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Abstract

While illegal mining plays a central role in poor households' livelihoods, it is a great concern that a lot of attention is given to the criminal aspect of the mining activity but not the destination of the illegally mined gold. This research examines the issue of cross-border migration, with particular reference to the working lives and career aspirations of women and men who are finding a livelihood by working informally in abandoned and closed mines in Johannesburg, South Africa. This research is ethnographic in nature, including direct observations and in-depth interviews with participants and key players in the illegal gold mining value chain. Preliminary findings demonstrate that there is a strong link between legally and illegally mined gold as the two come to a convergence between level 3 and 5 of the commodity value chain. Using a moral economy framework which emphasises goodness, fairness and justice, I argue that zamazama¹ (illegal miners) ought to be treated fairly and organised as any other workers as the end product of their labour power performed under precarious conditions indirectly contributes towards the national economy including the Gross National Product (GDP) of the country. In terms of mobilisation, the study revealed that while illegal migrant miners might have been in touch with unions through previous employment in the formal mining economy, but even then the majority seem to have been on the outside of union politics and support. Now being altogether on the outside of the formal economy, what they reach for in order to deal with their precarity including a very uneven and unpredictable police is to reach out to private law companies or worker advice office. What this describes is really the very deep gulf between these positions and has some implications in terms of the possibility for collective mobilisation.

Introduction

The gold mining sector in South Africa has played a very critical role in providing employment and livelihoods to thousands of domestic and international households over the last century. According to the Chamber of Mines fact sheet of 2015, mining contributes 500 000 direct and 800 000 indirect jobs resulting in a total of 1.3 million jobs with 16% contribution towards national GDP. Alongside this, exist parallel economic activities in the form of illegal mining which have created work and income for many in the region in particular cross-border migrants (see Mail & Guardian

¹ *Zamazama* is a vernacular term which means "we are trying" and is based on the notion that people involved are trying to earn a living from the little they get from the rock they extract using rudimentary tools.

29.08.2015). Approximately, 2-5 billion dollars is lost to the national economy annually through illegal smuggling activities which are as a result of criminalisation of illegal dealers involved (Debra et al, 2014: Chamber of Mines 2015). The paper explores the impact of the transformation of the labour migration regime in Southern Africa on employment in the mining sector and the subsequent emergence of illegal mining as livelihoods strategy. Contrary to the public discourse, I argue that informal mining is rooted in the political economy of migration and mining and that those involved at the bottom end of this practice are precarious locals and migrants struggling to earn a livelihood.

Existing studies demonstrate that illegal mining which is usually manifested in the form of small scale artisanal mining plays a fundamental role in poor rural households (Debra et al 2014: Lahiri-Dutt, 2011: Zvarivadza 2014: Perks, 2011: Purevjav 2011). While many scholars appreciate the significance of artisanal mining in promoting economic development for rural communities, this study provides an insight on how communities in urban spaces earn a living by engaging in illegal mining activities. Further, I demonstrate that these practices are shaped by the transformation of the labour migration regime in the region and by contemporary realities facing the urban poor in South Africa (see Barchiesi, 2011). Underscoring this argument, I demonstrate how there are two international linkages in artisanal sector: whilst all the attention has focused on the lower end, that of illegal miners, and on negative factors associated with the people and work that is being done, less attention has been paid to the top end of the sector (see Munakamwe and Jinnah 2015). Much like the formal mining sector itself, it is the predominantly (white) multi-national and transnational wealthy elites (constituting the top end of the hierarchy and have international linkages) who benefit at the expense of poor (black) workers (ibid) who operate under precarious conditions. While trade unions are limited from mobilising illegal miners because of their 'criminal' status, the study revealed that various resistance strategies evolved over the years as miners seek to resolve problems which they face in their daily working lives. A key challenge which emerged out of my research is police violence including turf wars between local and foreign syndicates (Mail & Guardian 29.08.2015). Interestingly, while worker organisations such as trade unions have paid a blind eye as they also perceive this type of mining as illegal, miners have however, devised their own resistance strategies as they attempt to cope with police brutality and other challenges they encounter in their working lives.

The paper is divided into two parts: part one introduces the background, concepts and methodology and part two presents findings, and discussions where I explore the marketing of illegally mined gold and how it intersects with legally –mined gold, including the new forms of solidarity and resistance emerging amongst illegal miners, and conclusions.

Background

In 2011, forty miners died at an illegal mining shaft in the old mining town of Springs, east of Johannesburg. In 2013, another nineteen miners died at an illegal shaft ZM². A “volcano” erupted at ZM and the bodies were ‘cooked’ and charred beyond recognition. No one was willing to risk their lives to go down the shaft and extract the dead bodies. The mine was later sealed with the dead bodies inside. In February of 2014, twenty five illegal miners died at Mag³ shaft in Roodeport, west of Johannesburg. Their colleagues volunteered to retrieve the bodies from underground to ensure a

² I have used pseudonyms throughout this study to avoid identification of both participants and research sites as this might expose participants to the police .

dignified burial for the dead miners. In all three incidents, cross-border migrants constituted the majority of those who perished.

