

AFRICAN NATIONAL CONGRESS

REPORT OF TASK TEAM SET UP TO INTERACT WITH AND ASSIST THE CONGRESS OF SOUTH AFRICAN TRADE UNIONS

OCTOBER 2014

1. INTRODUCTION

The Congress of South African Trade Unions (COSATU) have been experiencing various organizational, political and administrative challenges and, in September 2013, the African National Congress (ANC) established "a task team to engage COSATU" with a view to assist in resolving the challenges facing the federation.

The following comrades constitute the task team:

- Cyril Ramaphosa (Chairperson)
- Baleka Mbete
- Gwede Mantashe
- Jessie Duarte
- Zweli Mkhize
- Mildred Oliphant
- Susan Shabangu
- Ebrahim Patel

The ANC had a number of meetings with the federation and various affiliates during 2013 and it was clear that most parties were amenable to discussions and consultations aimed at resolving the challenges.

This task team had, on request from COSATU, initially refrained from a detailed process while other processes agreed by the CEC were underway, such as the Team of Former COSATU leaders, the Nupen/Mashishi-commission and the forensic audit by Sizwe, Ntsaluba and Gobodo.

However, the ANC realized, in early 2014, that the problems in the federation were deepening and that the conduct of various leaders of the Federation and individual affiliates

was exacerbating the tensions. It became clear that the ANC as the leader of the Alliance had to be actively engaged to find solutions. This decision was informed by the ANC's acknowledgement that a strong and united COSATU is integral to the success of the National Democratic Revolution (NDR) and that the ANC's leadership of the strategic, revolutionary Alliance requires it to play a critical role in assisting the federation in addressing its internal challenges.

The ANC obtained a mandate from the April 2014 Central Executive Committee (CEC) of COSATU to meet with all affiliates and the National Office Bearers (NOBs) to develop a common understanding of the challenges and to agree on a unified method of addressing these challenges. It was also agreed, at this CEC, that there would be a cessation of hostilities whilst the ANC TT-process is underway. The outcomes of this process would be synthesized into a package aimed at resolving COSATU's internal challenges and the April 2014 CEC was clear that resolution of the internal issues would require difficult choices and compromise.

The Task Team held twenty-six meetings; one with the SACP, a meeting with each of the COSATU affiliates and several with the COSATU NOBs to arrive at a point where it feels that it has now canvassed all the affected and involved parties. The Task Team presents this Report to the CEC as a fair and accurate summarized reflection of all its interactions. The final section of the Report includes recommendations to the CEC to inform a Roadmap to Rebuilding Unity in the Federation.

This Report was prepared with the knowledge that other processes of investigation or facilitation referred to above had been under way prior to the work described herein. The Taskteam considered the merits of consolidating the work of these other processes into this Report but decided that it was not feasible within the timeframes available and in any event, the Taskteam is responsible to the CEC to produce a record of its own work and recommendations. This does not detract from the potential value that the other processes brought to the federation at various points in the efforts to avoid splintering of the organisation.

2. THE ANC'S UNDERSTANDING OF THE ISSUES IN THE FEDERATION

The ANC states upfront that it is not a disinterested party and that it is totally invested in seeing a united, militant and revolutionary trade union Federation representing the interests of workers. At the same time, the ANC supports the right of the Federation and its affiliates to develop COSATU's policies and carry out its programmes of action as agreed by its structures. This commitment to a strong COSATU and one that is controlled by its own members has been the hallmark of alliance politics for decades and has not changed.

The TT's understanding of the issues that has divided COSATU evolved through engagements with the Federation and various affiliates and also objective analysis of the unfolding events. Members of the TT came into the discussion with open minds and engaged all affiliates openly and sometimes robustly, as it mapped the various views and positions. The TT does not see its role to make findings of 'right' and 'wrong' but to reflect the views it encountered and to identify steps that can assist in uniting the federation.

There was agreement that the TT would approach its work in four phases and then synthesize the outcomes into a comprehensive report which will be discussed at a special CEC. This will allow COSATU to own the outcomes of the TT process and determine their own way forward.

3. ENGAGEMENTS

A. Phase One

The objectives of the TT, during this phase, were to garner from the affiliates their understanding of the various challenges, its underlying causes and also their proposed solutions to addressing these challenges.

The ANC TT met with all nineteen COSATU affiliates and, with the stark exception of one affiliate, two fairly similar and opposing positions emerged from these meetings. There were issues where most affiliates had a similar position.

