

Lonmin picks Amplats executive to lead turnaround

PLATINUM producer Lonmin appointed Anglo American Platinum (Amplats) executive Ben Magara as its new chief executive yesterday as it strives to rebound from a wave of deadly strikes which hammered it last year.

Magara, who will start in July, will be tasked with guiding Lonmin's turnaround and improving industrial relations at the company after illegal strikes last year triggered violence which killed 46 people, including 34 strikers shot dead by police in a single day at its Marikana mine.

A Zimbabwean national who ran Anglo America's South African coal operations before taking over engineering and capital projects at Amplats, Magara faces a militant labour force which closed Marikana for a day last month, embarrassing Lonmin as it hosted a media tour.

Industry sources say he has in-

valuable experience of South Africa's highly-charged labour and political environment, in which mining executives do not have just investors to please.

Lonmin had been searching for a new chief executive since the end of last year, when Ian Farmer officially stepped aside due to illness.

The company has been recovering and in January said production in the last three months of 2012 bounced back more strongly than expected from crippling strikes.

The strikes, weak platinum prices and high costs forced Lonmin to turn to investors in November to raise \$817 million to avoid breaching lending terms.

Lonmin said Simon Scott, who has been acting chief executive since August 2012, will resume his role as chief financial officer when Magara joins. — *Reuters*.

Phiyega denies celebrating deaths

RUSTENBURG – The police team who shot dead striking mineworkers were thanked for following protocol, National Police Commissioner Riah Phiyega said yesterday.

She was speaking before the Farlam Commission of Inquiry into last year's August 16 shooting in Marikana that left 34 mineworkers dead in a wage-related strike.

Phiyega denied a statement she issued the next day had celebrated the death of the miners.

"The message I was sending was that we are mourning the tragedy ... I was thanking them for following protocol ... and that was separate to the mourning," she said.

"I did not celebrate death."

In her statement last year, Phiyega said: "I want to thank you for

what you did ... enduring the challenges. All that we did was do our job ... We had a plan and that plan was disrupted."

Yesterday she said earlier reports that she had simply thanked police was quoted out of context. "That is why I asked for this commission to play the whole tape because the snippet shown quoted me out of context," she said.

Phiyega was also asked about a statement by Warrant Officer Hendrich Wouter Myburgh in which he said he witnessed another officer shoot an injured miner.

"After most of the shooting had stopped I entered into Koppies searching for suspects to arrest. I found about three injured people lying down and turned away from them searching for other suspects," said Myburgh in a statement.

"I suddenly heard a gunshot behind me ... As I turned I saw a NIU constable who is unknown to me putting his side firearm in his leg holster while he was standing next to the injured man.

"I asked him ... what is going on ... He replied by saying they deserve to die and he moved away," said Myburgh.

He said he could not identify the officer facially and could not read his surname on his name tag.

Phiyega said she had encouraged him to submit a statement to the Independent Police Investigative

George Bizos, for the Legal Resources Centre and the Bench Marks Foundation, asked if Myburgh had feared exposing the officer. Phiyega said this was why she referred it to the police's investigative directorate. – Sapa.

NUM hopes new Lonmin boss 'will not be a token'

Mpho Sibanyoni

Business Reporter

THE National Union of Mineworkers hopes the appointment of Ben Magara as chief executive of Lonmin will not be "another form of window dressing".

Magara becomes the first black chief of the platinum miner, which last year experienced the most violent labour strike since the dawn of democracy. He takes over after Ian Farmer resigned from the company due to an illness resulting in him being hospitalised after the police

shot dead 34 striking workers on August 16 last year. Simon Scott has been acting CEO and will resume his role as chief financial officer.

Magara is currently the executive head of engineering and capital projects at Anglo American Platinum Limited (Anglo Platinum).

NUM's Lesiba Seshoka said the trade union, which is organised at the mine, welcomed the appointment.