This paper is grounded in a catastrophic incident of February 2014, which occurred at Durban Deep as mentioned above. Twenty three Zimbabweans (including one woman), one Mozambican and one young Zulu migrant from KwaZulu Natal lost their lives. Three months later, the municipality and the police in collaboration with an unnamed “owner” of the ‘bloody’ shaft, sealed the ‘mouth’ of the illegal shaft. Despite the dangers, violence and the trauma from the February disaster, two weeks later, zamazama reopened the shaft claiming that this was their only source of economic survival in a country where unemployment rate is high (estimated at 35%). In the case of foreigners, the rigid and bureaucratic immigration policy which makes it difficult for them to enter the formal labour market forces them to indulge in illegal mining activities. Lack of proper documentation also exposes workers in this sector to police brutality as they demand bribes or in some reported cases confiscate their ‘stuff’ as will be demonstrated later.

The study was precipitated by the need to understand the nature and function of illegal mining in poor households and further examined the precarious working conditions of zamazama, their resistance and coping strategies including the possibilities of finding a “representative voice” to improve their working and living conditions. These workers operate informally and are classified as illegal miners based on the activities which they are involved in. Illegal miners are usually associated with criminality in relation to national laws and policies. It is even worse for immigrants who quite often undocumented. According to the Chamber of Mines, “about 70% of all arrested illegal miners are illegal immigrants” (2014: 3). Indeed, the stereotypes associated with illegal miners make it difficult for these workers to seek justice in the face of police brutality and violence or to access critical health services in times of need.

A total of 40 interviews were conducted with women and men involved in the sector; 26 were Zimbabweans, 9 Mozambicans and 4 Sotho and 1 South African from KZN. Of these, 15 were women while 25 were men and all women interviewed were cross-border migrants from Zimbabwe, Mozambique and Lesotho. The profiles of participants varied from individual to individual, and from nationality to nationality. For instance the majority of Zimbabweans interviewed had completed their ‘O’ levels and some had gone as far as university education. Two of the participants possessed first degrees in geology and marketing but failed to secure jobs in the formal economy because they did not have the right documents to work in South Africa. Ten of the women interviewed were independent migrants⁴ and were single parents while five were married. Of the 25 men interviewed, 18 were married while 7 were still single. Part of the methodology involved shadowing illegal miners in their work spaces for almost two years. In addition, key informant interviews were conducted with representatives from business and trade unions.

Conceptualising illegal mining

Illegal mining exists in two forms and is defined in relation to the laws of South Africa. First, it takes place in formal mines where “formal employees engage in illegal activities, either while at work (abandoning their working places) or during their leave periods” (Chamber of Mines of South Africa, 2014:3). Illegal miners involved in formal mines spend extended periods of time, between seven days up to six months, underground and sustain themselves through provisions supplied by

⁴ Independent migrants in this study refers to those who migrate based on their personal choice other than to join a spouse

formal employees⁵. Where strict measures have been implemented to prohibit formal employees to take food underground, a loaf of bread, for instance costs as much as R1000⁶. In formal mines, illegal miners usually steal huge blasted gold-rich rocks which generate a lot of income at a time⁷. This kind of illegal mining is very sophisticated involving powerful syndicates who aim to make huge profits as opposed to economic survival.

The second type of informal mining occurs in abandoned or closed mines where miners “use explosives to blast open concrete seals of surface shaft entries” (Chamber of Mines of South Africa, 2014:3). This type of mining usually involves individuals, groups and families and often primary and secondary deposits of minerals are extracted using simple hand tools (Purevjav, 2011: 199). There is a strong presence of women and children who usually undertake surface work and are in direct contact with police and ‘robbers’ (usually fellow zamazama who are lazy to go underground).

Neither form should be confused with artisanal mining which is defined as small-scale or subsistence mining and involves gold panning using simple tools but is undertaken within the confines of the law (see Debra et al 2014, Zvarivadza 2014: Thornton 2013).). While artisanal mining occurs with minerals like sand, clay, precious stones in South Africa, however, this does not occur in gold for the reasons which I will explain later⁸. Illegal miners do not work for any company and therefore operate independently using their own hand tools and resources. Thornton (2013) describes artisanal miners as those who “produce their own gold using simple techniques” (2013:1). Artisanal mining is usually undertaken within the confines of the law where individuals are allocated mining claims and licences to trade in gold as in the cases of Zimbabwe, DRC, Tanzania and Ghana (see Zvarivadza 2014: Mutemeri and Petersen 2002). Artisanal mining activities usually contribute indirectly towards a country’s overall economy (GDP) because some individuals like buyers involved in these activities usually possess formal gold dealership licences and therefore pay taxes. The study focused on the second type of illegal mining which usually involves individuals, groups and families and often primary and secondary deposits of minerals are extracted using simple hand tools for basic economic survival.

