Commissioning the Present
Marikana and its Aftermath
On 16 August 2012, armed units of the South African police confronted several hundred striking mineworkers on a hill near their mine in Marikana, killing thirty-four. The deaths at Marikana shook the country. Not since the height of apartheid - fifty years earlier - had the police killed so many protestors at once. On 23 August, the President appointed Justice Ian Farlam to run a Commission of Inquiry into the massacre and the events which led up to it during the week immediately preceding.

In the two years since, the Farlam Commission has been the site of struggles over the narratives, meanings, and implications of the events at Marikana. The story told by the Police - of the threat posed by a charging mob - has been challenged by the story told by the miners and their families - of a relatively-peaceful and spontaneous mass protest. The roles of the unions, of the mining companies, and high-level politicians in encouraging the clash between protestors and police have been passionately debated. At the Commission, representatives of the government and the police, the miners and the unions, and the widows and families of the deceased have all set out their stories. Not all of these stories have been taken up by the country’s media.

The Socio-Economic Rights Institute (SERI) and the History Workshop at the University of the Witwatersrand have convened this meeting to permit participants in the Commission and scholars to come together to consider the development of these narratives and stories, and to place both the massacre and the Commission in context. The three days of this convening will provide spaces for discussion and disagreement, and for the development of new political and social narratives.

The convening was made possible by a generous grant from the Ford Foundation.

*Julian Brown*

*Jackie Dugard*

*Noor Nieftagodien*

*Stuart Wilson*
Programme

THURSDAY 7 MAY 2015
Welcome: Prof. Adam Habib
Opening: Justice Mbuyiseli Madlanga

Senate Room, Senate House, University of the Witwatersrand
Time: 18h00

FRIDAY 8 MAY 2015
Welcome: 08:30 – 09:00 (Chalsty Auditorium)

Chalsty Centre, School of Law, University of the Witwatersrand

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<th>Session</th>
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<td>09:00–10:30</td>
<td>The Commission’s Contexts: Social, Economic, Political</td>
<td>The Politics of Platinum</td>
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<td>Tea</td>
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<td>11:00–12:30</td>
<td>Gender and Lived Experience</td>
<td>Practices of Policing</td>
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<td>Lunch</td>
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<td>14:00–15:30</td>
<td>Popular Politics after Marikana</td>
<td>The Farlam Commission in Comparative Perspective</td>
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<td>Tea</td>
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<tr>
<td>16:00–17:30</td>
<td>Political Economies</td>
<td>Land and Custom</td>
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Speakers’ Dinner

Time: 19h00

SATURDAY 9 MAY 2015
Chalsty Centre, School of Law, University of the Witwatersrand

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<td>09:30–10:30</td>
<td>Experiencing the Commission 1: Civil Society Lawyers</td>
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<td>11:00–12:00</td>
<td>The Farlam Commission 20 Years after the TRC</td>
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<td>Lunch</td>
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<td>13:00–14:00</td>
<td>Experiencing the Commission 2: Families and Affected Communities</td>
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<td>14:30–15:30</td>
<td>The Commission Report</td>
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<td>15:30–16:30</td>
<td>Concluding Remarks</td>
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### Panel Discussions (Friday Sessions)

