong economic base, and in this context we reject the attempts through the WTO to have further trade liberalisation that would cause massive job losses in South Africa and a number of other countries of the south or to coerce developing countries to expand trade negotiations, and hence limit national government sovereignty, on issues such as services, investment and government procurement. .

6. Fair trade as a basis for our trading relationship with other countries, with respect for worker rights in all trading nations, fair access for developing countries to the markets of developed countries and fair prices for goods from the South. We do not accept the suggested trade-off between agreed market access on agriculture in the north, with opening of markets in the south, since the goal of the trade talks are to foster a development round
  7. Industrial policy measures and framework to rebuild and modernise our manufacturing base, create strong links between services and manufacturing and beneficiate more local products.
  8. Labour market policies and laws that promote quality jobs, decent work and rights for all workers, including those at small businesses and strengthening of bargaining councils
  9. Economic policies to ensure that all policies promote the growth of decent work (more jobs and better jobs for all).
  10. A 2010 World Cup that is developmental in focus and creates quality jobs. The 2010 World Cup to be bound by an Agreement to support the Proudly SA campaign and promote fair labour standards.
  11. The Proudly SA and buy 'locally manufactured' campaigns as ways of retaining jobs in South Africa, with public sector and retailer commitments to the campaigns. Government procurement should support the local industry and all three levels of government should, wherever possible, procure all their goods from companies who manufacture them locally, with respect for the rights of workers. Retailers should ensure that at least 75% of their light consumer goods (clothing, footwear, food, plastics, etc) are manufactured locally and should enter into a Code on Procurement with the union movement to achieve this.
  12. Government tender standards should include observance of fair labour standards as well as local procurement.
  13. Competition authorities should be bound to a strong job security and job creation mandate and should be required to work with trade unions to ensure compliance with this mandate.
  14. Worker cooperatives must be considered as one key means of saving jobs
  15. To review insolvency laws to ensure that saving jobs become a priority.
3. To welcome the quota introduced on clothing and textile products from China, and in this context to:
1. Call on retailers to shift their sourcing to companies that manufacture in South Africa
  2. Launch a public information campaign aimed at consumers and workers, to draw attention to the job losses caused by imports
  3. Monitor the buying patterns of retailers through partnerships between SACCAWU and other manufacturing unions and take further action should sourcing not be shifted to South Africa
4. To have a full discussion around the nature of the demands as well as the tactics of the campaign in all COSATU and affiliate structures.
  5. Our mass strikes and protest actions should not only take a one-day form but should be sustained until our demands are met.
  6. The demands should also focus on key demands such as for the nationalisation under workers' control of the commanding heights of the economy, industries or companies where retrenchments are envisaged or have taken place.
  7. COSATU and the SACP must do everything in their power to redirect the energy of the state towards a planned economy capable of meeting the needs of the people and the poor; such a planned economy must not rule out the possibilities for nationalisation and redistribution of the country's vast and enormous material resources.
  8. To reject free trade agreements (bilateral or multilateral) that will lead to job losses, and work with unions elsewhere in the world to defeat attempts through WTO agreements to limit policy space for developing countries.

9. To have a national retrenchment monitoring system, initially on information supplied by COSATU and the other trade union Federations with quarterly data released to the public, with a view to an agreement at Nedlac for the general release of this information.
10. To actively involve ourselves in community campaigns for the provision of basic social services, including the right to decent housing, education, transport and health (free provision of ARVs by state hospitals, etc).
11. To form coalitions with all forces committed to the objectives of the Jobs and Poverty Campaign.
12. To form a United Front Jobs and Poverty Campaign Forum, consisting of COSATU, affiliates and our allies and supporters of the campaign, community organisations, NGOs, SACP etc. that will meet regularly and co-ordinate the campaign.
13. The campaign should be built from the bottom-up and not driven only as a high-profile media campaign by a few leaders. To this extent industrial and community locals have to be resuscitated and resourced.
14. Attention should be focussed on weaker affiliates to ensure strengthening of COSATU in the provinces and meaningful participation of all workers in the campaign.
15. A concerted attempt within affiliates and by the Federation should be made to organise the unemployed, informal workers and casuals. This should be co-ordinated by the COSATU organisers' forum.
16. The Central Executive Committee and the Central Committee should ensure full implementation of the different elements and to give effect to the existing COSATU policies.

### 3.2 HIV/AIDS

This Ninth National Congress notes:

1. Extensive COSATU resolutions on HIV/AIDS at previous congresses and Central Committees.
2. That 80% of AIDS related deaths are from TB.
3. The emergence of multi-drug resistant TB is of grave concern.
4. That our health system is crumbling under the dual burden of TB and HIV and AIDS.
5. The emergence of the fatal XDR TB resulting from failure of the Department of Health to respond with urgency on early warnings.

Therefore this Ninth National Congress resolves:

1. To reaffirm resolutions of the Eighth National Congress.
2. To support systems at workplaces and strengthen the practical side of the education and treatment components of the campaign.
3. To set a target of 100 000 workers a month to be covered by union workplace communication on HIV and AIDS.
4. To train 20 000 peer educators annually.
5. To continue campaigning for free care and treatment for people living with HIV and AIDS accessed from where it is convenient for the person.
6. Normalisation of HIV infection as with other medical conditions (diabetes, hypertension, asthma etc).
7. The Department of Health must do its job to protect society from unfounded claims of cures for HIV and AIDS in violation of the laws of the country.
8. To square our efforts on prevention.
9. Employers should be encouraged to adopt orphanages.
10. To call for urgent action in producing drugs believed to be effective against XDR TB.
11. That the Minister of Health must declare a national disaster and reintroduce the vertical

programmes to deal with these diseases.

12. Government must meet immediately with COSATU health sector affiliates and other social formations together with the World Health Organisation to address the emergency that TB, especially XDR TB, represents to South Africa and to design a public response with all concerned.