Mineral and Petroleum Resources Development Act in relation to illegal mining

Other than the **gold ownership laws and the Mineral and Petroleum Resources Development Act**, South Africa does not have explicit laws to prosecute illegal miners other than drawing from trespassing laws, theft, money laundering or corruption. The country to some extent still relies more on apartheid laws in particular the Precious Stones Act of 1927. According to Chamber of Mines of South Africa, “there is a specific prohibition in the MPRDA on mining without the required statutory authorization (section 5(4) (Chamber of Mines of South Africa Factsheet 2014). South Africa “is about the only country in the world where it is illegal to be in possession of unwrought precious metal without the required statutory authorization” (ibid).

Parliamentary debates on how to deal with the illegal mining scourge dominated particularly in 2009 but until today no specific Act has passed through parliament. Policy makers and key players in law enforcement of the country have in the past expressed unorthodox views. Some believe the

⁵ Interview with NUM: 16.10.2014. Union Offices

⁶ Interview with NUM: 16.10.2014. Union Offices

⁷ Interview with Peter Bishop Anglo-Gold Ashanti, 15/10/2014; Newtown Offices

⁸ Interview with Nellie Mutemeri, Anglo-Gold Ashanti, 15/10/2014; Newtown Offices

only way to eradicate illegal mining is “to rehabilitate the area,”⁹. The then honorable Minister for Minerals and Resources in 2009, Ms Susan Shabangu believed the best way to deal with the problem is through the SAPS but this proved to be a short term measure according to the Democratic Alliance, the main opposition party in South Africa. The lack of a clear strategy simply means the government acknowledges the instrumental role played by illegal mining in alleviating unemployment and poverty amongst poor communities while at the same time pursuing business interests.

The mining labour process: The tools and the division of labour.

This section presents findings based on empirical fieldwork and documents the working conditions of zamazama. One of the critical issues under investigation was the need to understand the reasons for individual participants to opt for illegal mining as a source of livelihood. Immigrants mentioned that they realised there were no jobs when they came to Johannesburg but the reality is that South Africa has a high unemployment rate yet they need money to pay rents and school fees for children. Deindustrialisation which has taken place in the global era has contributed to lack of jobs and lessened recruitment efforts by business. Citizenship also shaped economic activities engaged by foreigners as shown here:

Yes I know informal mining is bad but what can I do? I’m a foreigner in a foreign land ...no one is ready to listen to us. The police ‘steal’ our stuff but we cannot report... instead they arrest us and lie at the station that they have arrested us because of documentation. As u can see, we are caught in between crimes for digging gold and not having right papers.

Further probing on whether he would join a union to assist him, Tomu said:

Our lives are at risk and we can die anytime, so I can pay union subscriptions then what? I’m ready to join those organisations dealing with social issues like burial society because I know one day I will die and I need a better burial. My fellow countrymen died in the mines and were buried in the bush (meaning South Africa). If I die under the mine and my friends can take my body out, I want to be buried back home¹⁰

There are mixed feelings among migrant miners about their preferred places of burial. However, most of them do not really care about their place of burial as long as they receive a decent burial. Sometimes it is difficult to retrieve bodies from rock falls and it is difficult for one to insist that they get buried back in their countries of origin or places of birth for internal migrants. The abandoned mines where zamazama enter were described by participants as “akaora” meaning they are “rotten”, and very narrow with many dangerous chambers. Miners go to an extent of genderising the mines in their description. They sometimes squeeze through very narrow spaces and had this to say:

⁹ Col Hennie Flynn of the South African Police Services (SAPS)

¹⁰ Interview with Interview with Thabo. 06/09/2014. Site A.

Do you think women's hips can pass through, this is one of the reasons why we say women should not come underground...No women underground...the mines belong to ancestors... the mine has very narrow spaces and we have to move like a snake or chicken¹¹

They concluded that because of their structural nature, South African shafts are more dangerous. Miners are sometimes forced to wriggle like snakes for almost a kilometre as one cannot walk straight and this is the reason why they perish when disasters occur.

In terms of tools, miners use hand tools such as hammers, hard- emilites, fuse, ignite and coat chisels, copper cables, simple head torches, horror, drillers, *mugwara* (long chisel), to extract gold underground. Use of modern technology like simple nokia phones has been introduced of late. A simple nokia phone is used to 'scan' for gold rich rocks underground. Where a huge concentration of gold is detected, then dynamite or generators are used to blow out the rock. However, the use of such huge machinery to some extent exposes miners to rock fall accidents.

Very often, "*sponsors*" buy tools and mercury on behalf of the miners in return for gold. Sponsors play a paternalistic role in the working lives of *zamazama* and thus trust and loyalty is required between miners and sponsors. If a sponsor provides miners with tools and other equipment including food provisions to take underground, the miners are expected to positively reciprocate by selling the extracted gold to their sponsors. If miners run out of food or equipment underground, they send one of them to their sponsor (usually buyers) who is also linked to them based on ethnic and nationality lines¹². Copper cables are used to convey miners in and out where the surface is loose and not portable enough to step on or else rock fall accidents occur. However, this is the worst form of conveyance as miners mentioned that any slight mistake leads to death. In short, miners work under very dangerous and precarious conditions and while miners are aware that their lives are at risk, still they believe is the only economic option out poverty, than to just watch their families dying of hunger.