| The Commission’s Contexts: Social, Economic, Political | Kally Forrest  
"Marikana Commission: Appropriate vehicle for accessing justice and truth?"  
Bonita Meyersfeld and Lisa Chamberlain  
“Corporate accountability on the part of Lonmin: the role that Social and Labour Plans could have played in the Marikana Commission of Inquiry”  
Stuart Wilson  
“Marikana and the Contemporary Moment” |
|------------------------------------------------------|---------------------------------------------------------------|
| Room A  
09:00-10:30 | Raphael Chaskalson  
“South Africa’s Platinum Industry”  
Crispen Chinguno  
“Marikana and the shifting institutionalisation of industrial relations and strike violence”  
Dick Forslund  
“Affording wage demands, Social Labour Plans and profitshifting at Lonmin and in SA mining” |
| The Politics of Platinum | Asanda Benya  
“Women in Marikana: Unacknowledged Narratives”  
Cynthia Kros  
“The Widows of Marikana and the Farlam Commission of Inquiry”  
Palesa Madi  
“Marikana: The Lived Experience” |
| Room B  
09:00-10:30 | David Bruce  
“Political accountability for Marikana - the role of the Minister of Police”  
Dale McKinley  
“Marikana as past and present: Protest and the political corporatisation of SAPS”  
Gareth Newham  
“Avoiding future Marikana Massacres: What lessons for the South Africa Police Service”  
Michael Power  
“The use of force in public order policing: Marikana and global trends towards remilitarisation” |
| Gender and Lived Realities | Julian Brown  
“Marikana and the Politics of Equality”  
Camalita Naicker  
“What’s in a name? Marikana and its afterlives in popular struggles in South Africa today”  
Noor Nieftagodien  
“Marikana and the Politics of Solidarity” |
| Room A  
11:00-12:30 | Room B  
11:00-12:30 |
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<th>Event</th>
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<tr>
<td>The Farlam Commission in Comparative Perspective</td>
<td>Michael Bishop</td>
<td>“An accidental good: the role of Commissions of Inquiry in South African democracy”</td>
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<td>Naadira Munshi</td>
<td>“On the production of knowledge in the Marikana Commission of Inquiry”</td>
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<td>Room B 14:00-15:30</td>
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<tr>
<td>Political Economies</td>
<td>Jeremy Seekings</td>
<td>“What Marikana tells us – and what it does not tell us – about distributional inequality in post-apartheid South Africa”</td>
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<td>Avani Singh, Wilmien Wicomb &amp; Henk Smith</td>
<td>“Marikana and the possibilities for enforcing the obligations of companies”</td>
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<td>Room A 16:00-17:30</td>
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<tr>
<td>Land and Custom</td>
<td>Brendan Boyle</td>
<td>“Elite Extraction: How traditional, political and corporate leaders trade rights and influence to capture the benefits of mining”</td>
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<td>Gavin Capps</td>
<td>“Rural Transformation: The Locational Specificity of Platinum”</td>
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<td></td>
<td>Stanley Malindi</td>
<td>“Land, Custom and Community around Wonderkop and the Nkaneng Informal Settlement”</td>
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<td>Room B 16:00-17:30</td>
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<td>Guided Conversations (Saturday Sessions)</td>
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<td>After the TRC</td>
<td>Verne Harris</td>
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<td>Dumisa Ntsebeza SC</td>
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<td>Yasmin Sooka</td>
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<td>Experiencing the Commission 1: Civil Society Lawyers</td>
<td>Kathleen Hardy (CALS)</td>
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<td>Jason Brickhill (LRC)</td>
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<td>Experiencing the Commission 2: Families and Affected Communities</td>
<td>Representatives of the Families and the Injured and Arrested Miners</td>
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<tr>
<td>The Commission Report</td>
<td>Commentators and Commission Participants</td>
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The convening will take two forms: the first, on Friday, and the second on Saturday.

On Friday, the convening will take the conventional form of an academic conference: there will be two parallel streams of sessions, and each session will consist (on average) of three individual presentations, of about 15 minutes each, followed by questions from the audience and a critical discussion for the remainder of the period.

Each of these sessions will last approximately one and a half hours – i.e., 90 minutes.

On Saturday, the convening will take a less usual form. Instead of parallel sessions, we will have a series of plenaries; and instead of individual presentations, each plenary will consist of a guided conversation between three or more participants. These conversations will address key issues arising from the Farlam Commission in a less formal manner, and be open to discussion from the audience.

Each of these conversations will last for an hour – i.e., 60 minutes.

The Saturday will end with a discussion of the Commission’s Report – which may or may not yet be in the public arena by the time of the convening.
Presenters and Participants

Asanda Benya is a PhD candidate in Sociology at the University of the Witwatersrand based at the Society, Work and Development Institute (SWOP) at the University of the Witwatersrand.

Michael Bishop is a member of the Johannesburg Bar and counsel at the Constitutional Litigation Unit at the Legal Resources Centre (LRC).

Brendan Boyle is a journalist & Senior Researcher at Centre for Law and Society at the University of Cape Town.

Jason Brickhill is a member of the Johannesburg Bar, and Director of the Constitutional Litigation Unit at the Legal Resources Centre (LRC).