The ANC Task Team met with the South African Communist Party (SACP) both in its capacity as an Alliance partner and party implicated in the internal issues of the Federation. This meeting served to gather the SACP's input on the challenges besetting the Federation and also to bring the SACP onboard with the proposed cessation of hostilities.

The following sections are summaries of affiliates' inputs on the various issues. They are reflected here not as an endorsement of their correctness or accuracy, but to provide a context to the consideration of issues by the Taskteam and a reflection of what was tabled with the Taskteam.

Congress of South African Trade Unions (COSATU)

- The affiliates were unanimous that there is paralysis in COSATU; all of them are convinced that this emanated from the inability of the NOBs to provide collective leadership in light of the divisions between affiliates and within the NOBs themselves. All affiliates expressed concern about the "deadlock" in the COSATU

CEC. Almost all affiliates referred to fact that the contestation in the CEC was so fierce that everything, including agendas, had to be put to a vote.

- All affiliates expressed concern that little consistent and serious organizational or political activities have taken place since the 2012 COSATU Congress.
- The affiliates all acknowledge the existence of two groupings/ factions; loosely grouped around the President and General Secretary (GS) of COSATU. Affiliates proposed a variety of ways to addressing this: ranging from fresh elections to an agreed departure of either the President or GS or both; the departure of all six NOBs or engagement with those implicated (leaders/ affiliates) or deeper political engagement to address the underlying differences of opinion and strategy or invoking disciplinary measures as prescribed by the constitution and rules of the Federation.
- Some affiliates raised the issue of the COSATU 2nd Deputy President and her shift from NUMSA to POPCRU. Where it was raised; it was either used to support allegations of victimization by NUMSA against those that the current NUMSA leadership disagrees with, or when raised by NUMSA, it was used to illustrate the alleged lack of adherence to COSATU Constitution and principles by the CEC.
- All the affiliates expressed an appreciation for the sacrosanct nature of the Federation's founding principles.
- Some affiliates raised as a challenge the fact that certain CEC members serve on leadership structures of other Alliance partners. The majority of affiliates appreciated that this is long-standing Congress tradition and a result of the COSATU resolution that worker-leaders must be part of leadership structures of Alliance partners, through swelling the ranks of the ANC.
- One of the issues that came up from a number of submissions were the ideological/ political differences in COSATU and extending to the Alliance. While these differences were articulated in very different ways, there was overwhelming agreement/ convergence that these can and should be addressed through Alliance processes. However, some affiliates were of the opinion that these differences are being exploited to drive division in the Federation and attributed this to either one or the other faction. A few affiliates were concerned about what they perceived to be the ANC not delivering on the objectives of the Freedom Charter. One affiliate expressed the opinion that the ANC policies have become neo-liberal and that it (this affiliate) would be better placed to be at the forefront of workers' struggles. It questioned both the motives and effectiveness of the ANC TT intervention in the COSATU crisis, believing that the ANC would be biased. It was the only affiliate to advocate COSATU splitting from the Alliance.

- Most affiliates expressed the importance of maintaining the unity of COSATU and continued affiliation to the Alliance under the leadership of the ANC and welcomed the ANC TT intervention. The one affiliate, who is on record about its desire to disassociate from the Alliance, stated that it would want to see the continued existence of COSATU as a federation.

Matters pertaining to the COSATU NATIONAL OFFICE BEARERS

- The TT received submissions from affiliates about the conduct of National Office Bearers that in their view contributed or caused the divisions in COSATU.
- There were two types of matters that were raised in relation to the COSATU General Secretary.
 - o The first related to specific acts of alleged misconduct, relating to financial matters and the incident in the office with a female employee.
 - o The second related to his leadership on political issues and his conduct as part of a broader leadership collective. They raised allegations that the GS did not take the CEC input on-board in developing the Secretariat Report to the 2012 COSATU Congress.
- However, views on the GS were polarized, between those who saw him as the centre of the division in the organization through his conduct and utterances and those who felt he was victimized for taking forward the resolutions of the Federation and enhancing its role as a militant, revolutionary organ of workers. Some affiliates had the view that both the GS and his supporters and those opposed to him are equally responsible for the crisis in COSATU; that the divisions are mainly a 'fall-out between former friends' and that the Federation is now being asked to suffer for this fall out. A number of affiliates traced the divisions back to the 2009 period when the GS announced he would not be available beyond his current term and it unleashed major divisions over who should lead the Federation.
- A number of affiliates feel strongly that the GS has led the Federation for too long; is divisive and that it would be in his own and the Federation's best interests if he departs or is deployed elsewhere. Within this group, there are a number of affiliates who said that the continued presence of the GS in the Federation is detrimental and that he is actively persecuting those he sees as opposed to him. All the affiliates who raised the conduct of the GS also referred to his support for one affiliate, NUMSA as inconsistent with the role of a leader who must unite the entire organization and carefully manage the diversity of views in the Federation.