Mercury plays a very central role in gold processing and is supplied illegally by formal mine workers. This metal is denser than gold hence it is used in the final stages of gold purification to gather together loose gold particles ready for smelting. It is a highly criminalised substance and if one is found in its possession, they will get arrested and imprisoned for at least five years. It forms one of the key exhibits for prosecution in court. A small tube (50ml) costs around R500. Without this metal, gold cannot be extracted from the impurities hence no business. Dark marks on zamazama hands are testimony to the use of this highly volatile metal. Unfortunately, the mercury is not properly disposed of and is just thrown all over. When rain comes, this is washed away hence poor growth of green plantation around illegal shafts and surrounding areas including availability of trace metals in vegetables and fruits grown in such areas. This could be another possible cause of a proliferation of cancer-related diseases. In her study of the artisanal and small scale mining in the DRC, Perks (2011: 188) identified miscarriages, still-births and high child mortality rate for those women involved and are exposed to highly radioactive substances such as uranium, copper, and cobalt (ibid). Mercury is smuggled from formal mines by formal miners who collaborate with illegal miners for exchange of money which they appreciate to subsidise their low incomes. The National

¹¹ Interview with Makoro. 28/08/2014. Site A.

¹² However, this practice seems more like labour brokering of a special kind than sponsorship. The normal practice of sponsorship means someone provides without expecting anything in return!

Union of Mineworkers indicated that they have lost membership as a result of disciplinary action related to collaboration with illegal miners¹³.

Division of labour: Shifts, tasks and syndicates

Zamazama operate as syndicates based on ethnicity, nationality and sometimes racial lines as people from various racial groups; tend to 'own' particular shafts. Syndicates usually range between three and do not usually exceed eight as this might 'fuel' conflict in particular on allocation of earnings. A study by Webster (1985) in the Foundries showed that it was easy to organise migrant workers in compounds based on ethnic groupings and zamazama syndicates could be a good starting point for mobilisation. However, relationships can also be disturbed as brothers can easily turn against each other and the same might apply to friends in situations where large amount of gold is extracted at a time. Work is usually done collectively although some respondents indicated that they do have informal leaders who usually guide them in particular at the distribution of earnings. Leaders also negotiate with other syndicates on common issues such as resistance against police brutality and violence. Violence usually erupts if syndicates trespass shaft rules. Miners work in syndicates which usually comprise of three to eight miners often based on the afore-mentioned characteristics.

Gold is extracted by men as according to the miners' taboos, beliefs and superstitions, women are forbidden underground. Allowing women underground, according to illegal miners results in catastrophic incidents as mentioned earlier¹⁴. A significant barrier to women's equitable participation in mining involves taboos and superstitions. In Zambia, for, instance, Namakau Kaingu a Mine owner and Chairperson of the SADC Women in Mining Trust, described challenges in gemstone mining due to the belief that women should not approach gemstone mine because the spirits of the stones would drive the gems deeper into the earth (Synergy Africa, 2001) or would disappear altogether (Kaingu, 2003). Some believe this is particularly significant during menstruation. Disappearance of the stones can be averted by the slaughter of a goat or cow, or the calling of the spirits or ancestors (Kaingu, 2003). In N'tulo, Mozambique, women are believed to attract bad spirits and therefore, are banned from working in the mines (Drescheler, 2001). They are however, permitted to sell food and beer. In nearby Manica, women are prohibited from digging trenches but can transport and wash the gold bearing ore. Due to the belief that they bring bad luck, women have been banned or deterred from working underground in countries throughout the world (Robinson, 1998). As noted by Overholt et al (1985), the gender -based division of labour, as well as access to and control over resources and benefits are likely to differ within a community.

Much of the surface work which involves crushing and refinery of the mineral ore from the rock is undertaken by women and children. According to Overholt et al (1985) cited in Lahiri-Dutt (2011), "the gender-based division of labour, as well as access to and control over resources and benefits are likely to differ within a community". Labour is divided based on sex and the same applies to problems and diseases. While respiratory diseases like tuberculosis cuts across both sexes, more women than men suffer from this disease as they get into direct contact with dust particles as they

¹³ Interview with NUM: 16.10.2014. Union Offices

¹⁴ For instance the sole woman who was amongst those who died on the 19th of February was blamed for the disaster. The miners believe that *makunakuna* (meaning casual sex) which occurred underground offended the 'gods' of the underworld hence the subsequent disaster. Respondents said there are certain sexual rituals to be observed before they enter underground. Men are not supposed to have sex two days before they go underground and also while they are underground.

crush and grind gold-rich rocks to extract gold particles. At the same time, women complain of back aches, chest pains and body muscle pains which are as a result of rock grinding. Men who go underground complain of flues and sometimes asthma caused by dangerous gases underground. These men's major threat is death due to fatal accidents underground. Babies and toddlers also suffer from tuberculosis as they inhale dust at their mothers' surface 'workplaces'.