### 3.3 Import-parity pricing

This Ninth National Congress notes:

1. Import-parity pricing by monopolistic producers is stifling the growth of downstream manufacturing in South Africa and pushes up the prices of low-cost housing, food and medicine.
2. The unregulated export of scrap metal also deprives local producers of needed inputs.

Therefore this Ninth National Congress resolves:

1. To ensure that the practice of import-parity pricing in our industries is corrected, and to campaign against upstream companies who persist in pursuing this practice at the expense of downstream industries.
2. To push for the regulation of key industries involved in the manufacturing of industrial goods through consultation between the stakeholders at NEDLAC and international level.
3. To call for amendment of the Competition Act to establish a price and monitoring system to ensure compliance by companies and prevent companies from exerting undue market influence.
4. To ensure that import-parity pricing is strictly controlled with respect to products that are significant to poor people such as food, medicine and housing material.
5. The state should play a central role in regulating the exportation of scrap metal, in order to allow local businesses access to scrap metal at a competitive price.
6. CEC to establish a focus group to discuss IPP in all sectors of the economy.
7. COSATU should be regularly highlighting the negative effect of import-parity pricing on jobs.

### 3.4 State involvement in the economy

This Ninth National Congress notes:

1. Clause 3 of the Freedom Charter says, "The national wealth of the country, the heritage of all South Africans, shall be restored to the people," and "The mineral wealth beneath the soil shall be transferred to the ownership of the people."
2. Instead of pursuing this demand the government is handing over key economic sectors like mining to few rich individuals. This cannot benefit the majority of the people.

Therefore this Ninth National Congress resolves:

1. The government should be engaged through COSATU and other organs of civil society should call for the establishment of a national company owned by the people through the state in key strategic sector. The state company should also own key strategic sectors of the economy.
2. The proceeds of this company will be channelled into financing programmes to deal with socio-economic challenges of our country particularly those facing the poor.

Government must:

1. (Re)nationalise key industries that used to belong to the state, beginning with SASOL;
2. Pass legislation to allow state takeover of industries that are either closed or abandoned by owners or financially troubled. This must be done through direct involvement of workers affected; and
3. Return to the Freedom Charter demands for nationalisation of the monopoly industries like the mines and the banks.

3. To campaign within the Alliance and society at large for the nationalisation of economic assets in key economic sectors such as minerals, telecommunications, petrochemical, etc.
4. To call on government that the National Empowerment Fund, Sibiya Fund, etc. and other entities such as the IDC and PIC are oriented towards supporting popular forms of ownership and distribution of economic wealth such as cooperatives.
5. To call on all COSATU affiliates to disallow their investment companies from legitimising the current accumulation regime by participation in BEE deals.
6. To call on all COSATU investment companies to reorient themselves towards cooperatives and other progressive forms of ownership.

### 3.5 Industrial strategy and economic policy-making

This Ninth National Congress notes:

1. The adoption of an Industrial Strategy and economic policy for COSATU takes into consideration the main demands arising from COSATU 's Central Committee on industrial strategy (as articulated in Book 6 of 2006 Congress documentation); as well as COSATU's position on the Growth and Development Summit (GDS); and government's Accelerated Shared Growth Initiative (ASGI-SA)

Therefore this Ninth National Congress resolves:

1. The main demands of COSATU on industrial policy include the following:

The developmental state. The state must absolutely prioritise sustainable employment creation, which combines economic development with an expansion in decent work. Moreover, the state must have structures that can drive development through a combination of discipline and resourcing for capital. At the same time, it must ensure broad participation in policy development, especially by organisations representing working people.

Fiscal and monetary policy. Fiscal policy must become more expansionary. Interest and foreign-exchange rates must be designed to support increased investment and growth in exports. In particular, targets for the Reserve Bank should include the current employment and growth targets. That generally requires a reduction in real interest rates to levels comparable or lower than South Africa's main trading partners. The state must do more to make development finance institutions, especially the IDC, support its initiatives.

Skills development. While the national skills strategy sets a crucial framework for skills development on a mass scale, it has not succeeded in ensuring that lower-level workers have access to qualifications and career paths. We need a stronger analysis to understand the reasons for these shortcomings.

Unionisation. To ensure growth brings about decent work requires that workers entering newly created jobs also join unions. The labour laws never work primarily through government inspections, but rather through union monitoring and action. Government must do more explicitly to support organisation in vulnerable sectors, rather than relying only on its own power to set standards.

Sector strategies. COSATU has long argued that specific sectoral strategies are needed to restructure the economy toward more equitable, job-creating growth. This is a long-run process. It takes at least five to ten years to change the sectoral structure of the economy substantially. Effective interventions must be geared consistently and systematically toward the new growth path.

2. Sector strategies must ensure, as far as possible, that every major economic sector:

1. Protects and creates sustainable and decent employment
2. Meets basic needs better, by cutting prices or improving the quality of goods used by the poor
3. Ensures adequate exports to obtain necessary imports, which means continued diversification in mining, and an active beneficiation strategy remains critical
4. Contributes to development in the former homeland areas and in neighbouring countries
5. Supports more collective ownership, especially through the public sector, a strong co-operatives movement and enhanced worker and community control.

3. A critical task is to identify industries that are both relatively labour intensive and sustainable – that is, able to grow substantially for the foreseeable future. Generally, considerable state support will be required to help these industries take off while achieving more equitable outcomes.

4. This approach differs from the current government strategy in that:

1. It sees the domestic market as an important source of growth for labour-intensive production, rather than focusing narrowly on export industries.
2. It does not glorify high-tech production, rather arguing that production of basic goods for the poor in South Africa and the region at least may provide an important source of employment growth.
3. By extension, it requires a low exchange rate as well as measures to reduce the cost of living in order to make possible competition with Asian suppliers who typically undervalue their currencies and subsidise key goods and services.