- There were affiliates who viewed the President of COSATU and certain affiliates in the Federation as the cause of the division. They also alleged that this was happening at the behest of or with the involvement of the other components of the alliance, who preferred to work with the President. It was their belief that if the other components of the alliance would stop “interfering” and accept a militant COSATU; a number of the issues would disappear.
- Some affiliates felt that the COSATU President, and those aligned to him, were exacerbating divisions by ‘driving charges against the GS’ and flouting internal COSATU processes. They cited the court’s decision to overturn the suspension of the GS as indicative of such flouting of COSATU procedures. Within the above grouping, certain affiliates accused the President of using the media (either through on the record briefings/ leaks) to tarnish the reputation of the GS.
- Many affiliates felt that the charges against the COSATU GS must be addressed through due process and that the disciplinary processes must be allowed to proceed without interference. There were those affiliates who said that these charges may be a smokescreen for other issues, but agreed that it is better for Federation that the matter be resolved through completing the formal processes.
- In considering the way forward:
 - o There were those affiliates who proposed that both the President and the GS be asked to leave for the good of the Federation; with one affiliate proposing that if it transpires that all six NOBs are responsible for the issues, all six should be asked to leave.
 - o A few affiliates proposed that the GS be asked to be part of developing a solution to the Federation’s challenges, but said that the current climate may militate against this.
 - o One affiliate raised concerns about the conduct of the GS and, to an extent, the President and felt they should be engaged. The affiliate proposed that leadership contests be deferred to the next regular Congress in 2015.
- The affiliates were virtually unanimous in saying that there should be equity and fairness in the sanctions meted out to both parties involved in the ‘sexual misconduct.’ However, the understanding of equity and fairness seemed to be dependent on the affiliate’s stances i.e. those affiliates who support the GS did not regard this as serious misconduct; and those who are opposed to the GS were in favour of the same sanctions that were applied to the woman involved. A few affiliates raised the issue of different standards seemingly being applied to the more powerful and the gender bias in how this matter is being handled. One affiliate was

of the opinion that negative perceptions and treatment of women is more widespread than acknowledged in the Federation.

Founding Principles of the Federation: extension of scope

- As was stated above; almost all the affiliates expressed their belief in the importance of the founding principles of COSATU.
- They gave different interpretations to the principle of "one union; one industry" and, as a result, different points of view on NUMSA's resolution to organize across sectors.
- Some affiliates felt that NUMSA is not doing anything fundamentally different to the poaching of members that has happened throughout the Federation's history and expressed the belief that NUMSA is being disingenuously targeted because of its militancy. NUMSA itself says that they believe they are being persecuted for political reasons and they are actively implementing their congress resolution. This affiliate called COSATU's insistence on them showing reasons not be expelled/ suspended 'a smokescreen' and supported court action should they be expelled or suspended.
- The majority of affiliates agreed that NUMSA is contravening the Federation's founding principles and the COSATU Constitution. Many felt that this is a very serious matter and that serious consequences must attach to this (expulsion/ suspension). They drew a distinction between 'poaching' as has happened in the past and a deliberate Congress resolution to contravene the principles and Constitution of COSATU. Others felt that NUMSA must be engaged on their actions and that sanctions, short of suspension/ expulsion, be applied. While some discussion took place on the question of industrial and product value-chains and the logic of reconsidering the past demarcations of what constituted an 'industry', affiliates overwhelmingly endorsed that changes cannot be made unilaterally to COSATU policy and that any proposed changes must be the result of discussion, debate and decision at a Congress.

Behaviour of certain affiliates

- The TT received a number of submissions relating to the conduct of specific affiliates which were seen to have caused or aggravated the divisions in COSATU.
- All affiliates raised the resolutions of the NUMSA Special Congress and the behaviour of NUMSA as contributing to the challenges of the Federation. A distinction is

apparent between affiliates who agree and those who disagree with NUMSA on all/some issues.