Usually rats or snakes serve as 'ancestral geologists'. Where a snake or rat is detected, this should not be taken lightly as it signifies two omens. First, this might mean that a particular area is endowed with gold and second this might point to a looming disaster. So the best thing according to miners is to trail the creature and closely observe its destination. If it stops on a rock, this means there is huge concentration of the mineral, and then one has to thank their ancestors for the revelation. But if it heads towards the next entrance, then one has to run for their life and leave the mine as this would mean danger like rock falls or emission of dangerous gaseous substances like carbon monoxide or volcanoes or underground earthquakes which could be best explained scientifically as shifting of tectonic plates. However, to the primitive miners, this is a consequence of 'angry gods'.

Marketing of gold: Buyers and the destination of gold

Three categories of buyers exist. Primary buyers are those who establish bases at the shafts and buy the gold directly from the miners through the intervention of agents. Agents are directly linked to illegal miners and usually live within the community hence they assist primary buyers on security matters. Primary buyers sell their gold to secondary buyers who usually operate in the 'black market'. Secondary buyers sell their commodity to tertiary buyers who are usually linked to big mining companies and possess gold trading licences which then formalises the illegally mined gold. A system of licence brokering exists and one can earn a lot of money without directly involving oneself in gold transactions. Licence brokers sell gold on behalf of buyers who do not possess licences to sell gold directly to the formal refineries. Informal buyers claimed that licence brokers sell gold at the highest price of the day which fluctuates between R1, 100 and R1, 200 and they usually pay informal buyers between R500 and R800. The difference between the maximum price and the prevailing market price is theirs and on top of that one has to pay an agreed amount as commission. Clearly, there are no systems of accountability and there exists huge loopholes in the system which allows illegal gold to be somehow legalised along the commodity chain.

An interview with director of security for Company X provided a succinct summary of the value chain of illegally mined gold as illustrated in the diagram below:



Source: Interview with Mr P, X Company

Ironically, interviews with illegal miners and buyers revealed that they are only familiar with three stages as shown below:



Indeed, illegal miners are ignorant of the fate of the product which they mine under hard and precarious conditions. This is always the case with workers and it is even worse with those working in the informal sector. They are positioned at the lowest level of the value chain and are paid less yet it is their hard labour that produces commodities for international markets where their bosses earn huge profits.

Destination of gold

The diagram above clearly demonstrates the relationship between illegally mined gold and formal markets. The number of involved individuals becomes smaller as we go up the hierarchy and the price of gold gets higher at each level. Interestingly, **the final destination of gold is at international markets where gold trading is liberalized and formalised.** At this stage, no one questions the origin of the product and illegally-mined gold is legitimized. At level four, gold is sent to the national refinery. Rand Refinery is the largest refinery in South Africa and it is here that both illegally and legally mined **gold converges.** From credible national refineries, pure gold is exported formally to international markets where it is sold at very high prices usually tenfold compared to what the illegal miners on the ground earn. Gold is also exported informally by smuggling whereby it is molded into personal fashionable chains, rings or bangles.