"We hope that this will not turn out to be another form of window dressing as mining is full of black people who are in powerful positions but they are controlled from board-

rooms and Europe," said Seshoka. He said though he did not know Magara personally, organised labour had mixed feelings about his tenure at Anglo Coal.

He said he had learnt that CEOs "are all brutal and pushing [to make] money at all cost" and was sure Lonmin "has seen a brutality it requires in Magara for the company to undergo a painful transformation process that will favour the company".

Lonmin said Magara, a Zimbabwean national, would become the company's CEO and director from July 1.

"Before taking up his current role,

Magara was the CEO of Anglo Coal South Africa and responsible for Anglo American's total coal business in South Africa with revenues of around \$2-billion," read the statement.

"At Anglo Platinum, his tenure in all projects has been fatality-free and, among others, the Unki Platinum Mine Project ramped up to steady state one year ahead of schedule.

"Magara has a 22-year distinguished career at the leading edge of the mining industry, which has included a number of positions within the Anglo American Group," it read. - sibanyonim@sowetan.co.za

Cops' gun 'killed' sangoma

Hlengiwe Nhlabathi

Political Reporter

A FIREARM used to kill a sangoma implicated in the Marikana muthi ritual was possibly stolen from cops who were killed by striking miners before the massacre last year.

The SA Police Service's spokesman, Makhosini Nkosi, said the cartridges of an R5 rifle found at the murder scene of traditional healer Alton Joja were yesterday sent to Emanzimtoti for ballistic testing. Joja, 69, was shot execution style at his home in Bizana, Eastern Cape, last week.

"Forensics are being done to determine if the gun used was the one taken from the police," said Nkosi.

He was speaking on the sidelines of



UNDER DURESS: Police boss Riah Phiyega. PHOTO: TSHEKO KABASIA

the Marikana Commission of Inquiry under way in the North West town of Rustenburg. At the time of Joja's death, police had been making efforts to bring him to testify about the use of muthi by miners to "make them strong and immune to bullets".

Police have argued that the miners were preparing themselves for a standoff on the day of the shooting.

Two police officers had their firearms taken away and were killed after they were overpowered days before the August 16 massacre.

Nkosi said no arrests have yet been made for the sangoma's murder and that the matter was being handled by the Eastern Cape organised

crime unit. "Police were looking forward to hearing evidence from the sangoma. If it was the one used during the murder it will be a very cruel irony ... an R5 rifle is something you don't just get a licence for. It is not freely available, it's for use only by police and the army," Nkosi said.

Meanwhile, Police Commissioner Riah Phiyega faced some tough questions from veteran lawyer Advocate George Bizos, who probed her about who had given orders to her subordinates to move to a "tactical phase" of their operation on August 16 last year, resulting in the death of 34 miners.

Phiyega could not explain what this tactical phase entailed. She said those intricate details would be dealt with by her commanders. She continued to defend both herself and Police Minister Nathi Mthethwa from a decision to move to a tactical phase of the operation and pointed a finger at provincial commissioner Lieutenant-General Zikiswa Mbombo, whom she said had the powers as the most senior official in the province to make decisions and police the province.

Mbombo was heard telling journalists on August 16 that "today we are ending this matter", but did not want to explain how the police were going to respond if the miners did not cooperate. Phiyega told Bizos that Mbombo was the one qualified to answer his questions.

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Phiyega 'evades' questions about police at inquiry

ERNEST MABUZA

Legal Affairs Correspondent

POLICE Commissioner Riah Phiyega yesterday could not say whether police had done anything unlawful or unconstitutional on August 16 last year when they shot dead 34 striking mine workers.

Instead the commissioner said she hoped that the Marikana Commission of Inquiry would provide answers once it had finalised its work.

George Bizos SC, who represents the Legal Resources Centre, said Gen Phiyega had been evading answering questions put to her and frustrated efforts to get into the details of what happened on August 16.