- Most affiliates also raised the support of the COSATU GS (real or perceived) for NUMSA as an aggravating factor.
- There were instances where affiliates accused members of the ANC TT of taking sides in the internal difficulties. Where these instances arose; they were addressed on the spot.
- NUMSA itself places the overwhelming blame for the Federation's challenges on the ANC and, in particular, the ideological differences that stem from the 'complex and contradictory class relationships' within the Alliance. It also blames the 'failure of the national liberation movement as a whole' to resolve the national, gender and class question post 1994 as contributing to the challenges. Thus, it sees the struggle in Cosatu as 'ideological and political between those leaders of Cosatu who would like to continue along the post 1994 capitalist path within the ANC led alliance, and those who are for a thoroughgoing National Democratic Revolution which would lead to a socialist South Africa.'
- Many affiliates noted that NUMSA took a clear resolution at its December 2013 special national congress to call upon COSATU to break its Alliance with the ANC as the ANC led alliance can no longer be relied upon by the working class. They noted that NUMSA is actively working for a united front and advocates that the time has come for the working class to have its own independent revolutionary socialist political party, to lead and champion the fight for a socialist South Africa. None of the affiliates supported the NUMSA position but there were differing interpretations on the significance of NUMSA's position. Some affiliates noted that NUMSA had often been outside the mainstream of COSATU political views and that their current political position is "nothing new". Others felt that NUMSA had crossed a political line which makes close working together impossible. However, all affiliates distinguished their stance on NUMSA's political orientation with what they viewed as its clear breach of the COSATU principles through its extension of constitutional scope that infringed on the organizing scope of a number of other affiliates.
- NUMSA is the only affiliate who advocates that COSATU must leave the Alliance; all the other affiliates agree that there are serious political and ideological differences which must be addressed through the alliance processes.
- All the other affiliates agree that the Federation must engage NUMSA on its behavior and there are affiliates who said that "NUMSA should go" but in interacting with them it becomes clear that this relates more to the conduct of the current leadership of NUMSA. There are affiliates who feel strongly that NUMSA should be engaged both within COSATU and in the alliance and that processes should be developed to

enable them to stay in the Federation. Others question NUMSA's close ties with national and international bodies opposed to the Congress Movement and see this as indicative of NUMSA's intentions to leave the Federation.

- A few affiliates raised the behavior of the National Education, Health and Allied Workers Union (NEHAWU) and in particular some of its office bearers – now past office bearers – of this affiliate as contributing to the challenges. They were of the view that NEHAWU's former GS was driving personal grievances against, especially the COSATU GS, and this exacerbated the difficulties. These affiliates queried the legitimacy of NEHAWU's proposition of an ideological 'rupture' and accuse them of being instrumental in activities that foster divisions, such as media leaks, etc.
- Some affiliates also accused the Police and Prisons Civil Rights Union (POPCRU) and the National Union of Mineworkers (NUM) of using its structures as platforms for launching attacks on the COSATU GS and NUMSA. Alternatively, they allowed leaders of Alliance formations to use POPCRU or NUM platforms for these attacks.
- NUMSA, NUM, POPCRU, SADTU and NEHAWU were the affiliates alleged to be involved in what was termed 'microphone activism' and there was a call that these affiliates and the NOBs of the Federation should spend this energy on addressing the internal challenges and not on press conferences and media engagements.

The call for a Special National Congress (SNC)

- Consensus has emerged amongst the majority of affiliates that the Special National Congress (SNC) must in principle be held as it is seen as the best vehicle to address the organizational challenges.
- The majority of affiliates are convinced that the Special National Congress must only take place when the CEC has agreed on the agenda, have processed organizational matters – such as the implementation of the outstanding Congress Resolutions- and go to the Special National Congress to resolve these matters.
- With one or two exceptions, affiliates said that the Special National Congress should not be held to determine leadership issues. There are affiliates who came to the engagement with the TT in favour of having leadership contests at this platform, but were willing to reconsider their positions having been alerted to potential pitfalls and those who were against it as they were convinced it would be unsuccessful in the current climate. These affiliates indicated they would be in favour of the Special National Congress if it deals with organizational matters and is not about leadership contests.

- Only one affiliate remained convinced that the SNC would be the only way to resolve all issues, including the leadership question, in COSATU.

B. Phase Two

This phase revolved around engaging the COSATU National Office Bearers (NOBs) on their understanding of the challenges facing COSATU, its origins and their proposed solutions.

The Task Team held a series of meetings with the NOBs, to solicit their views and also gathering further understanding on the issues facing the federation. The TT put all the observations gleaned from engaging with the affiliates (17 at that stage) to the NOBs and also raised the fact that affiliates allege that the NOBs are not providing leadership on organizational and political matters. The NOBs, in turn, acknowledged that there has been a lack of organizational and political work in the Federation but asserted that affiliates should also acknowledge their responsibility for this state of affairs.

