

USING

MINERS SHOT DOWN

TO EXPLORE HUMAN RIGHTS



FACILITATOR'S GUIDE

TABLE OF CONTENTS

Welcome!	3
----------	---

SECTION 1: USING THE FILM

Synopsis	3
Selected Individuals Featured in <i>Miners Shot Down</i>	4
<i>Miners Shot Down</i> and Your Goals	4
Facilitation Tips	5
Discussion Questions	6
Suggestions for Action	9

SECTION 2: REFERENCES

Background: Timeline	10
Additional Resources	12

CREDITS

This guide was written by Faith Rogow, Ph.D., Insighters Educational Consulting, with contributions from Abhishek Srivastava, Kimberley Sevcik, and Ellie Adelman.

WELCOME!

Thanks for joining with the Human Rights Law Network to foster community dialogues about key human rights issues. With your help, we can use discussions of films to develop awareness and inspire action at the grassroots level.

To find out about all our initiatives, visit www.hrln.org.



MINERS SHOT DOWN

SYNOPSIS

In August 2012, mineworkers in one of South Africa's biggest platinum mines began a wildcat strike for better wages. Six days later the police used live ammunition to brutally suppress the strike, killing 34 and injuring many more. Using the point of view of the Marikana miners, *Miners Shot Down* (1:30 hours) follows the strike from day one, showing the courageous but isolated fight waged by a group of low-paid workers against the combined forces of the mining company Lonmin, the ANC government and their allies in the National Union of Mineworkers. What emerges is collusion at the top, spiraling violence and South Africa's first post-apartheid massacre.

SELECTED INDIVIDUALS FEATURED IN *MINERS SHOT DOWN*

Strikers & ACMU Union Leaders

Tholakele Dlunga-Marikana – strike leader

Mzoxolo Magidiwana – strike leader

Mabuyakhulu – was shot during the Massacre

Mgcineni “Mambush” Noki – strike leader, the man in the green blanket

Andries Ntsenhenyo – striker who negotiates with police for safe passage to the mountain

Joseph Mathunjwa – President, AMCU

Lawyers / Advocates

Dumisa Ntsebeza – representing families of the deceased

James Nichol – representing families of the deceased, Marikana Commission

Dali Mpofu – representing arrested and wounded miners

Government, Lonmin, and NUM Officials

Riah Phiyega – National Police Commissioner

General Mpembe – Deputy Police Commissioner, North West Province

Cyril Ramaphosa – founder of NUM, ANC activist, now serves on Lonmin’s board

Barnard Mokoena – Senior Vice President, Lonmin

Senzeni Zokwana – President, NUM

Observers and Commentators

Rehad Desai – the film’s director and narrator

Greg Marinovich – photo journalist & author

Ronnie Kasrils – Minister of Intelligence (ANC), 1994-2004



MINERS SHOT DOWN AND YOUR GOALS

***Miners Shot Down* is an excellent springboard for discussions of:**

- workers’ rights
- working class solidarity / finding allies
- the role of unions
- grassroots leadership
- economic justice
- the use of violence
- government corruption / collusion with private corporations
- the role of police
- accountability and truth-finding commissions
- the legacy of racism and apartheid

Use this space to note examples from your own community or resources that you want to share with people who attend the *Miners Shot Down* screening:

FACILITATION TIPS

As you facilitate the discussion, your method can model the goal of empowering participants, or it can do the opposite.

To show participants that their opinions have value, you'll want to be careful not to let your beliefs overshadow theirs by unintentionally implying that they should agree with everything you say. This is especially important when working with groups that have been silenced in their families or communities.

Unlike the job of a teacher, a facilitator's role is not to provide answers to participants or to interpret the film for them. Your job is to help people probe so they can learn from the film and from one another. In addition, you can:

Suggest that the discussion isn't about judging the people in the film, but rather about improving participants' own lives by using the insights they get from watching the film.

Reinforce that approach with the language you use: Instead of "What did you think of a decision or action taken by a person in the film?" ask, "What did you learn from the things that the person in the film did?" And, of course, avoid leading questions (e.g., "Didn't you think she made the wrong choice?").

Be clear about the difference between debate and dialogue.

A debate is about staking out a position and trying to convince everyone else that you are right and they are wrong. A dialogue is about exchanging ideas in order to learn from one another. That means actively listening as well as talking.

Invite participants to share their honest opinions and not just say what they think you (or others) want to hear.

Structure parts of the conversation to ensure that everyone who wants to speak has a chance to be heard.

Strategies might include using go-rounds (where each person takes a turn speaking), limiting opportunities to speak for a second or third time until everyone has had a first chance, or dividing into small groups or pairs.

Encourage people to speak only for themselves and not generalize or presume to know how others feel.

Differentiate between comprehension questions and discussion prompts.