Julian Brown is a lecturer in the Department of Political Studies at the University of the Witwatersrand.

David Bruce is an independent researcher and writer focusing on crime and policing.

Gavin Capps is Senior Researcher at the Mining and Rural Transformation in South Africa (MARTISA) project based at the Society, Work and Development Institute (SWOP) at the University of the Witwatersrand.

Lisa Chamberlain is Deputy Director of the Centre for Applied Legal Studies (CALS) at the University of the Witwatersrand.

Raphael Chaskalson recently completed a BA(Hons) at the University of Cape Town, and currently works as a researcher at the NGO Equal Education.

Crispen Chinguno is a PhD Candidate in Sociology based at the Society, Work and Development Institute (SWOP) at the University of the Witwatersrand.

Jackie Dugard is Associate Professor of Law and Director of the Gender Equity Office at the University of the Witwatersrand.

Kally Forrest was the Senior Researcher for Phase 2 of the Farlam Commission of Inquiry.

Dick Forslund holds a PhD in Business Administration and a BSc in Economics from Stockholm University School of Business. He is senior economist at Alternative Information & Development Centre.

Christine Grobler is a final year LLB student at the University of the Witwatersrand, and a junior researcher at the Institute for International and Comparative Law in Africa.

Adam Habib is the Vice-Chancellor of the University of the Witwatersrand.

Kathleen Hardy appeared on behalf the Centre for Applied Legal Studies (CALS) at the Farlam Commission of Inquiry, and is now Senior Attorney at the Socio-Economic Rights Institute of South Africa (SERI).

Verne Harris is Director of Research and Archive at the Nelson Mandela Foundation.

Cynthia Kros is a historian and heritage specialist.

Palesa Madi is a Candidate Attorney at the Centre for Applied Legal Studies (CALS) at the University of the Witwatersrand.
Mbuyiseli Madlanga is a Judge of the Constitutional Court of South Africa and was, previously, Evidence Leader at the Farlam Commission of Inquiry.

Stanley Malindi is an MA student in the Department of Political Studies and a research student in the Mining and Rural Transformation in Southern Africa (MARTISA) project at the Society, Work and Development Institute (SWOP) at the University of the Witwatersrand.

Dale McKinley is an independent writer, researcher and lecturer as well as political activist.

Bonita Meyersfeld is Director of the Centre for Applied Legal Studies (CALS) at the University of the Witwatersrand.

Naadira Munshi is a MA student in the Department of Sociology at the University of the Witwatersrand, and a Research Fellow at the Socio-Economic Rights Institute of South Africa (SERI).

Camalita Naicker is a PhD Candidate at the Unit for Humanities at Rhodes University (UHURU).

Gareth Newham is Head of the Governance, Crime and Justice Division of the Institute for Security Studies (ISS).

Noor Nieftagodien holds the NRF Chair in Local Histories and Present Realities at the University of the Witwatersrand.

Dumisa Ntsebeza SC is a leading member of the Johannesburg Bar, a member of the Judicial Services Commission, and a former Commissioner of the Truth and Reconciliation Commission.

Michael Power is an attorney in the Johannesburg office at the Legal Resources Centre (LRC).

Avani Singh is an attorney in the Constitutional Litigation Unit at the Legal Resources Centre (LRC).

Luke Sinwell is a Senior Researcher at the Research Chair in Social Change at the University of the Witwatersrand.

Jeremy Seekings is Professor of Political Studies and Sociology, and Director of the Centre for Social Science Research, at the University of Cape Town.

Henk Smith is an attorney at the Cape Town office of the Legal Resources Centre (LRC).

Yasmin Sooka is Executive Director of the Foundation for Human Rights, and a former Commissioner of the Truth and Reconciliation Commission.

Wilmien Wicomb is an attorney at the Constitutional Litigation Unit at the Legal Resources Centre (LRC).

Stuart Wilson is a member of the Johannesburg Bar and Executive Director of the Socio-Economic Rights Institute of South Africa (SERI).

Nomzamo Zondo is Director of Litigation at the Socio-Economic Rights Institute of South Africa (SERI) and represented the Families of the Deceased at the Farlam Commission.