Gen Phiyega, as head of the police service, was expected to shed light on what the police plans were on August 16, but instead she said most answers would be provided by operational police members who implemented the plan to disarm and disperse the workers who embarked on an unprotected strike at Lonmin's mine in Marikana on August 10.

Mr Bizos asked if there was any act or omission from the police service that Gen Phiyega could think of which was unlawful.

Gen Phiyega said she was looking forward to the outcomes of the commission to point police to those omissions.

"This commission is meant to take all inputs from various parties. This will form future lessons for us," she said.

Mr Bizos said: "You have evaded answering questions put to you. You have attempted to hide behind the organisational bureaucracy to avoid answering questions. You have pretended to be ignorant of key details and frustrated the efforts to get into details of what happened. I am not expecting an answer."

Gen Phiyega said that she did not agree with Mr Bizos's conclusion. "I have answered to the best of my ability.

"I gave answers as I knew

them. I cannot make you conclude the way you do."

Mr Bizos reminded Gen Phiyega of the first day of her testimony when a woman in the gallery wailed uncontrollably. He said that happened immediately after she had offered sympathy to those affected by the killings.

"Did it occur to you that expression of sympathy without regret may have caused her to wail?" he asked. Gen Phiyega said her sympathies went to all members of families.

Mr Bizos said at the end of the commission, the Legal Resources Centre would argue that Gen Phiyega had failed to take the commission into her confidence.

"We will argue that you have placed the narrow interests of the police above the interests of justice in this country," he said.

Gen Phiyega insisted that she had answered the questions to the best of her ability.

The commission's chairman, retired judge Ian Farlam, said he would meet Justice Minister Jeff Radebe today to discuss an application made by some lawyers to move the commission from Rustenburg to Pretoria. The lawyers had applied for the move in order to cut some of the costs associated with hosting the commission in Rustenburg, including travel and accommodation.

Dali Mpofu, who represents the miners who were injured during the shooting on August 16 and the miners who were arrested after the shooting, told the commission in February that the real basis for the application was the economic factors that afflicted his legal team and that of the families of the deceased.

While the team of evidence leaders is funded by the commission, and the state parties such as the police service and the Department of Mineral Resources are funded by their respective departments, Mr Mpofu's team relied on funding which could be depleted at any time.

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Mines launch own probe of Marikana

SARAH WILD

Science and Technology Editor

MINING companies have taken the unusual step of appointing their own investigation into the socioeconomic circumstances that led to the Marikana tragedy last year, warning that other such incidents could follow if they did not do so.

The Chamber of Mines has contracted the National Research Foundation (NRF) — the country's main research funding agency — to identify the socioeconomic drivers that caused the violence at Lonmin's platinum mine last year where 34 miners were killed by the police.

Research conducted by the Bench Marks Foundation on living conditions around the Marikana area prior to the August tragedy rapped mining companies for their lack of corporate social responsibility. "Mining companies have moved away from ensuring local communities are empowered by providing adequate skills and education," chief researcher at Bench Marks Foundation, David van Wyk, said.

The report found that living conditions in the area were dire and unemployment very high.

Xstrata, Anglo American and Impala Platinum pushed for the commissioning of the research.

"It is possible that there are other Marikana tragedies brewing in the country, and we need properly conducted research to look at the underlying drivers," said Xstrata executive director Andile Sangqu.

"When you are hit with a crisis, there is always a temptation to say 'We think we know what the problem' is without a proper diagnosis," Mr Sangqu said yesterday.

Otherwise, he cautioned that remedial measures may be a

"Band-Aid approach", rather than rectifying systemic underlying socioeconomic problems.

Andrew Kaniki, executive director of knowledge fields development at the NRF, said the agency had approached the Human Sciences Research Council (HSRC) to identify researchers for the study.

He said that the researchers would need to be as objective as possible. "We need to understand the socioeconomic issues that caused Marikana, not just the reactions," he said.

When asked whether the researchers would be breaking new ground or collating existing research, Mr Kaniki said: "They will have to look at what other studies have been done and identify where there are gaps."