5. Critical structural changes for this industrial policy include:

1. A substantial expansion in agriculture and food processing for both the domestic and regional market and, especially through horticulture, for overseas export. To ensure decent work and greater equity in the sector, a major land reform and agrarian development based on marketing co-ops would have to form a central part of this sectoral strategy.
2. To maintain export revenues and technological capacity, mining would have to continue to diversify with conscious efforts to diversify the associated industries and services, both upstream – essentially capital equipment, electricity, construction materials and chemicals – and downstream (beneficiation and manufacture of mining products).
3. Strong support systems would be needed to grow light manufacturing, especially food processing; appliance assembly; crafts; plastics (based on local inputs); furniture; publishing and clothing. In each case, sources of local inputs should be identified and expanded. Growing these sectors will require an overhaul of the retail sector as well as some tariffs, in

order to ensure access to domestic and regional markets. Co-ops and state agencies must play a role in providing inputs and marketing.

4. Both public and private services should grow in ways that create employment. The main public services are understaffed. They also have to review all their programmes to ensure they contribute more to employment creation, both by enhancing local procurement and by improving the capacity of working-class households to engage with the economy. The private services – for instance, restaurants, childcare and hairdressing - are dominated by micro-enterprises, but provide an important source of employment especially for women.

## The GDS

1. The GDS was concluded at NEDLAC in June 2003, just before COSATU's Eighth National Congress. Key gains for labour included a reaffirmed commitment to tripartite sector strategies geared to growth creation, agreements to expand skills development, support for co-operatives, and restructuring of the financial sector, and a commitment to ensure increased investment to transform the economy and meet community needs.

2. Evaluating the impact of the GDS is not easy. For one thing, it remains difficult to link specific actions by government and business to implementation of their GDS commitments. We can, however, identify some important outcomes of the GDS. They include the Financial Sector Charter; the emphasis in ASGI-SA on increasing public investment and sector strategies; the new legislation for co-ops; the changes in BEE strategies to avoid a narrow elitist approach- although these remain inadequate; and the pressure to improve the functioning of the SETAs.

3. Particular concerns for labour remain the lack of commitment on investment and the generally slow and unsystematic progress in all areas.

## ASGI-SA

1. The government developed ASGI-SA toward the end of 2005. Key elements include:

1. A substantial increase in public investment, primarily in electricity generation, rail transport and, at provincial level, in roads and community infrastructure. These investments have not yet been initiated, but should have some impact in the coming years. This proposal takes forward COSATU demands in some respects, but the scope and targeting of this investment is not agreed in some areas, and requires further discussion (e.g. the Gautrain).
2. Improvements in education and skills development, based on establishment of a Joint Initiative for Priority Skills Acquisition (JIPSA) with high level participation by government, business and labour representatives. Labour has been under-represented on JIPSA but has nonetheless managed to have a significant influence on its activities in the past few months. Government has now agreed to address labour's under-representation.
3. Sector strategies geared to employment creation. ASGI-SA's sector strategies have tended to focus on limited employment-creating activities, such as outsourced back-office processing, rather than interrogating how major sectors can do more to support sustainable job creation.
4. An effort further to reduce fiscal dis-savings and maintenance of the current inflation-targeting regime, with some efforts to ensure a competitive rand through increased reserves. This approach could lead to a more conservative fiscal and monetary regime, which COSATU opposes.
5. Support for selected "second-economy" activities and deregulation for SMMEs. This section of ASGI-SA remains underdeveloped, and has encouraged suggestions that labour laws be weakened.

2. The ASGI-SA framework identifies an important problem – slow and inequitable growth – and points to some key reasons rooted in the inherited economic structure. While many of the proposed solutions have considerable merit, they do not adequately reflect the overall aim of inclusive, shared growth, and taken together seem inadequate to achieve the desired aims. This means we must locate ASGI-SA clearly and narrowly as a commitment to shared growth, rather than as a statement of consensus on how to get there.

3. The lack of a broader strategy that can mobilise the Alliance must be urgently addressed. We identify some areas in the course of this document which we believe need to be prioritised if a practical strategy to promote equity and redistribution is to be placed at the centre of ASGI-SA.

4. We agree that:

1. The commodity price boom and prospects for a more expansionary fiscal policy, in particular, support accelerated economic expansion. In this context, ASGI-SA should seek above all to ensure prioritisation of shared growth. In other words, it must send a clear signal that growth on the historic path, which enriched only a relative few, is not acceptable. We cannot have growth for some, and pain and misery for the core constituency of the ANC and the liberation movement.
2. While the document may be seen as an improvement in some respects, it largely continues the existing ad hoc, inconsistent, and sometimes contradictory approach to key strategic challenges. The absence of a coherent strategy to deal with the critical issues of inequality, unemployment and poverty bedevils the good intentions of ASGI-SA.
3. The Growth Strategy pays lip service to the issues of redistribution and inequality, but lacks any systematic attempt to ensure that growth of whatever figure – 6% or more - doesn't perpetuate the current growth path of inequality - i.e. it doesn't address the critical question of how to ensure that the beneficiaries of growth don't continue to be largely the same suspects. (There is no deliberate strategy of redistribution in ASGI-SA; chasing of growth or employment targets is not specifically biased towards a deliberate impact on the poor; e.g. there is no mention of decent work, combating casualisation etc. to ensure that rising employment figures are not accompanied by a growth in the working poor- in fact the proposals in relation to textiles would achieve precisely this result). Strategies to address the economically marginalized, second economy etc. tend to be add-ons, to a largely market-driven strategy- although there are some tentative shifts in the direction of a more interventionist role for the state.
4. We can ensure more equitable growth through measures that ensure growth is combined:
5. Employment creation, on a enough large scale drastically to reduce the level of unemployment, which requires a shift in the structure of production
6. Combating casualisation of labour which is building a large army of working poor
7. More equitable ownership, for instance through aggressive agrarian reform that will ensure faster and widespread land redistribution, food security and livelihood support programmes in the rural areas. We require more social protection funded through the progressive tax system. We need a deliberate strategy to change patterns of ownership through empowerment of the majority through a much more aggressive development of co-ops and such other scheme that promotes collective ownership of the economy.
8. Investment in human capital – education, skills development and healthcare. We need a more deliberate strategy for employment equity to ensure promotion of black people, women and people leaving with disabilities.
9. ASGI-SA identifies only some programmes to achieve these aims. Moreover, COSATU cannot agree with the details of some of its proposals.