This stage was further characterized by marked differences of opinion and clear divisions amongst the NOBs. These expressed themselves in the form of seemingly elevating personal and political differences to organizational differences; a notable lack of trust amongst NOBs and a series of accusations and counter-accusations between especially the President and General Secretary of the Federation, especially as it related to the so-called 'spy dossier'.

The Task Team observed, after four of these meetings, that to move the process forward, the NOBs should hold frank and open discussions among themselves to air their issues and explore solutions.

C. Phase Three

This phase involved the NOBs engaging directly among themselves to address their divisions and that within the federation and to use the process of engagement with the ANC TT to set out possible principles for uniting COSATU.

The NOBs met over several days (in total 22 hours) and reported that they had open and in-depth discussions on what each believed to be the cause(s) of the challenges facing the Federation.

These discussions led to greater cohesion amongst the NOBs and the ANC Task Team was very encouraged by the engagements and the Report presented to the Task Team on resuming joint discussions.

The NOBs, guided by the observations and advice of the TT, agreed on utilizing a collective approach to addressing the challenges and further agreed that going forward, they would draft documents collectively.

There was an acknowledgement that achieving unity and cohesion would demand a series of engagements but all the NOBs committed to urgent short-term solutions as a pre-requisite for building confidence; stabilizing the situation and creating a conducive environment for engagement. Such engagements are acknowledged as fundamental to putting in place the Roadmap for Unity in the Federation.

D. Phase Four

This phase of the TT work entailed developing the principles needed to underpin the rebuilding of unity in the federation and identifying elements of a package to resolve immediate challenges.

The Task Team met with the NOBs to discuss the outcomes of their meetings and to consider the submissions of the various affiliates in order to develop a common approach on the way forward.

Many of the issues agreed upon by NOBs were presented to the COSATU CEC in the *Interim Report* tabled by the TT in August 2014, which set out the fundamental principles that are fully agreed among the NOBs that must be upheld in building and maintaining the unity of the Federation. It is the view of the TT that the Interim Report was welcomed by the CEC and that there was broad support for the approach it articulated.

The TT also observed that the atmosphere in the CEC has improved and it has begun to deal with organizational issues.

The TT has now elaborated on the Interim Report and sets out its findings as follows as a basis for the Roadmap for Unity in the Federation:

Conclusion One: The TT has found that there is agreement on the importance of maintaining the unity of COSATU and the integrity of the organisation as a cohesive force in society, because workers in South Africa are strongest and best served when organized under a united COSATU. The principle of 'one union one industry' was accepted as the founding basis of COSATU. The NOB's agreed that they need to show a united approach to addressing issues relating to the contravention of the constitution of COSATU.

In light of this consensus, it is clear that the efforts to avoid a split in COSATU are worth pursuing with vigour and that there are real prospects of a successful process that will ensure workers in generations to come can benefit from a united trade union federation.

There is overwhelming consensus that affiliates need to operate within the principle of 'one union, one industry' and that poaching wars between affiliates of the same Federation will fatally undermine its cohesion and ability to act in a united manner on any issue. The December 2013 decision of NUMSA to extend its constitutional scope to cover workers currently organised by a number of affiliates, is clearly a step too far and NUMSA needs to reverse this decision. Until extension of scope is discussed and agreed to at a duly constituted COSATU Congress, NUMSA and all other affiliates should agree to confine their current organising work to the constitutional scopes that applied at the time of the last COSATU Congress.

The TT is of the view that in order to address the differences relating to implementation of the agreed principle, the Federation should have a clear mechanism to address breaches of this principle. Consideration could be given, for example, to a standing commission with an independent commissioner appointed by the Federation, with mediating and binding arbitration powers over disputes on scope and poaching.

The TT acknowledges the existence of the view that the manner in which the one union, one industry principle is applied in changing economic circumstances, where value-chains play an increasingly important role, needs to be addressed. Reference was made among others to the decision to set up 'super-unions' through a process of merging unions to enable organisation of workers across the full value-chain and in this way enhance the bargaining power of labour in the economy. This has been described as a 'structural change' required in the labour movement. It is the Taskteam's view that this matter should be pursued by a united federation. This Report cannot address and resolve the overall strategies of the labour movement but must confine itself to the more focused, though very important issue of avoiding a split in COSATU. That single organisation is then best able to take forward these strategic issues

Conclusion Two: The TT found widespread support and agreement that all COSATU resolutions adopted at the national congress must be implemented.