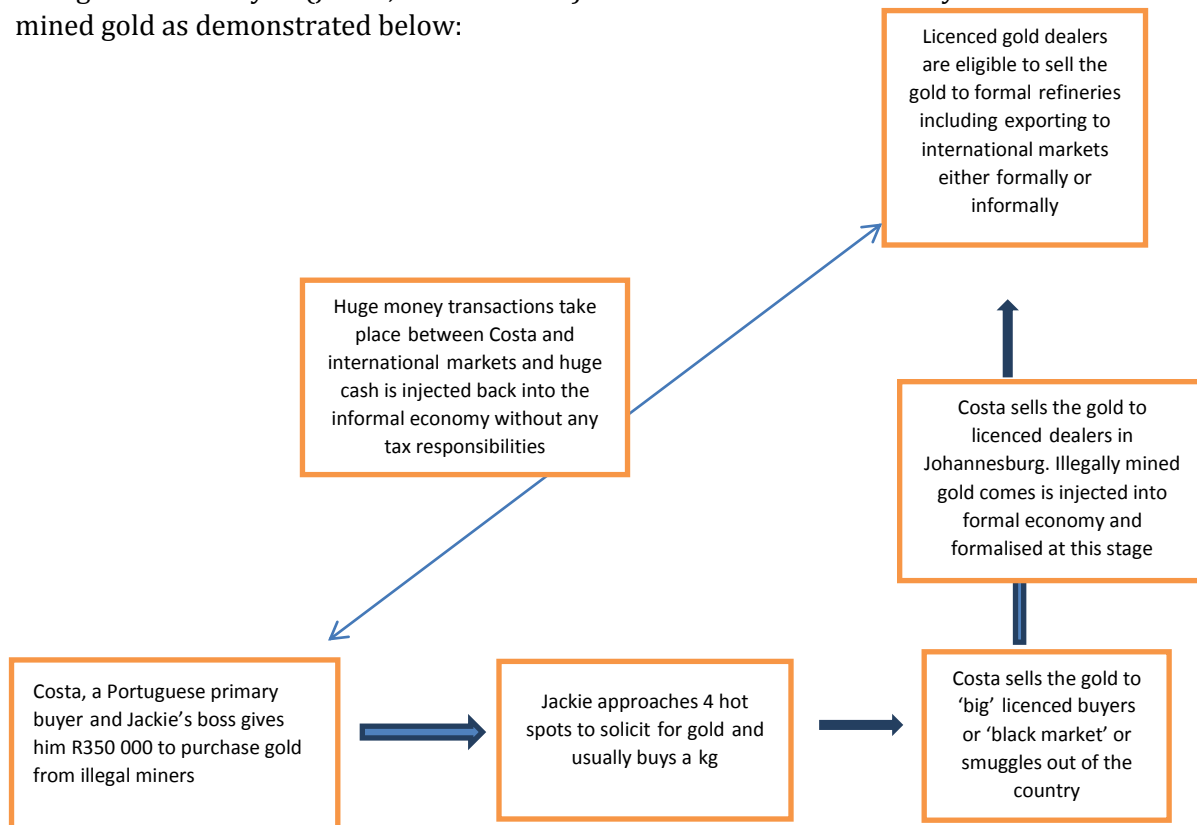
Primary buyers indicated that they sell gold to some white people in town and they usually shop around before they sell to check who offers the best price on that particular day. Licensed gold dealers are eligible to sell gold to formal refineries within and outside South Africa. Sometimes, buyers from overseas come to buy directly from primary buyers at a higher price as they (international buyers) benefit from the exchange regime.

There are also licensed brokers in possession of formal licenses to trade and deal in gold and its products. While some illegal miners claimed to know individuals involved in the buying process,

respondents refused to say exactly where these people could be located for interviews. However, they stated that usually buyers are white people who work for registered mines or sometimes Indians or Nigerians. However, primary buyers interviewed claim that the later are very 'stingy' and are reluctant to pay the market price. Because of this, most primary buyers prefer white buyers or those who come from overseas but these are difficult to find because they come once in a while.

While some miners claimed that they know some of the 'big' buyers who pay better prices for their gold, their challenge is that tertiary buyers are scared to deal with strangers as they fear getting robbed. Another white buyer was reported to have 'cried' in 2013 when he was robbed of thousands and thus white elite buyers prefer to send black buyers to buy gold straight from the mines.

An agent for a buyer (Jackie, from Malawi) summarised the commodity value chain of illegally mined gold as demonstrated below:



The commodity chain above involves huge transactions of cash and also demonstrates how South Africa loses billions of rands (estimated at 2,5billion a year) to clandestine 'black markets' including evasion of tax (Chamber of Mines, 2014). The gold market is highly competitive and primary buyers often 'pull down' each other¹⁵

Security and coping mechanisms of buyers

¹⁵ Interview with Jackie a gold buyer agent. 27/09/2014. Restaurant in Roodeport.

While illegal miners cited police brutality as their major challenge, primary buyers mentioned robbers as their main enemies. All the buyers interviewed reported that they hire their own body guards to protect them from robbers. In addition, some reported that they consult prophets or sangomas for protection. One of the buyers boastfully said:

I got my prophets back home who give me water for protection. Because of this protection I'm untouchable even as small as I am, nobody touches me!

Other copying strategies have also been devised. For instance, buyers desist from moving around with bulk cash as they fear both police and robbers. Usually robbers bring a little bit of gold as 'bait' to check if buyers have bulk cash on them. Buyers mentioned that they can only collect bulk cash if they are guaranteed of business. The security measures put in place point to the high risk nature of gold buying. One respondent mentioned that every gold transaction process involves security guards and these are usually guarding the entrance of the backyard shacks which buyers use as their 'bases'. This means illegal mining while informal, to some extent, somehow creates jobs.

Risk –taking and Precarity

There are a lot of dangers associated with illegal mining and police brutality tops the list (Munakamwe, 2014). For instance, in 2013 Martha*¹⁶ who was pregnant by then fell whilst running away from police at a 'processing plant' and consequently suffered from a miscarriage. Unfortunately, she lost her child and at the same time could not seek justice through the courts as her colleagues indicated that she was undocumented and at the same time involved in illegal activities.