Comprehension questions test for understanding and typically have a clear, correct answer (e.g. What were the two competing unions in the film and which was more closely tied to the government?). Such questions can be integrated into a discussion by doing occasional "check-ins" to make sure everyone has a common understanding of events or critical concepts. In contrast, discussion questions are always open-ended. These are questions for which multiple valid answers are possible (e.g., In terms of what they offered the miners, what were the strengths and weaknesses of each of the unions?).

Allow participants to set the agenda by identifying the subject matter most important to them (which may or may not be what you see as the most important topics).

Leave time at the end of your gathering to brainstorm possible actions – or to provide a call to action – and be prepared to help facilitate the action(s) that participants choose.



DISCUSSION QUESTIONS

The discussion prompts in this section will meet the needs of a variety of groups. There is no need to cover them all. Choose one or two that best fit your situation and then let the discussion develop naturally. Typically you'll need only one or two to launch a dialogue. Group interests will move things along from there.

GENERAL CONVERSATION STARTERS

- Describe a moment from the film that you found particularly inspiring or disturbing. What was it about that moment that moved you?
- Imagine going home and telling a friend or family member about this film. What would you say?
- Did you see anything familiar? What do people in your community have in common with the people featured in the film?
- What did you learn from the film about [insert main topic of your event]?

UNDERSTANDING ROOTS OF THE CONFLICT

- › Strike leader, Tholakele Dlunga challenges company officials who deal with demands only in writing: "We told him we're not educated, that's why we're rock drillers. So don't give us papers from your files, because we're not educated. We can't read." How does the lack of education make the miners vulnerable?
- › Mineworkers are especially symbolic in South Africa, having been among the most cruelly exploited and having played a vital role in the opposition that toppled apartheid. Who are the important symbols of overcoming injustice in your community?
- › Several people in the film refer to continuing mistreatment of black workers. As strike leader Mzoxolo Magidiwana says, "Black workers are exploited. We work like slaves..." How does this situation relate to South Africa's history of racism? How does South Africa's history of racism and apartheid compare with India's history of caste-based discrimination and violence? Do you see any signs in your community that old caste-based prejudice and discrimination continue? If yes, what are the effects?

WORKERS

- › In the film, the miners expected their union to act in their best interest and protect their rights. What do you know about the laws in India that protect laborers from being exploited?
- › Strike leader Tholakele Dlunga explains that, "We took the decision to negotiate with the employer by ourselves because we are struggling while the NUM is sitting comfortably in their offices." In your view, should Lonmin have negotiated directly with these miners? In your country, what are the laws that determine who companies should negotiate with during a strike? Who do you think they should be required to talk to? What precedent might be set for future union representation if Lonmin excluded the officially recognized union, NUM, from a negotiation with workers?
- › What are the benefits - for workers and for businesses - of union representation and the right to collectively bargain? In India, government reforms have started to do away with trade unions altogether. Do you think they are still relevant for workers and businesses? Why or why not?
- › Lawyer James Nichol points out that the guards sent to confront the strikers are also, "poorly paid ordinary black working class people." Why might the strikers feel solidarity with these guards? Who are your allies or potential allies?

TACTICS

- › In the ongoing disagreements between Lonmin and its workers, who uses violence? For what purposes? What is the immediate result? What is the long-term result?
- › What tactics are used to discredit the strikers? Why would people in power think that those tactics would be effective?
- › President of the ACMU, Joseph Mathunjwa, says that the original ANC struggle was about participating in a government and society from which blacks were previously excluded, but now “it’s time to change the system.” What’s the difference between fighting for inclusion and fighting for change? Which makes most sense to you in your own life today? What would you fight for?
- › One of the lawyers uses the phrase “toxic collusion” to describe the relationship between the government, Lonmin, and the established union (NUM). What do you think the differences are between “toxic collusion” and effective cooperation?
- › Advocate Dumisa Ntsebeza states that, “The police should not be this shield between employees’ rights and employers’ obligations.” Yet, evidence presented to the Marikana Commission indicates that the police collaborated with Lonmin to break the strike. In your view, what is the proper role of the police? In your community, who do they typically protect? Why do you think this is so?
- › Compare AMCU President Joseph Mathunjwa’s approach to the miners with other union, police, company, and government leaders. Why was he more successful than they were? Despite his success, why didn’t his efforts prevent the Massacre?
- › What did you learn from the film about leadership? Who were the most effective leaders and what characteristics did they share?

ACCOUNTABILITY

- › If you had been allowed to submit a question for the Marikana Commission proceedings to address, what would you want to make sure they asked? Why is that question important to you?
- › After the events, Police Commissioner Riah Phiyega declares, “This is no time for blaming. This is no time for finger pointing. It is a time for us to mourn a sad and dark moment we experience as a country.” Why would she suggest that people can’t grieve and hold people accountable at the same time? Whose interests are served by shifting focus away from finding blame?
- › Lonmin, the police, and the NUM blame the deaths on the striking miners. Who would you hold responsible?
- › The film’s narrator says, “It is the time to point a finger at those whose fingers pulled the trigger, but they are foot soldiers. What about those who pulled the strings, who gave the orders...?” What do you think should happen to the “foot soldiers” who actually did the killing compared to those who gave the orders or created the circumstances that led to the Massacre?