10. As agreed at the last Alliance Summit, the Alliance must still develop a more comprehensive vision that will guide long-run development to build a more dynamic and equitable economy.

5. COSATU is only able to support ASGI-SA if agreement is reached that:

1. ASGI-SA needs to be fundamentally designed to ensure that our common commitment to shared, rather than inequitable, growth runs through all its programmes;
2. Proposals to introduce reduced rights for workers in small businesses, weaken the scope of centralised bargaining and possibly use regulatory impact assessments to review and attack labour rights, are removed;
3. The specific proposals in the document, for instance on sectors and infrastructure projects, require much more work to secure alignment around a common developmental vision;
4. The Alliance will set in place a practical programme to develop a common understanding of the broader growth trajectory, identifying the role in all the major sectors and social programmes in establishing a more equitable economy;
5. While we appreciate the important contribution a programme such as ASGI-SA could make, without a broader development strategy it will be measured against the Alliance commitment to a transformatory growth project, and found to be wanting. Indeed, parts of it could be used to erode the commitment to a better life for all.

### 3.6 Broad-Based Black Economic Empowerment

This Ninth National Congress notes:

1. Racial differences in income, wealth and opportunities remain unacceptably high.
2. The reluctance of the private sector in some quarters to transform and especially to engage with all stakeholders, including labour, in negotiating sector charters developed to deal with sector-specific issues of empowerment and development.
3. The failure of narrow versions of BEE to include skills development, employment equity, broad-based ownership, employment creation and support for co-ops as key elements in effective empowerment for the majority of South Africans.
4. The state passed the Broad-Based BEE Act in 2003. The Act provided that all government procurement and licensing must take into account, as far as possible, the score and enterprise gets on a Broad-Based BEE scorecard.
5. Since the Act was passed, the dti has gazetted and engaged at NEDLAC on draft Codes of Good Practice that give details on the scorecard. The Codes will probably only be finalised toward the end of 2006 or early 2007.
6. Under current proposals, points on the scorecard (indicated in brackets below) would be awarded for:

1. The share of black people, and particularly black women, in ownership and executive management. The main target was to achieve 25%, 1% black ownership, which would give the black shareholder an effective voice on the board. (30% of the total points)
2. The achievements of targets for employment equity and skills development, with most of the points going to representivity and training for professionals and managers. (30% of the total)
3. Support given to black-owned enterprise through financial and technical assistance as well as targeted procurement. (30% of the total)
4. Other socially responsible investment and activities. (10% of the total)

7. Micro enterprises, which are too small to register for VAT, would be entirely exempted from the scorecard.

8. The Act also provides that stakeholders in a sector, explicitly including labour and community groups, may agree on a Sector Charter that could diverge from the scorecard in order to take into account sectoral needs. The dti must gazette such a Charter under the Act,

1. It would have to be accepted by all stakeholders, including labour, which gives unions something very like a veto.
2. Parties to a Charter would have to justify deviations from the scorecard.

9. Currently, sector charters are under discussion in mining, finance, health, construction, property, ICT, agriculture and legal services. But they cannot begin the gazetting process until the Codes of Good Practice are finalised, and even then the gazetting process may take some months.

Therefore this Ninth National Congress resolves:

1. To concretely campaign for truly Broad Based Black Economic Empowerment in which mass empowerment of the young, women and rural people are key defining feature and in which elite enrichment of the few is condemned.
2. To campaign for a BBBEE that results in mass empowerment. To actively promote a BBBEE strategy as encompassed by the Act and the Codes of Good Practice which seeks to radically empower all previously disadvantaged communities by opening up access to economic opportunities and permanently alleviating poverty.
3. To campaign against a narrow, self-interested interpretation of BBBEE centred on ownership and the enrichment of a few. This strategy must redistribute wealth among all disadvantaged communities and serve as a tool to eradicate not only racial and class, but also gender inequalities.
4. Broad-based BEE must include payment of a living wage. All companies including the BEE companies should sign

1. Charter of Worker Rights in which they commit to supporting at least the following rights of workers.
2. Payment of a living wage.
3. Full and comprehensive trade-union rights.
4. Advanced health and safety practices.

4. In all sectors and industries the BEE charters must be outcomes of stakeholder negotiations. To call for and ensure that the empowerment charter process takes place in all sectors and that industry engages effectively with other stakeholders, specifically labour, on empowerment issues.

5. To campaign and call on government to design special legislation facilitates access to finance for SMMEs and co-operatives, especially those with job-creation potential.

6. To give our support to other initiatives such as the Financial Sector Charter and the related SACP campaign, which aim to provide previously disadvantaged individuals with access to economic opportunities.

7. The BBBEE Codes must provide no exemption particularly for multinational corporations (MNC).

8. To call for other empowerment vehicles which fall outside the codes of good practice such as land and agrarian reform, public works programmes and the re-nationalisation of state owned assets and enterprises.

9. To implement mass training programmes for workers and the unemployed with regards to addressing skills development and employment equity issues, etc.