Police are accused by zamazama of confiscating their 'stuff' and even sell back to illegal miners as the statements below attest to:

"I once bought stuff for R1000 from cops, processed it and I sold it and got R3000"¹⁷

"Police are now thieves and stealing from us instead of protecting us"¹⁸

"They steal our staff- they won't go underground but just finish off what we have hunted for"¹⁹

"Police are stealing our soil. They take our means to survive"²⁰

Sometimes police take away passports and change statements at the station and "lie that they arrested us for public drinking or because we had no legal documentation to be in the country" mourned one illegal miner. There are syndicates of robbers who also work hand in hand with police. They are said to get gun and ammunition supplies from police. And miners allege that these robbers are strongly connected to police syndicates and rob buyers *mkunzi* style as one buyer grumbled:

¹⁶ Not real name. Had to protect her name because of fear to expose respondents to police

¹⁷ Interview with Muy, a primary gold buyer. 06/09/2014

¹⁸ Interview with Thabo. 06/09/2014. Site A.

¹⁹ Interview with Makoro. 28/08/2014. Site A.

²⁰ Interview with Nina. 04/09/2014. Site A.

Police confiscated my gas bottles and locked me up for 3 days. They took away my R35 000 but only clocked in R1000 at the station. I attended court 5 times... 1st appearance I paid R3000, then the following appearances; 2nd, 3rd, 4th, I paid R1500 each time. They send a lawyer connected to them (part of police syndicates) to bail me out. When we went to police to report, they said you bring your problems yet you are a problem²¹

Sometimes miners are locked up in abandoned mines and struggle to get back to the surface under very hard conditions using a string with the danger of falling down from long heights and perish. In such circumstances, they have to use ropes to travel a distance which takes 45 minutes on a lift in a formal mine.

Miner to miner violence is also very prevalent and is usually associated with gangsters and turf wars associated with shaft trespassing (Mail & Guardian 29.08.2015). The 'Sotho' are said to be very violent and also accused of robbery and murder cases which occur underground.

When people die due to rock falls or gang clashes in the abandoned mines, service providers like police or paramedics refuse to go underground to their rescue. The majority of respondents mentioned that they work in syndicates to ensure they retrieve the bodies from underground as they believe that abandoning the bodies would lead to haunting spirits. Respondents said they do this because they work at night and even sleep underground for many days. If they do not exhume the dead bodies, they believe the mines might get infested with "zvikwinya" same as 'tokoloshe'. So they try to avoid this and where possible they can extract out bodies but where there is danger of rock falls, they cannot risk their lives and prefer to leave the dead body (ies).

Miners cite their families, friends and the local community as key sources of power and inspiration in times of trouble and in their struggles with police and robbers. Sometimes they team up against police brutality. However, sometimes they are divided as some are very scared of police revenge. They sometimes compromise by paying bribes of at least R500 when police raid their 'bases' as undocumented migrants perceive this as an alternative to deportation. Surprisingly, while respondents revealed some form of solidarity which exist in times of trouble, they hardly convene mass meetings as they believe 'sell-outs' might form part of the meetings as one said:

We don't convene any meetings because some people come with 'double up'. So it's one man for himself. No one is ready to take up leadership or to take our problems further²²

One major barrier to mobilisation is lack of leadership to drive and provide direction. The statement above implicitly means that leadership amongst this community operates on an ad hoc basis. What struck me the most is how the miners choose their leaders and their prioritised qualities and characteristics. Some said they would choose somebody from the most powerful ethnic grouping while others said they prefer someone who is ready to listen to people and also good at talking.

Very often, miners come together to socialise such as beer drinking during weekends or when there are funerals. They have established burial societies which usually comprise of people from the same country and ethnic groups with leaders like chairman, secretary and treasurer. For instance, when one dies they put together money as families or neighbours to contribute towards burial. Ordinary miners pay R50 and 'buyers' pay R100 or more depending on an individual. If an individual has

²¹ Interview with Elyn. 28/08/2014. Site B.

²² Interview with Mlungi. 06/09/2014. Site A.

better-off families then they can repatriate the body back home but if not, they request the municipal councilor for space in the local cemetery to bury the body. Women who work as “crushers or grinders” on the surface claimed that they establish their own women committees and if somebody dies, they all contribute R20 towards funeral costs. Again, women are socially linked through stokvel collectives whose contributions usually range between R100 up to R500 per week. Miners admitted that they often come together when many people die like with the February 19 catastrophe, but can become enemies anytime and get divided based on earnings.

The aspect of representation is virtually absent amongst illegal miners. The majority are familiar with trade unions from television or street marches and protests. However, a few were union members in their countries of origin while those who once worked in the formal mines have an idea although they admitted not having joined unions for various reasons as this statement reveals:

You see, in the formal mines we used to see NUM people coming and workers joining. We used to come together as workers but unfortunately, I never joined a union... I was scared because I was using a false identity document²³.