MOVING FORWARD

- › Following the Massacre, President Jacob Zuma says, “This is not a day to apportion blame; it is a day for us to mourn together as a nation. It is also a day to start rebuilding and healing.” What are the steps for rebuilding and healing? Specifically, what could each of these entities do to help the country move forward: the striking miners, AMCU, NUM, Lonmin, the police, elected officials of the ANC and the Zuma administration?
- › Imagine that you had the power to prevent the killings by changing one action in the weeks, days, or hours before the Massacre. What would you have changed? With the benefit of hindsight, what steps could each of the stakeholders have taken to prevent tragedy?
- › Strike leader Mzoxolo Magidiwana explains that rock drillers either die from their work “or go home still as rock drillers. Poverty forces you to forget your ambition, leave school and work as a rock driller at the same mine...where your boss will be the son of your father’s boss.” Does his observation also describe the impact of poverty in your family or community? What sorts of policies and practices could disrupt this generation-to-generation pattern of poverty and wealth that Magidiwana outlines?

CONCLUSION

What is one lesson you learned from the film (or this event) that you wish everyone knew? What do you think would change if everyone knew it? Would you consider any of the people you see in the film to be heroes? What was heroic about the person/people you selected? What makes someone a hero? Are there any similar heroes in your community? Could you also become a hero? How?

SUGGESTIONS FOR ACTION

TO EMPOWER PARTICIPANTS:



1. Start by brainstorming a list of possible actions.



2. Help the group to narrow the list and choose their focus.



3. Plan next steps.

INITIAL BRAINSTORMING CAN BE DONE IN SMALL GROUPS OR WITH EVERYONE TOGETHER, AND IT CAN FOCUS ON EITHER INDIVIDUAL OR COLLECTIVE ACTIONS.

IF THE GROUP IS HAVING TROUBLE GETTING STARTED, YOU MIGHT:

1. Suggest general categories:
 - Show solidarity with those who have experienced injustice.
 - Join calls for accountability and/or efforts to bring perpetrators to justice.
 - Elect officials who will support needed policy changes.
 - Provide material support (e.g., financial aid, food, or shelter) to families who lost means of support or to striking workers.
 - For each relevant category, invite specific ideas for local action.
2. Help participants envision themselves as leaders by asking them to identify leaders they admire (including local leaders) and answer the question, “What was it that made this person such an effective leader?” Write the characteristics on a flip chart. As a group, notice the traits that all the leaders seemed to share. Then localize the activity:
 - a. Divide into small groups. Ask each member to identify one leadership quality or skill that they possess.
 - b. Ask each small group to identify a problem that is harming their community – but that they believe can be fixed.
 - c. Ask members to suggest ways that their leadership quality or skill can be applied to solving the problem.
 - d. Propose that each group member take action, in the way that most suits their unique assets, and report back at the next event.
3. Describe a local project or group that you are involved in and invite people to join you. Have a sign-up sheet available so you can collect the names of people who are interested.

KEEP IN MIND THAT FOR SOME PARTICIPANTS, TALKING – ESPECIALLY SPEAKING IN PUBLIC ABOUT SENSITIVE ISSUES – IS, BY ITSELF, A POWERFUL ACTION STEP.

BACKGROUND: TIMELINE

- 1795 The British first challenge Dutch colonial rule of South Africa – racial segregation is the norm under colonial rule.
- 1909 Lonmin is founded as a British mining company doing business in what is then called Rhodesia (now Zimbabwe). Among the businesses of this multinational corporation is the platinum mine at Marikana.
- 1948 In the wake of World War II, the Afrikaans minority institutes apartheid in South Africa, relegating the black majority to second class status, imposing segregation (including forced removal to so-called “homelands”) and revoking blacks’ right to vote.
- 1982 National Union of Mineworkers (NUM) is founded. Under the leadership of Cyril Ramaphosa, the union gained popularity with a successful campaign to end the practice of ensuring that the best-paid jobs were reserved for whites.
- 1994 Apartheid ends after years of sometimes violent resistance forces the Afrikaaner government to negotiate and conduct a national election in which everyone can vote. The African National Congress (ANC) officially ascends to power with the election of Nelson Mandela as President of South Africa; Cyril Ramaphosa, founder of the National Union of Mineworkers (NUM) is among the heroes and closely tied to the new government.
- 1998 Association of Mineworkers and Construction Union (AMCU) was founded as a breakaway from COSATU and the NUM. Compared to NUM’s estimated 300,000 members, AMCU’s 50,000 was small. However, the Marikana Massacre has sparked a reversal of those numbers. Prior to the event, NUM represented most of the workers at Lonmin. It now represents only 20%, while AMCU now represents 70% of Lonmin miners.
- 10 Aug 2012
3,000 workers at the Marikana Platinum mines walk off the job in a wildcat strike, demanding higher wages and direct negotiations with Lonmin management.
- 11 Aug 2012
NUM staffers are accused of shooting two unarmed strikers. NUM and its former leader, Cyril Ramaphosa, would later be implicated in encouraging Lonmin and



