

AFRICAN ISSUES

Inside Mining Capitalism

This book was written as part of the WORKinMINING project at the University of Liège, Belgium. The project received funding from the European Research Council (ERC) under the European Union's Horizon 2020 research and innovation programme (grant agreement n° 646802).

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AFRICAN ISSUES

Inside Mining Capitalism

The Micropolitics of Work on the Congolese and
Zambian Copperbelts

Edited by
Benjamin Rubbers

 **JAMES CURREY**

This book was written as part of the WORKinMINING project at the University of Liège, Belgium.
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Cover image: Workers washing copper plates in a solvent extraction and electrowinning plant (photograph © Hérítier Amonda)
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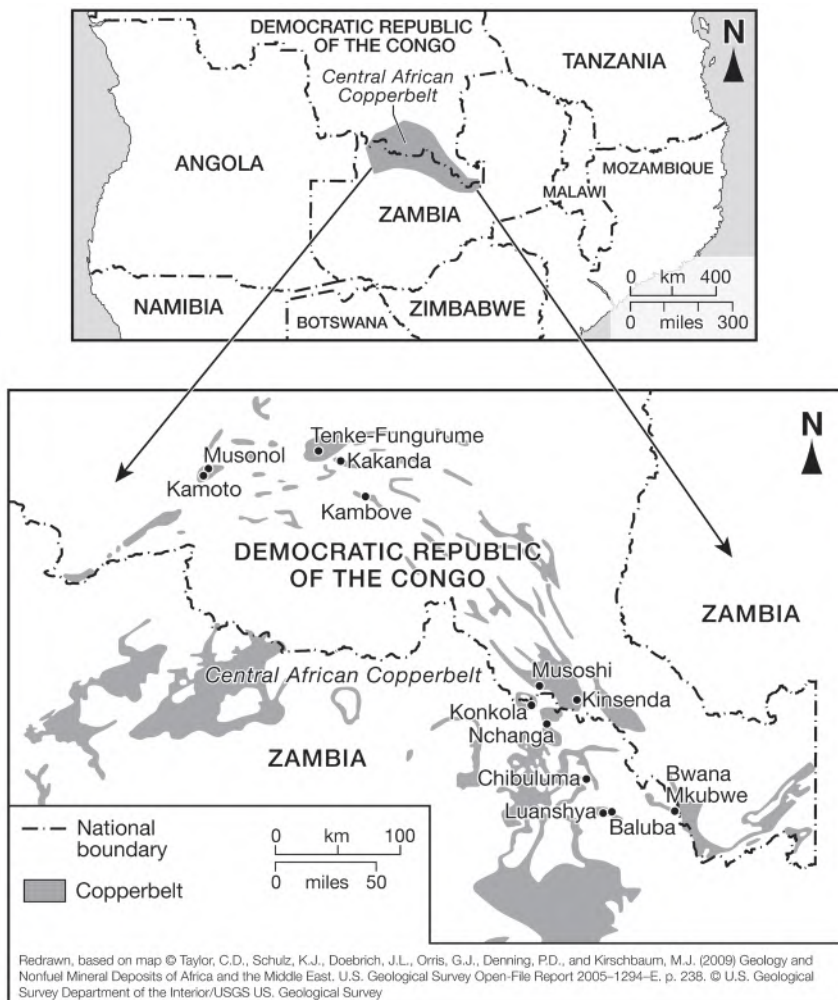
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ABBREVIATIONS

CNMC	Chinese Non-Ferrous Metals Company
CREG	China Railway Group
CSR	Corporate Social Responsibility
FDI	Foreign Direct Investment
GDP	Gross Domestic Product
Gécamines	Générale des Carrières et des Mines
HR	Human Resource
ICMM	International Council on Mining and Metals
MMD	Movement for Multiparty Democracy
MP	Member of Parliament
MUZ	Mineworkers' Union of Zambia
NRMWU	Northern Rhodesia Mine Workers' Union
NUM	National Union of Mineworkers (South Africa)
NUMAW	National Union of Mine and Allied Workers
ODO	Organisational Development Officer
PPE	Personal Protective Equipment
RAA	Rhodesian (later Zambian) Anglo American
RST	Rhodesian (from 1964, Roan) Selection Trust
Sicomines	Sino-Congolaise des Mines
SOE	State-Owned Enterprise
UMHK	Union Minière du Haut-Katanga
UMUZ	United Mineworkers Union of Zambia
UNTZ	Union Nationale des Travailleurs Zaïrois
ZCCM	Zambian Consolidated Copper Mines
ZCCM-IH	Zambian Consolidated Copper Mines Investment Holdings
ZCTU	Zambian Congress of Trade Unions
ZIHRM	Zambian Institute of Human Resource Management