This to some extent divides solidarity and undermines mobilisation amongst workers in particular those of foreign origin who believe that illegal mining is a temporary measure as shown below:

Why should I protect and fight for improvements in a sector where I do not intend to spend my entire life. I'm only here to make quick *bucks* (money) and return back to my country of origin. When I go back, I will be able to employ others ...I mean train my siblings on how to buy this mineral...all I will have to do is to sell the stuff I get from country X here in South Africa where I know there is a higher market rate because of the high quality and weight of gold from country X²⁴

Alternative forms of representation, solidarity and new forms of resistance

As mentioned before, miners are exposed to risks which include police arrests and so they subscribe to commercial legal companies like Scorpion Legal Aid (SLA). The organization provides legal services and assists in bailing out arrested miners. SLA is said to be very efficient in dealing with their cases and has won many cases on behalf of illegal miners as shown below:

At the time when we got arrested for possessing gold... Scorpion helped many of us to get out of prison²⁵.

They (Scorpion Legal Aid) represent us very well and I don't mind paying for whatever amount they ask us to pay. We are all happy. In fact yesterday, they were here busy recruiting²⁶.

Usually, when we get arrested, police officers tell our friends or relatives to call one of the lawyers and that's how we get to know about the organisations²⁷

²³ Interview with Chimbo (Observation , to illustrate how politically involved, the respondent was wearing an EFF red beret at the time of the interview)

²⁴ Interview with Janda. 21/09/2014. Site A

²⁵ Interview with Achimw. 21/09/2014. Site A.

²⁶ Interview with Chimbo. 21/09/2014. Site A.

²⁷ Interview with Madube. 13/09/2014. Site B.

Members pay monthly subscriptions dependent on the scheme one opts to subscribe to. SLA in 2014 introduced funeral insurance policy to cater for precarious workers such as zamazama who are usually excluded by formal institutions based on their activities. This is because SLA realised that they are dealing with categories of workers whose lives are prone to death at any given time and would really require such services.

Miners also narrated some direct confrontational resistance strategies in response to police like taking videos and photographs which will be used as evidence in court. This tactic scares away unscrupulous police with bad intentions to confiscate 'stuff' and miners reported that this has proved very efficient as they cannot always live as victims. Few cases have been narrated where miners converged to devise ways of securing their own gold trading licenses as they feel that buyers are 'robbing' them.

Zamazama depend on the communities where they live for solidarity which appropriately explains the concept of moral economy (see Moodie 1986) which emphasises goodness, fairness and justice and is more pronounced in small closely knit communities and is abide by the principles of mutuality in a communal economic system. Considering the case of Durban Deep community, one can argue that there exists a strong cohesive force which binds together both locals and cross-border illegal miners. The poor local community who provide accommodation popularly known as 'mastandi' mutually benefit from the income generated from illegal mining activities. In addition, their other sources of livelihoods like small businesses, spaza shops, 'amakitchini' or second hand business thrive on the same zamazama earnings. Thus, an interruption in the commodity chain of the illegally mined gold would affect the entire community as evidenced during my direct observations of the 2014 incident mentioned earlier. This, to some extent promotes solidarity and kind of 'an injury to one is an injury to all' when dealing with mine accidents or police raids. The locals forge alliances with zamazama in as far as resistance is concerned and these are more of issue-based than permanent. From a moral economy perspective, the workers' power resides in the communities they live in the form of symbolic power. However, I would like to caution that the overt unity that exists forged around the intersectionality of race and class does not totally translate into a homogenous society. Of course, other kinds of bad behaviours like robbery and murder tend to divide the community.

To conclude, two kinds of illegal mining exist; that which occurs in formal mines and, secondly in abandoned mine. The study showed that the former qualifies to be criminalised under trespassing laws while the latter constitutes part of the informal livelihood strategies on abandoned mines which involves the poor 'scrapping' off left over traces of minerals 'dumped' by big business as profits from shafts dwindle. A strong link exists between legal and illegal mining as the products from both come to a convergence either at the national refineries or at the level of marketing. Thus, a moral economy framework (see Moodie 1986) could be best to explain the need for zamazama to exercise their labour rights as the illegally mine gold, extracted under precarious and risky conditions serves the same purpose as its counterpart in the formal economy and market. Yet, they are exposed to daily challenges instigated by some state departments like police who should protect them. For instance, they cannot seek justice if robbed or they are injured at their workplaces due to negative stereotypes attached to their activities. However, some respondents narrated about some good relationships which exist where some police officers assist them with other social problems like domestic violence faced by women in this sector.

In terms of mobilisation, the study reveals that zamazama have shifted their focus and hope from traditional trade unions to private legal aid societies such as Scorpion or Legal Aid Society, Clientele legal, and funeral insurance companies for both legal representation and social support. Illegal miners in this case rely more on institutional forms of power like the national Constitution for protection as they feel alienated from the mainstream trade union movement. Miners have also assimilated and forged strong relations with local communities such that they partner in their action against, for instance, police brutality, as they exercise their societal power (see Dorre et al, 2009). From a trade union perspective, mobilising illegal miners would somehow mean endorsing illegal activities and associated criminal offenses ultimately breaching national laws. From my research, I recommend that the key players in the mining industry explore ways in which a vibrant and small-scale mining industry could be established in South Africa based on the large number of abandoned mines and at the same time ensure protection of workers' rights and all those involved in particular those at the 'bottom' of the supply chain.

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