10. COSATU, together with partners such as the Dora Tamana Institute, must develop clear guidelines on the establishment of co-operatives. Co-ops must be used as model for mass-based empowerment.
11. The Alliance must define who previously disadvantaged people are.
12. The entire BBBEE process does not adequately emphasise employment, including through support for local procurement and strong ties to sector strategies.
13. The ownership requirements should do more to incentives collective ownership, for instance by community trusts, worker ownership and pension funds. In response to COSATU's demands at NEDLAC, some incentives are provided for collective ownership, but they remain weak and it is not clear if retirement funds would qualify.
14. The employment equity and skills development targets undermine the relevant legislation by focusing primarily on managers and professionals. Yet a central aim of the original acts, which were passed by Parliament (unlike the broad-based BEE Codes), was to ensure advancement for lower-level workers.
15. In many sectors, such as health and finance, the services and products provided may be important in empowering the poor and their communities. More weight should be given to these issues.

### 3.7 Trade policy

This Ninth National Congress notes:

1. The Doha Development Round at the WTO is currently suspended because powerful, developed countries are operating as a bloc to secure markets in the developing countries while denying developing countries the policy instruments needed to enhance development. At the same time, they continue to subsidise agriculture and as a consequence block access into their agricultural markets.
2. The tariff cuts proposed in the negotiations on non-agricultural market access (NAMA) pose a devastating threat to quality employment and to the existence of a manufacturing base in developing countries.
3. The recent positions taken by South Africa in the negotiations and in the alliance-building between the countries of the South in the WTO. COSATU takes this opportunity to commend the more proactive positions taken by our government.

Believing:

1. Developing countries must unite to develop a programme to protect their markets against the WTO bullies.
2. Our engagement in trade-related matters must:
  1. Seek to meet the needs of our members and the millions of other working and unemployed people in this country and
  2. Support effective and democratically agreed-policies to support the appropriate development of the South African economy.

Therefore this Ninth National Congress resolves:

1. On NAMA (Non-Agricultural Market Access), our government:
  1. Should ensure that while WTO talks are suspended, developing countries should not be coerced into entering bilateral agreements with rich and powerful countries. Further, government must not get drawn into accepting any kind of compromise multilateral 'formulas'

for the reduction of industrial and other tariffs proposed under this agreement, with the already-evident negative effects of such liberalisation against local industry and jobs;

2. Must instead defend the imperative necessity to preserve its own internal policy-making rights and the policy flexibility required to support its own emerging and future industrial development and diversification strategies, and
3. Must support COSATU's demand that the offensive thrust of NAMA be definitively blocked altogether.

2. On GATS (the General Agreement on Trade in Services), our government must:

1. Secure the essential role of national services for current and future national development and diversification strategies;
2. not make any offers to open up any public service to foreign commercial or privatised "service providers" or companies, either on a bilateral or plurilateral basis;
3. Assert its inalienable right to amend or withdraw any offers already made under GATS;
4. Support COSATU's demand, in Alliance with other trade union partners and social movements, those GATS to be stopped altogether.

3. On the WTO's agreement on agriculture, our government must:

1. Stand firm and not compromise on the unacceptable agricultural export and production subsidies in the highly industrialised countries, which harm agricultural producers in South Africa and other countries of the South;
2. Join other developing countries demanding their right to protect their own key products and vulnerable small agricultural producers, especially in the context of the urgent necessity to redistribute land and support small and emerging farmers and rural communities in this country;
3. Protect its right to develop and implement agricultural and related policies as agreed with stakeholders in this country.

4. It is critical that our government does not accept as inevitable that the Doha Round will - or must - resume. Instead, it should use the current suspension of talks to engage in wide-ranging investigation and consultation with organised labour and other social forces in this country to prepare an alternative and appropriate national development and international strategy appropriate for the needs of this country.

5. On other international, bilateral or regional trade negotiations, the government must:

1. Defend its right to maintain external tariff, quotas or other trade instruments that are judged necessary for the defence of jobs and the promotion of industrial development and diversification in this country;
2. Not accept the infiltration into any such agreements of any WTO or WTO terms such as financial liberalisation, the opening up of government procurement and other proposals - that have been resisted and already rejected in the WTO and that are hostile to the interests of the people and future development of this country.

6. We urge the government to support the continued unity and resistance of the various alliances of developing countries in the face of the divisive pressure tactics by the WTO and its supporters.

7. COSATU must immediately embark on an education campaign on the WTO, NAMA and GATS for the workers.

8. Shop stewards must engage their employers to support the unions and government positions on the WTO. In this regard a national petition must be prepared to garner support for our positions.
9. COSATU must spearhead a global campaign on international trade agreements.
10. Negotiation processes should be driven at a political level by the Minister.
11. The quota agreement between South Africa and China should be extended to other sensitive and labour intensive sectors prone to dumping, for example, the tyre and electronics industry.

### 3.8 SACCAWU National Provident Fund's ownership and overall transformation of the Financial Services Board (FSB)

This Ninth National Congress notes:

1. It is now full four years since the SACCAWU National Provident Fund was mysteriously and unnecessary put under curatorship amid alarming and wild allegations which four years after curatorship have still to be proven.
2. SACCAWU has called for a proper investigation of the fund in order to deal with the FSB's allegations, but this has not been forthcoming.

Believing:

1. The seizure of the SNPF under curatorship indefinitely is but one component of the overall capitalist strategy, in collaboration with the FSB, to resist if not eliminate union controlled retirement funds.
2. Protracted curatorship defeats the very purpose and objective of addressing problems in the funds. The SNPF curatorship at best is the curatorship of a special type that only serves to enrich a few individuals at the cost of the fund.