the police to use violence against the strikers. NUM also attempts to discredit the strikers by claiming that they are being manipulated by a competing union, the AMCU.

16 Aug 2012

Marikana Massacre - 34 miners died, another 78 were injured in the greatest use of lethal force against civilians by South African security since the end of apartheid.

23 Aug

2012 President Jacob Zuma appoints the Marikana Commission of Inquiry. Public hearings would begin on 1 October 2012. Though the NUM and police blamed the strikers for provoking the violence, evidence presented to the Commission revealed widespread lying by police to cover up their role in the killing, as well as collusion between the government and Lonmin in planning the use of violence against the strikers.

2 Sep 2012

Charges are dropped on the 270 miners who had been arrested for murder following the Massacre. Ironically, the legal theory used to charge them was one that had been commonly used by the former apartheid government to keep protestors in check.

23 Jan 2014

AMCU calls a strike against three mining companies, including Lonmin. Workers are still seeking a basic wage of R12,500 per month for the lowest level employee, which amounts to a 29% increase. Lonmin and the other two companies involved in the strike offer a maximum 9% wage hike.

June 2014

The strike ends with a compromise in which the salaries of the lowest paid workers would increase by R1,950/month over three years and no worker would earn less than R8,000.

14 Nov 2014

The Commission completes its hearings. It has submitted a final report to South Africa's President, Jacob Zuma, but as of May 2015, the President has not released the report to the public



ADDITIONAL RESOURCES

The websites and other references listed below provide additional information on core issues and groups featured in the film.

IN THE FILM

MINERS SHOT DOWN

www.minersshotdown.co.za – the official website of the film

<https://www.facebook.com/pages/Miners-Shot-Down/436695929781206?fref=ts> – the official Facebook page of the film

THE MARIKANA COMMISSION OF INQUIRY

www.marikanacomm.org.za/ - the Commission's official website includes transcripts, documents submitted as evidence, and general information on personnel and proceedings.

ASSOCIATION OF MINEWORKERS AND CONSTRUCTION UNION (AMCU)

<http://amcu.co.za/> - The website of the union led by Joseph Mathunjwa is currently under construction. Until it is ready, this historical overview may be helpful: www.sahistory.org.za/article/association-mineworkers-and-construction-union-amcu

NATIONAL UNION OF MINEWORKERS (NUM)

www.num.org.za/ - The union's official website - search on "Marikana Massacre" for statements about the events in the film

LONMIN

www.lonmin.com/ - the official website of the mining company; of particular interest is the company's official statement about the Massacre: www.lonmin.com/downloads/media_centre/news/press/2012/Statement_on_Marikana_Situation_-_17_08_12_-_FINAL.pdf and a report from the company CEO on the AMCU-led 2014 strike (two years after the Massacre): www.lonmin.com/interim_report_2014/business_review/chief_executive_officers_review_01.html

MARIKANA SUPPORT CAMPAIGN

marikanajustice.co.za - track efforts on behalf of miners and the families of those killed and injured on this website created by an association of groups working to achieve justice

NEWS COVERAGE AND ANALYSIS

"BEYOND THE CHAOS AT MARIKANA: THE SEARCH FOR THE REAL ISSUES"

www.dailymaverick.co.za/article/2012-08-17-beyond-the-chaos-at-marikana-the-search-for-the-real-issues/#.VWGvuEbrdMI – a 2012 article by Greg Marinovich (the journalist in the film) exploring the background of the conflict

"THE SAVAGE TRUTH BEHIND THE MARIKANA MASSACRE"

<http://mg.co.za/article/2015-05-21-the-savage-truth-behind-the-marikana-massacre> - a 2015 Mail & Guardian article by Nick Davies profiling Mgcineni "Mambush" Noki (the man in the green blanket)

LABOUR RIGHTS AND TRADE UNIONS IN INDIA

HRLN

www.hrln.org/hrln/labour-rights.html - a description of HRLN's positions on and actions related to labour issues in India

INDIA'S TRADE UNIONS

www.yourarticlelibrary.com/trade-unions/6-major-central-trade-unions-of-india-trade-unions/26113/ - a brief description of each of India's major trade unions, along with links to articles with more information