There are differences of opinion between affiliates about the reasons for failing to implement the resolutions, particularly from the last Congress. There is no particular value to go into the detail of the different views on this matter.

The TT proposes however that the CEC structures responsible for monitoring implementation meet on a regular basis and that reports be presented at CEC meetings detailing the steps taken to implement resolutions. To the extent that there are differences about the resolutions, they remain the policies of the Federation until changed at a Congress. Differences on interpretation of resolutions should be resolved by the CEC and the Central Committee.

Conclusion Three: COSATU's primary objective is, and must continue to be, to defend, protect and advance the interests of members.

The TT respects the role of the Federation as the representative of its members and notes that the Alliance and indeed the ANC has historically respected the independence of COSATU. The Alliance is in fact the place where the different components, each with their own views and positions, come together to develop a common fighting platform for transformation.

It is therefore not the position of the ANC to seek to restrict expression of views within COSATU and if anyone is over-enthusiastic in wishing to defend the ANC, we now state that this must never be done at the expense of COSATU's duty to defend, protect and advance the interests of its members. We are encouraged that this view is fully and strongly supported by all the NOBs.

It is the view of the TT that the long-term interests of workers are best advanced as part of a broader programme of transformation of society, in which workers are not seen to be a narrow vested interest.

This is the value of the Alliance, in which each of the partners should also defend, promote and advance that broader programme, so that indeed the interests of workers are pursued both outside the workplace only and also as part of providing leadership to the whole of society.

Conclusion Four: The TT found that everyone in the Federation acknowledges that there have always been internal differences on questions of policy and strategy since its formation as would be expected from a large federation that draws its membership across all industries, provinces and viewpoints. However, the NOB's agree that the task of leadership is to manage the diversity of opinion, identify the areas of broad consensus as captured in resolutions of the federation and manage the internal dynamics carefully. This requires the NOB's to play a key role as unifiers of the Federation.

The TT believes that the NOBs of the organization need to ensure that they step back from supporting specific affiliates and that they play the role of leading the entire Federation. This means that a stronger culture of consultation should be developed, both within the NOBs and towards affiliates of the Federation.

Space needs to be protected for different views to be expressed during debates, within the framework of existing policy. However, leaders of the Federation as a whole need to ensure that they are not associated with one view in debates, but that they are able to synthesise the views of affiliates as a whole.

At the same time, the public utterances of affiliates need to be consistent with the need to maintain the unity of the Federation. The public comments and conduct of some affiliates has caused deep unhappiness in the Federation and a questioning of their long-term commitment to the unity of the Federation.

The TT calls for a political discussion and CEC workshop to address this deterioration of public comments in the context of the wider unity process described in this Report.

Conclusion Five: The autonomy of affiliates must be respected and it be acknowledged that this autonomy must be exercised within the broad policies of the federation and its Constitution. It is further emphasized that the federation's constitution and principles are binding on all affiliates.

The TT notes that throughout its history, COSATU has maintained a dynamic relationship between the need for a common approach to various organizational, economic and political issues, developed through the broad policies of the federation that all affiliates shape at congresses and other constitutional structures; and respect for the autonomy of the affiliates.

During the recent period of division, this careful balance has been seriously disturbed, with public statements that were in some cases bluntly and defiantly rejecting COSATU positions in a manner that is unprecedented. Whilst this is clearly unacceptable in any organization, the TT is of the view that such conduct expresses (and further exacerbates) the deep divisions in the federation and of the unfortunate situation that the National Office Bearers are seen to be such a deep part of the division that they were not able to contain and manage these divisions. It points to the importance of avoiding factionalism within the elected leadership and in the conduct of leaders in an organization like COSATU where unity depends on leadership managing the diversity of opinions of affiliates.

The TT accepts that the basis of unity must be respect for decisions of the Federation.

The TT recommends that the federation develops more extensive protocols to guide situations where affiliates have views that may conflict with each other and in particular on how to manage the public expression of these views so that they do not deepen into division. It also requires the CEC to be effective in resolving differences of opinion or reducing these to a manageable extent.

Conclusion Six: There is agreement that during this period of rebuilding unity, there must be a cessation of hostilities and that the Committee of ANC DSG and COSATU DGS will handle the current contraventions, perceived or real.