Therefore this Ninth National Congress resolves:

1. To demand adequate labour representation in the FSB Board and to ensure that other members are individuals serving in the FSB are representative of the broader South African society.
2. To demand the urgent removal of the SACCAWU National Provident Fund from curatorship and its return to its rightful owners' control, administration, governance and management.
3. A credible agency undertake intensive and urgent investigation into:
  1. The role of FSB and Old Mutual in putting the fund under curatorship as well as processes leading to same and during the curatorship.
  2. The claims submitted and processed, such as funeral cover, death and withdrawal benefits during curatorship.
  3. Investments made, investments recalled and reasons therefore.
  4. Complaints by members and steps taken to attend to same.
  5. Detailed reasons for the destruction of SACCAWU National Provident Fund and liquidation of SACCAWU Investment Holding, and an analysis of the value of the investee companies acquired by SIH before curatorship.
  6. The processes and criteria applied in nominating the incumbent curator.
  7. What happened to the irregularities allegedly committed by the Trustees and/or Principal Officer? Why were there never any arrests or convictions in the light of public vilifications and wild allegations?
  8. The role and possible conflicts of interest of the curator, his legal firm and family, and the overall costs to the fund during the curatorship period.

4. The CEC should develop a strategy to deal with attacks on union-initiated retirement funds

### 3.9 Labour law and labour market policy

This Ninth National Congress notes:

1. Recent efforts to weaken labour rights in legislation.
2. Attempts by certain companies to avoid the obligations of law by casualising the employment relationship.
3. The use of representivity tests in the law to undermine bargaining councils.
4. Current attempts to change the Labour Court through transferring its work to the provincial divisions of the High Courts, and remove the right through Nedlac for labour to have a say in appointment of judges.

Believing:

1. Centralised bargaining is crucial to ensure workers at small businesses have proper rights negotiated through trade unions.
2. Bargaining Councils need to be strengthened.
3. The legitimacy of the labour courts requires effective stakeholder involvement in the appointment of judicial officers.

Rejecting:

1. Calls for labour market flexibility that amount to stripping workers of their rights and are in fact a call for a return to the dark past of our country for ordinary workers
2. The reports and ill-informed analyses of the International Monetary Fund (IMF) that constitute an attack on the rights of the poor, the marginalised and workers.

Therefore this Ninth National Congress resolves:

1. To defend the rights of workers in the labour laws with all our energy and power and to ensure that other laws such as the Competition Act, be amended to protect rights of employment
2. To campaign to strengthen bargaining councils through a range of measures, including:

1. Ensuring Bargaining Councils are set up in more sectors to ensure that larger numbers of workers are covered;
2. Unions improving their current levels of representivity in bargaining councils and build strong, large unions in each bargaining council;
3. Changes to section 32 of the LRA to ensure a lower threshold of representivity applicable to a bargaining council to be used by the Minister for purposes of extending collective agreements concluded in bargaining councils. This should not change existing criteria for admission to bargaining councils;
4. Bargaining Councils to receive a full subsidy from the Department of Labour for all dispute resolution services that they provide.

3. To fight to retain labour rights for workers in small businesses through:

1. A co-ordinated campaign to unionise small businesses, drawing on successful experiences such as in motor, clothing and other sectors;
  2. Strengthening the rights of workers to utilise freedom of association and collective bargaining rights.
4. To address casualisation and labour broking through changes to the law, as well as statutory Codes, to ensure full protection of workers and the growth of secure, decent work.
5. To combat the abuse of labour brokers and contracts including where permanent work is structured through fixed-term contracts, and in this context, to ensure.
1. That companies are not able to use fixed-term contracts to avoid granting rights to workers;
  2. That the exact terms of liability on the contractor and main employer is fixed and clearly defined such that workers are able to access the rights they are due in labour laws and collective agreements;
  3. Transfer of contracts of employment where a commercial contract is transferred from one business to another, but the underlying work continues;
  4. Procedures and protections available in the LRA are available to contract workers.
6. To campaign that all public and private tenders clearly require that all tenders fully comply with all their labour standards requirements, including labour legislation and collective bargaining agreements, and that the tender price be set at a rate that allows companies to meet their labour standard obligations.
7. To campaign for:
1. The retention of a specialist Labour Court with national jurisdiction but with facilities in all provinces in order to ensure access;
  2. Continuation of NEDLAC's role in the appointment of judges in labour matters;
  3. A system that allows shop stewards and union officials to continue to represent workers in the court.
8. To serve a section 77 notice on reforms to the judiciary that undermines the gains made in the LRA on issues of appointment, specialisation and representation.
9. To review the emerging case-law on labour rights, to ensure that the rights of workers are not undermined, and in this context to consider changes to the LRA required to address the problems raised by the Fry's Metal case
10. To strengthen the fight against retrenchments and unfair dismissals, including through:
1. Amending the LRA to grant workers in enterprises employing fewer than 50 workers the right to strike against retrenchment;
  2. Ensuring that the desire to expand profits is not regarded as an operational requirement for purpose of retrenchment;
  3. Campaigning for severance pay to be increased to 4 weeks per year of service;
  4. Addressing the issue of representation at the CCMA so that advocates and attorneys who practice for their own account are not permitted to represent parties in individual dismissal cases.
11. To protect the right of workers to key organisational rights, including:

1. Ensuring that the right to demonstrate and picket is defended, and that the police is trained and equipped to deal with crowd control in a peaceful manner;
  2. Reviewing the operation of limitations on rights to association and to strike, including in essential services, solidarity strikes, the Police Act and the National Keypoints Act.
12. To call for the following amendments to the Basic Conditions of Employment Act:
1. Provision for a special sectoral determination aimed at addressing the plight of workers in atypical jobs since they are the most vulnerable;
  2. Amending Section 54 to compel the Employment Conditions Commission (ECC) to set itself the objective of combating high levels of atypical employment when advising the Minister on Sectoral Determinations;
  3. Introducing a provision which increases the number of the ECC members by providing for a community constituency representative in the commission;
  4. The working week should be reduced to 40 hours without any loss of income or benefits;
  5. Increase family responsibility leave;
  6. Increase the sick leave provided to workers with AIDS or a terminal illness.
13. To review existing legislation and Codes to meet key concerns, including:
1. The Employment Equity Act to address the wage gap;
  2. Skills Development Act to ensure greater access by ordinary workers, especially black people and women;
  3. Codes of Good Practice to align them with legislation and that they benefit ordinary workers and not just senior managers and professionals.
14. To improve the fight against racism, sexism and vulnerable employment.
15. To strengthen monitoring and enforcement of labour laws, including increasing the number of inspectors.