He estimated that the study would "hopefully be ready by July, maybe August".

However, Mr Sangqu said the study may give rise to the need for more research. "We may start work now with an understanding of the scope, but we may stumble on issues that may require deeper research than we anticipated."

The HSRC declined to comment.

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End is nigh for remote control of miner from UK

THE one obvious — even glaring — problem in the running of Lonmin, the world's third-biggest platinum operator, has been the fact that management has been largely London-based.

While its headquarters and all its operations are in SA, the management of the miner has remained in the UK, thousands of kilometres from Marikana in North West.

It would be unfair to put this geographical difference at the centre of the causes for the August tragedy at the mine, where 34 mineworkers lost their lives, but it certainly couldn't have helped.

As much as the tragedy spoke to the problems in mining and SA's deteriorating socioeconomic conditions, it also reflected poor labour relations at a large employer.

In retrospect, a management team that was in touch with the 28,000 workers the company employs — and their daily struggles

There have been cases where a standoff with employees saw thousands fired, only to be reinstated later. Not conducive to a trusting relationship.

The poor labour relations which played themselves out in numerous strikes led the miner to miss many of its output targets.

In the aftermath of the Marikana crisis, shareholders have been clamouring for some management changes, among them Xstrata CEO Mick Davis.

After announcing that it would support recapitalisation efforts at Lonmin last year, the London-based company said it wanted some board and management changes.

Against this background, the appointment of Anglo American Platinum executive Ben Magara as new CEO of Lonmin — with effect from July — is perhaps the first go at changing the miner's fortunes.

Apart from the Zimbabwean's 22-year career as a miner, most

importantly he is based in SA, putting an end to remote control management from the London office. Magara has a lot of work ahead to change the company's relations with labour, shareholders and the government in the years to come. Being on the ground, I suspect he stands a better chance than an executive sitting thousands of kilometres away in changing the culture at the miner, which clearly hasn't been working.

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THERE'S nothing quite like watching a battle for control of a company with statements regularly flying from either the hunter or the prey.

We haven't had many of these boardroom battles over the past couple of years, but it seems the bid led by Brian Joffe for food and drug maker Adcock Ingram may give investors some of that excitement

in the coming weeks and months.

Yesterday, the Adcock board rejected Bidvest's offer to pay R6.2bn to increase its stake in the company to a controlling 60%. The timing of the proposal was "opportunistic", it said.

"No guidance has been provided by Bidvest regarding the potential benefits and areas of synergy that may arise from a Bidvest-controlled Adcock Ingram," the board said.

The rebuttal isn't the end of it; the battle is far from over. Minority shareholders will be spoken to by the board and Bidvest will through its channels try to convince fellow shareholders of the benefits of becoming part of the empire.

There's one thing that Adcock's board can't deny: the shares in the Midrand-based firm have barely moved over the past two years.

For the two-year period before the bid was announced on March 22, Adcock's stock gained a paltry 2.3%. Over the same period, Bidvest

has climbed more than 72%.

The board is going to have to convince shareholders that it has the strategy to get the company's shares motoring again, without Mr Joffe at the helm.

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EUROPE'S unemployment problem is just adding to what's already difficult fiscal, political and social conditions in the region, which is trying to boost confidence through tough austerity measures.

The unemployment rate in the eurozone remained at a record high of 12%. Youth unemployment is just under 24%.

Unemployment figures are making another dent on European attempts at boosting confidence in the region struggling to emerge from an economic rut.

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MARKETS

— would have been greatly beneficial.

A quick run through the company's notices on the Johannesburg Stock Exchange's news service provides evidence of Lonmin's poor relations with its workers.

On that evidence alone, the miner most certainly had a much more problematic relationship than its rivals with its employees.

'Polisiehoof het nie my ja nodig' – Riah

Rustenburg. – Genl. Riah Phiyega, nasionale polisiehoof, het gister voor die Farlam-kommissie getuig die hoof van die polisie in Noordwes het nie toestemming nodig gehad om die stellings te maak wat sy voor die skietery by Marikana gemaak het nie.