The TT notes that a cessation of hostilities is a short-term intervention to provide the parties an opportunity to address the deeper causes of division and conflict. Invariably, ceasefires are characterized by smaller breaches. The task of leadership is to address breaches quickly and effectively whilst addressing the underlying issues as speedily as possible.

To address the immediate issues, a mechanism has been set up through a Committee of deputy General Secretaries of the ANC and COSATU. This team has engaged with various

affiliates on their complaints and some recommendations have been made on the way forward. A separate report on these engagements is available.

The TT notes that there are instances where the ANC DSG and/ or the COSATU DGS are the subject of complaints and recommends that a mechanism be put in place to deal with these instances, possibly through a team made up of the ANC Treasurer General and the COSATU National Treasurer. The proposed team of Treasurers will only deal with matters where the ANC DSG and/ or the COSATU DGS are the subjects of specific complaints, which if found to have merit, should be immediately resolved so that the committee may continue its work.

It is worth stating that these mechanisms are in place only for the duration of this period and that once the CEC adopts the Report and agrees on the way forward; it is the TT's belief that normal dispute resolution mechanisms and practices will be utilized and that the Committee may then be disbanded.

Conclusion Seven: There is agreement on the constitutional right of one third of affiliates to call for a special national congress. The TT notes that the NOBs recognise that the right for calling for a special national congress should be exercised with care, informed by clear intended outcomes and take into consideration all factors such as costs, logistics, etc. The NOBs recognise that the current request for a special national congress is perceived differently by affiliates and have created divisions and that it may lead to a split in COSATU. It was therefore the view of the NOB's that the COSATU Central Committee's main function is to assess and evaluate the implementation of current policies and resolutions. It was further agreed that political issues such as the NDR, NDP and the functioning of the Alliance need urgent engagement. It was the view of both the NOBs and ANC task team that the purpose a Special Congress should be to help the federation to rebuild its unity and internal cohesion. The timing of the Congress, its precise agenda and purpose, will all be influenced by the outcome of the current internal process within COSATU and the engagement with the ANC Task team.

The TT has noted the various views regarding a Special Congress. It is for the Federation to decide, subject to its constitution, whether to convene the Special Congress prior to the normal Congress or to place the items for a special Congress onto the agenda of the normal Congress. The Task Team urges the Federation to carefully consider whether it would be in COSATU's best interests to have a special Congress less than 12 months before its next normal Congress.

Whichever route the Federation goes, it is clear to the TT that the divisions within COSATU cannot be resolved simply through an election of leadership. In light of the nature of the Federation, with autonomous affiliates, unlike a unitary political party, an election of NOBs at a Congress will not resolve differences between affiliates.

A mature political and organizational process is required to address the divisions.

The internal divisions relating to leadership style could potentially be addressed through a Code of Conduct that the National Congress adopts, dealing with matters such as protocols

governing NOB conduct, affiliate conduct, relations between affiliates and the role of the CEC. The process of developing such a Code should not be a narrow leadership or technical exercise but should be a process of drawing rank-and-file members and shop-stewards into the solutions.

The Alliance functioning should be radically improved. Initial steps have been taken that are helpful, in ensuring that the Alliance Secretariat meets on a regular basis. The Alliance Secretariat has resumed regular meetings and is engaged in a process to address its internal challenges and improve the Alliance Programme of Action. The Alliance Secretariat will table a comprehensive proposal on the way forward to the forthcoming meeting of the Alliance Political Council (national alliance leaders).

At the last Alliance Summit, the parties agreed to engage on areas of difference, including on the NDR and the NDP. The TT believes that a clear roadmap should be developed, with concrete timeframes, to resolve outstanding issues and identify areas of agreement. This matter is currently being addressed by the Alliance task team and it is the TT's firm recommendation that this team finalise this roadmap soon. The TT calls on this Alliance taskteam to meet regularly and develop a work programme. The Alliance Secretariat is requested to intervene to ensure that the Alliance taskteam functions optimally.

The TT recommends that the Alliance Political Council receive a progress report, agree on clear time frames and develop/ endorse a process of Alliance Working Groups on pertinent issues towards the next Alliance Summit, which should be held no later than the first half of 2015.

Conclusion Eight: There must be a process in place to deal with certain organizational and administrative matters; such as the pending disciplinary cases, the status of the second Deputy President, the Sizwe Ntsaluba Gobodo Report and others so as to bring these to closure

It is the view of the TT that the pending disciplinary case against the General Secretary relating to the incident in the office, the forensic investigation into the property and other financial matters and the status of the 2nd Deputy President should all be concluded rapidly in a manner that is consistent with the constitution, that is fair and that assist the process of building unity. Unless these are resolved rapidly, they will become the basis for petty fights and positioning in the federation. A narrow 'procedural' approach may simply divide the Federation and drag matters at a time when all efforts must go to unite COSATU and address the needs and aspirations of ordinary workers.