### 3.10 Police brutality and state oppression during protest action

This Ninth National Congress notes:

1. There is growing dissatisfaction among communities on provision of basic services by government, such as infrastructure development, electrification and sanitation etc.
2. The sometimes inhumane, barbaric and violent response by the police in managing these demonstrations, which reverts to the old brutal apartheid style of tear gas, bullets and skiet, skop en donner.
3. The current narrow and defeatist approach to community policing, which renders it irrelevant and ineffective.
4. The increasing incidents of malicious prosecution of striking workers which seem to be a tactic by the state to intimidate workers and unions and seek to tie them and their resources up in the courts.
5. The refusal of municipalities to allow striking workers to gather and/or march.
6. The conflicts of interest of some ANC councillors in companies have their silence in condemning police conduct.
7. To acknowledge the progressive role played by members of POPCRU in protecting the workers' right to strike.

Believing:

1. Peaceful and lawful demonstrations are acceptable, indeed necessary, for a democratic society.
2. Communities are responsible for ensuring that their demonstrations are not abused by other elements. Citizens have a civic duty to abide by the law and collaborate with the police.
3. The police have the right to prevent lawlessness, violent activities and damage to property takes place during demonstrations and to ensure compliance with the rule of law; but this does not mean banning demonstrations or using unnecessary force to break them up.

Therefore this Ninth National Congress resolves:

1. To foster, promote and consolidate community policing during peaceful demonstrations.
2. To ensure that the right of workers to demonstrate and picket is defended, and that the police are trained and equipped to deal with crowd control in a peaceful manner
3. To continuously embark on an integrated programme of training and education within all the relevant structures on the role of the police within a democratic state.
4. To develop a collaborative approach with law enforcement agencies to apprehend and expose acts of lawlessness during such demonstrations.
5. To condemn with the strongest possible terms any form of police brutality during peaceful demonstrations, and to call upon the police top management to put effective measures and systems in place to ensure an immediate stop to unnecessarily violent police actions in these situations.
6. To influence and encourage the state to formulate all-inclusive approach on the strategic direction of the security establishment.
7. To encourage development of a well-resourced and inclusive proactive, effective, and inclusive policing approach.
8. To campaign for the streamlining of all policing strategies and activities by all security agencies to ensure an efficient and effective collaborative approach to crime and criminality.
9. To encourage and support a continuous campaign by the state for retrieving all unlicensed firearms and discourage possession of small calibre firearms. The state must manage and strictly control the issuing and control of firearms to private security agencies as well as monitoring the database and usage of such arms.
10. To approach the Human Rights Commission for an enquiry into police brutality and malicious prosecution of workers on strike.
11. To campaign for the democratisation of the process of applying for gatherings and marches, including removing the powers of municipalities to unilaterally withdraw the right of workers to gather or march in the course of a strike.
12. To condemn the behaviour of the police by arresting leaders during marches by striking workers as this only creates chaos at such a critical time and to call for the dropping of all charges by the state against our leaders.
13. To engage government on new methods of crowd control
14. To call on the police management and the police in general to ensure adherence to the Code of Good Practice on Police Conduct during pickets and strikes.
15. To ensure that state institutions are not used to break the strike and picket lines.

### 3.11 NEDLAC

This Ninth National Congress notes:

1. Our participation in NEDLAC and other forums like the Millennium Labour Council and the President's Working Group have, in the main, not been pursued in accordance with our strategic aims as outlined in previous resolutions. Moreover, affiliates are not always fully consulted or involved when matters relevant to their sector are discussed in the various forums where COSATU participates.
2. The absence of a communications strategy to communicate what is taking place in NEDLAC and Parliament results in the perception that members are turned on and off to support our demands. One day the tap might just run dry as members get fed up with not being properly informed.
3. The Community Constituency at NEDLAC is restricted to the Development Chamber, although it is obviously affected by what happens in the Trade and Industry, Public Finance and Monetary and Labour Chambers.
4. The budget allocated to NEDLAC is hopelessly inadequate and does not demonstrate any serious attitude, by Government, towards NEDLAC.
5. Co-ordination between the Parliamentary Office and Policy Unit.

Therefore this Ninth National Congress resolves:

1. A more structured approach to the Federation's work in the various socio-economic forums, aimed at increasing the involvement of workers in these processes, will be implemented as a matter of urgency. This approach shall include ongoing education, regular consultations within the Federation and with the ANC ETC and mandate taking and the use of mass action where appropriate.
2. The first CEC after Congress must develop a set of measures aimed at strengthening our participation in NEDLAC. This programme may include the following, amongst others:
  1. Regular workers' summits involving worker delegates from the three Federations;
  2. Regular strategic sessions of the leadership of the three Federations;
  3. Providing adequate support and back-up for our delegates;
  4. Define a clear role for the National Office Bearers of the Federation in exercising political oversight over our participation in NEDLAC;
  5. Ensure that our participation is mass driven;
  6. Regular consultation with the ANC NEC Economic Transformation Commission.
3. A thoroughgoing review of our work in these forums will be undertaken by the CEC within four months of the Congress. This review will include testing our participation and the outcomes against the objectives set for our participation in these forums by earlier resolutions. The aims include:
  1. Use NEDLAC to change power relations in favour of the working class;
  2. View NEDLAC as a terrain of struggle to be contested to advance the interest of the working class;
  3. Critically evaluate the implications for the working class of all agreements reached at NEDLAC;
  4. Bring NEDLAC and its processes closer to the people by developing a mechanism to involve members in the process of policy formulation and ensure that all documents and agreement are written in an accessible language;
  5. Consistently evaluate our strategies and ensure our effective participation in NEDLAC.
4. Before commenting on any matter and/or representing the Federation in any forum where matters relevant to a particular affiliate are being discussed, the affiliate must be consulted.
5. Within two weeks from the Congress, the communications unit must devise a communication

strategy that will make it easier to communicate information from parliament and NEDLAC.