Adv. George Bizos SC, verteenwoordiger van die Legal Resources Centre en die Bench Marks Foundation, het Phiyega ondervra. Die Farlam-kommissie ondersoek die skietvoorval by Lonmin se myn by Marikana waar 34 stakende mynwerkers doodgeskiet is.

Bizos het gesê lt.genl. Zukiswa Mbombo, polisiekommissaris van Noordwes, het op 16 Augustus gesê: "Vandag beëindig ons dié saak."

Die polisie het ure later op stakende mynwerkers by Lonmin se myn in Marikana geskiet.

Phiyega het gister daarop gesê: "Sy (Mbombo) is die hoogste, mees senior persoon (in die polisie in Noordwes) en het die reg, verantwoordelikheid en mandaat gehad om die stelling te maak."

Volgens Phiyega het sy en Mbombo die vorige dag vergader

en besluit die stakende myners moes uitmekaar gejaag word en dat beslag op hul wapens gelê moes word.

"Daar was 'n plan. Die plan is onderbreek," het Phiyega gesê.

Volgens haar was die polisie se aanvanklike plan nie om skerp ammunisie te gebruik of enigiemand dood te maak nie.

Bizos wou by Phiyega weet of sy 'n ondersoek na die moontlike gepeuter van bewyse wat oor die skietery ingedien is, gelas het.

Phiyega het bevestig sy het die ondersoek op 20 Oktober begin en het 'n maand later 'n verslag daarvoor gekry. – Sapa

Bizos accuses Phiyega of giving 'unhelpful' answers

NATIONAL police commissioner Riah Phiyega was not helpful to the Farlam Commission of Inquiry, advocate George Bizos said yesterday.

Bizos, for the Legal Resources Centre and Bench Marks Foundation, said he would submit to the commission that Phiyega had failed to provide the relevant answers.

"Not only have you come here without answers, but you've come here to avoid personal accountability," Bizos told the commission, sitting in Rustenburg.

He accused Phiyega of protecting the police who shot dead 34 protesting miners in a wage strike on August 16 last year.

"That is character assassination," she replied.

"Although I may not have given you the answers you were looking for, I've answered the questions to the best of my ability. I came here as an honest contributor to this commission."

She said when President Jacob Zuma announced a commission would be formed, she said she and

the police would help in any way they could.

"I have been consistent with the statements that I made."

Phiyega once again expressed her sympathies to the families of the dead mineworkers.

"From the depth of my heart, my sympathies go out to all those families and those affected by this tragedy," she said.

During the proceedings, Phiyega defended North West police chief General Zukiswa Mbombo and said she did not need permission for statements she made prior to the Marikana shooting.

According to Bizos, Mbombo said: "Today, we are ending this matter."

Hours later, police shot dead 34 miners at Lonmin's platinum mine in Marikana, North West.

Bizos later submitted that the police conduct had provoked the strikers. He said crowd-control experts could verify his claims.

Phiyega denied this and said the police were meant to calm the situation, not escalate it. - Sapa

Bizos blames cops!

By SIMON NARE

HUMAN rights lawyer George Bizos alleged yesterday that provocative cop action panicked Marikana mine strikers.

Quizzing National Police Commissioner Riah Phiyega at the Marikana inquiry yesterday, he said it was provocative for police to put up barbed wire without warning.

“This must have led to strikers asking themselves why they were doing this? What are they going to do to us?”

Phiyega said people gathering peacefully would have trusted police were there for their good.

Phiyega said police rolled out barbed wire as strikers didn't lay down their arms as promised.

Bizos asked what was so urgent for police to do that. Couldn't they have waited a day or two to give talks a chance?

Phiyega couldn't spell out the police plan, and what strikers did

to disrupt it. “The details and intricacies will be provided by my commanders who are still going to testify,” she said.