At the same time, these matters point to the need for COSATU to introduce additional controls and clarity of procedures to avoid a repetition of the kind of allegations that have surfaced. Ultimately, ensuring a united, well-run, honest and effective federation must be the paramount focus of the CEC and all the affiliates.

The Taskteam has received a suggestion that the company who did the forensic investigation, be approached to advise on actions required to tighten the procedures in the federation on finances.

It has been put to the Taskteam that the dismissal of the female employee involved in the incident was, contrary to seeming public perception, for reasons different to those informing the disciplinary steps against the GS. The taskteam did not pursue this due to the focus of its work and view the matter as the purview of a fact finding commission, and thus simply set out in this Report the various views expressed to it during the engagement with affiliates.

Conclusion Nine: The Federation's staff must show impartiality in serving the office bearers and they should not become involved in activities that support one group in the Federation and the NOBs must take steps to ensure this impartiality.

The TT has noted that as differences developed between affiliates and between NOBs, staff of the Federation were drawn into the division and in some cases their actions were the subject of complaints and concerns raised.

The TT accepts that staff of a trade union federation work in the organization because of their political commitment to ensure that the conditions of workers improve. However, it is clear that staff need to conduct themselves with utmost integrity on issues of leadership divisions, because they are the capacity that all leaders of the federation and all affiliates can and should draw on. They need therefore to be impartial in leadership matters, specifically in their conduct.

The TT considers that the proposed Code could possibly also deal with the role of staff in maintaining a united COSATU.

Conclusion Ten: The CEC must unite around a fighting programme that encompasses the implementation of all the Federation's Resolutions and Policies, including its core campaigns in defence of workers

The TT draws attention to its recommendations and comments in Conclusion One above and notes that it is the task of the Federation and its structures to ensure that workers are mobilized to advance the transformation agenda.

Conclusion Eleven: There is acknowledgement that the political differences on matters such as the direction of the NDR, the NDP and the functioning of the Alliance must be addressed in the federation and through Alliance processes that will draw in all the Allies to develop mechanisms to address them. These matters must now receive priority in the work of the Alliance. . All affiliates that the Task team met, as well as the NOB's re-affirmed their continued commitment to the strategic Alliance.

The TT draws attention to its recommendations and comments in Conclusion Seven above. The TT proposes that as an immediate step, the Alliance convenes a Political School to address the issues of the NDR, in addition to the formal processes of the Alliance meetings and Summit. The Political School can be a forum for deep engagement on the critical challenges facing society, the key tasks of the current phase of the NDR, the review of actions taken to address poverty, inequality and unemployment as well as to give effect to the vision set out in the Freedom Charter.

The TT recommends further that the process of Alliance Working Groups that were in place prior to the 2013 Alliance Summit, be revived as an ongoing feature of Alliance engagements. These Working Groups aided in developing common Alliance positions and agreed upon mechanisms to addressing political differences.

4. WAY FORWARD

This Report constitutes the first full Report of the Task-team to the COSATU CEC. The Report contains the observations of the ANC TT and recommendations for consideration by the COSATU NOBs and CEC. It is the view of the ANC TT that the COSATU CEC and the ANC should work closely together on the process of rebuilding unity of the Federation as it prepares for its 30th anniversary next year.

The ANC TT received inputs that indicate that divisions exist also at affiliate level. These issues may go beyond the matters raised in this report, relating to the various leadership matters and questions of political analysis. These matters are best addressed through a COSATU that remains a united Federation. The TT therefore proposes that the NOBs, with the support of the Alliance, lead such a process of reconciliation between comrades in affiliates and within COSATU.

The TT concludes this part of its work and intends to remain engaged in further processes in support of efforts by COSATU to strengthen itself as a fighting organ of workers. We therefore propose, if the CEC broadly endorses this Report, a new phase to be undertaken; with the TT engaging in a more focused way, on the matters that have emerged in this process.

These include:

- Ideological and political differences that may exist in the Federation
- Addressing the administrative gaps and weaknesses that have become evident

- A process to rebuild trust, deal with the damage caused by divisions, dismantle the factions and build common positions on organizational and policy issues.

We are not walking away from COSATU!