6. All labour convenors in the different chambers of NEDLAC present monthly reports detailing:

1. Issues under discussion;
2. Issues approaching deadlock;
3. Time frames around which issues will be dealt with.

7. COSATU's Communications Unit is tasked to produce a monthly NEDLAC newsletter along the lines of COSATU Weekly to be e-mailed and faxed to all affiliates.

8. The Parliamentary Office must also produce its own e-mail newsletter which will from time to time brief affiliates about the developments in Parliament.

9. COSATU must look into a radio/TV and print media slot on working-class issues covered in NEDLAC.

10. COSATU support in principle the need for the community constituency to participate in all NEDLAC chambers. The CEC will develop concrete proposal to achieve this objective including considering calling for the amendment of the NEDLAC Constitution.

11. To take steps aimed at ensuring that there is a substantial increase in the NEDLAC Budget.

12. The affiliates should take responsibility and account on deploying representatives at NEDLAC.

13. NEDLAC to take accountability to capacitate the representative of all sectors.

14. The Policy Unit of the Federation to raise funding from external sources in order to manage and develop more effective policy engagements.

15. To conduct a comprehensive evaluation on how the working class agenda is best served in NEDLAC as a forum of social dialogue where business and government act in their own interest.

### 3.12 2010 Soccer World Cup

This Ninth National Congress notes:

1. The reality that football in South Africa is largely a working-class game but that financial constraints may deprive workers from access to matches.

2. The need to make the 2010 World Cup a Proudly South African event characterised not only by African hospitality, music and culture, but also by a socio-economic and developmental focus and an opportunity to realise the social goals of our Bill of Rights, including labour rights.

3. That the SA national teams were readmitted to the international sporting codes in 1992 before our democratic dispensation and a new flag.

4. The names of our national teams do not have a qualitative national meaning.

5. The stringent FIFA rules that prohibit vendor of selling food and souvenirs.

Therefore this Ninth National Congress resolves:

1. To campaign for the 2010 World Cup to have a developmental focus and act as a catalyst for achieving the broader goals of equity and development that lie at the heart of a fair society.

2. To table a 2010 Framework Agreement at NEDLAC, with provisions dealing with:

1. Local procurement in line with Proudly South Africa: all tenders and products licensed for the 2010 World Cup that are technically capable of being produced in South Africa should be made locally by companies that are PSA members;
2. Employment: all tenders and contracts should maximise employment creation and technical criteria should be developed to achieve this goal;

3. Infrastructure: all stadiums, roads, housing and other infrastructure procured for the World Cup should be aimed at building sustainable infrastructure, or modernising existing ones, in poor areas. Accommodation built for the World Cup should be accessible to working-class tenants after the event;
4. Labour standards: all procurement and contracts should explicitly and verifiably support fair labour standards, including but not limited to ensuring respect for labour laws, full freedom to join a union and bargain collectively, secure employment, no use of child labour. Even after the World Cup there should be job guarantees for workers. Ensure proper training and accreditation of cleaning, security and transport workers to ensure professional standards. Ensure compliance and enforcement by the Department of Labour and relevant unions is as far as the Sectoral Determination is concerned as a minimum standard;
5. BEE guidelines: the World Cup should promote broad-based BEE and not empower only a small group;
6. Promotion of co-operatives: a percentage of the contracts should be set aside for cooperatives;
7. Access to matches: the Local Organising Committee should ensure that workers, the poor and rural people have access to matches on a discounted basis, and companies should release workers in agreed numbers to attend matches. Employers must establish funds to assist workers to attend matches;
8. Marshals must be employed.

3. To call on football players to fully commit to and promote an anti-racism culture and promotion of fair play. Fully commit to and promote anti-racism and a culture of fair play.
4. All the infrastructure developments in preparation of the event will be sustainable beyond 2010 and benefit the working class communities' in particular public transport.
5. To use our representative position in the LOC and other structures related to the event to advance the interests of the South African Football Players' Union (SAFPU). The CEC should monitor progress.
6. Development of local football to raise standard of football, include quota of foreign players to encourage local players and soccer indaba.
7. To reiterate our deep concern at the free-fall of the standards of South African soccer. The season that has just ended saw the highest goals scorer with only a ridiculous 14 goals. Moreover, the person who scored the goals is not South African, so he cannot be used in our national squad. Last season's highest scorer was also not a South African; he was celebrated and feared by our local defenders, yet he is not good enough to make it into the English Premier League. We were booted out of COSAFA recently. Even in our biggest club competition involving our giant soccer squads, we could not score a single goal in normal and extra time.
8. COSATU reiterates the call that SAFA share with the nation in general, and stakeholders in particular, the development strategy it announced this year so that it can be shaped by popular participation. Soccer does not belong to SAFA officials who have only managed to administer this working-class sport to the point where all of us can see the disaster that is waiting to happen in the 2010 World Cup competition. Unless drastic measures are taken we will be mere spectators during the World Cup.
9. To support calls for a soccer indaba to address the free falling soccer standards. The indaba should be attended by all stakeholders, in particular soccer players, coaches and administrators to assist develop a strategy to address weaknesses.