Phiyega couldn't say in detail what cops planned to do if there was a clash with strikers – or when they should use live ammunition.

Bizos said cops fired without warning, despite standing orders.

He said he would argue that Phiyega went to the inquiry with no answers.

Phiyega said she went to the inquiry as an honest person and answered questions to the best of her ability.

■ Police are trying to find out if the R5 rifle that killed the Marikana sangoma, Alton Joja, last week was taken from a cop hacked to death during the strike. Cops' media consultant Makhosini Nkosi said 10 cartridges at the death scene were sent for tests.

Phiyega taken to task for being 'unhelpful'

SAPA

NATIONAL police commissioner Riah Phiyega was not helpful to the Farlam Commission of Inquiry, lawyer George Bizos said yesterday.

Bizos, for the Legal Resources Centre and Bench Marks Foundation, said Phiyega had failed to provide the relevant answers.

"Not only have you come here without answers, but you've come here to avoid personal accountability," he told the commission sitting in Rustenburg.

Bizos accused Phiyega of protecting the police who shot

dead 34 protesting miners on August 16.

"That is character assassination," the national commissioner replied.

She said she had truthfully answered all questions to the best of her ability.

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She said when President Jacob Zuma announced a commission would be formed, she said she and the police would help in any way they could.

**I came here
as an honest
contributor**

"I have been consistent with the statements that I made."

During yesterday's proceedings, Phiyega defended North West police chief General Zukiswa Mbombo and said she did not need permission for statements she made prior to the Marikana shooting.

Bizos recounted that

Mbombo said: "Today, we are ending this matter."

Hours later, police shot dead the 34 miners at Lonmin's platinum mine in Marikana.

Phiyega said: "She (Mbombo) is the highest, most senior person (of provincial police) and had the right, responsibility, and mandate to make the statement."

Bizos later submitted to the commission that the police's conduct provoked the strikers. He said crowd-control experts could verify his claims.

"Acts of force, like what happened here, putting razor wire (between police and protesters) was or can be considered

highly provocative."

Phiyega denied this and said the police were meant to calm the situation, not escalate it.

"Visible policing should be a deterrent."

Phiyega said she thanked the police for their work in Marikana because they had followed protocol. She denied celebrating the deaths in a statement she issued on August 17.

Bizos has concluded his cross-examination of Phiyega.

Commission chairman retired Judge Ian Farlam was to discuss with justice officials whether the venue for the hearings should be changed. - Sapa

Phiyega testimony puzzle

THE police team who shot dead striking mineworkers were thanked for following protocol, national police commissioner Riah Phiyega said yesterday. She was testifying at the Farlam commission of inquiry into last year's August 16 shooting in Marikana that left 34 mineworkers dead in a wage-related strike.

Phiyega denied that a statement she issued the next day celebrated the death of the miners.

"The message I was sending was that we are mourning the tragedy. I was thanking them for following protocol," she said.

"I did not celebrate death."

In her statement last year, Phiyega said: "I want to thank you for what you did. All that we did was do our job.

"We had a plan and that plan was disrupted." Yesterday she said reports that she had simply

thanked police were quoted out of context.

Phiyega was also asked about a statement by W/O Hendrich Wouter Myburgh.

He said he had witnessed another officer shoot an injured miner.

Phiyega said she was aware of Myburgh's allegations.

She said she encouraged Myburgh to write a statement and submit it to the Independent Police Investigative Directorate (IPID).

George Bizos, for the Legal Resources Centre, asked whether Myburgh had feared to expose the police officer he spoke about.

Phiyega said this was why she referred the matter to the IPID for investigation.

She said did not consult any other police officer about the incident.

Bizos asked Phiyega if she

doubted Myburgh's statement.

"What worried me is that this is a warrant officer talking about a constable.

"As a warrant officer, he

is a senior and I would have expected him to be more responsible.

"That worries me," Phiyega said. - Sapa