Map 1. Geological Map of the Central African Copperbelt. Based on map © Taylor, C.D., Schulz, K.J., Doebrich, J.L., Orris, G.J., Denning, P.D., and Kirschbaum, M.J. (2009) Geology and Nonfuel Mineral Deposits of Africa and the Middle East. U.S. Geological Survey Open-File Report 2005-1294-E, p. 238. © U.S. Geological Survey Department of the Interior/USGS U.S. Geological Survey.

Strikes: Claiming Union Power in Chinese Companies

THOMAS McNAMARA AND KRISTIEN GEENEN

In April 2017, a strike occurred at a subsidiary of the Chinese Non-ferrous Metals Mining Group (CNMC), which we refer to as ChinMin, in Chambishi, Zambia.¹ The strike started when the union branch chairmen of Mineworkers' Union of Zambia (MUZ) and National Union of Mine and Allied Workers (NUMAW) gathered their members to inform them that, for the third year in a row, they would receive no increase in their basic monthly salary of a little under ZMK 1,100 (US\$ 110).² During these three years, Zambia's inflation had totalled 24 per cent, the kwacha had devalued by almost 50 per cent against the US dollar and the cost of living had risen by a similar amount (JCTR 2019). The union chairmen moved between the departments of the mine processing plant, delivering the bad news to angry cries about the hardship of Zambian life and accusations of bribery and betrayal. A disgruntled former trade unionist ran ahead, spreading rumours that the union branch leaders had been corrupted by 'the Chinese' and informing workers that a strike was the only way they would receive a fair pay rise. By the time the union executives had reached the heart of plant, employees had downed tools and locked the gates. They had left sophisticated machinery running, causing hundreds of thousands of dollars of damage. This strike was quickly resolved through the intervention of the Member of Parliament (MP) for Kalulushi Constituency, where Chambishi is located. She demanded that workers receive a significant pay rise and that no one be fired for striking. The MP was cheered on by the union chairmen, who claimed to have assisted her. However, these chairmen later worried that the strikes would damage the relationships between the union, the company and the workers.

Striking miners were mobilised through, utilised and responded to, narratives about 'the Chinese'. While wages and conditions at ChinMin were not drastically different to those at other Zambian mine sites, the workers described the Chinese managers as corrupt, greedy and

¹ This pseudonym is necessary to protect anonymity in McNamara (2021), where the wage negotiations leading up to this strike are explored.

² The exchange rate oscillated between ZMK 8 and 15 to the US dollar during the time Thomas was in Zambia. For simplicity's sake, this article pegs US\$ 1 to ZMK 10.

inhumane. After the strike had been resolved, Kalulushi's MP assured workers and the media that the Chinese did not understand 'human rights' – i.e. the responsibilities of an employer to a Zambian wage earner – but that they could be educated without a strike. MUZ's national leaders disagreed, asserting their continued utility to workers by stating that 'the Chinese need to learn that this is our country... that we will not be colonised'. They warned that Chinese businesses would become the targets of deserved future militancy.

Meanwhile, in November 2017, on the premises of Sino-Congolaise des Mines (Sicomines)³ near Kolwezi, in Congo, a union-negotiated collective agreement was similarly rejected through industrial action. Low pay and the thwarted ambitions of university-educated Congolese inspired graffiti on the walls of toilets, conspiratorial conversations over walkie-talkies and whispers on company buses. The workers of the maintenance department were the first to stop work. The employees of the commercial section soon followed, and they were joined by colleagues from other departments. When the strike occurred, trade unionists declined to be identified as the workers' leaders, and the workers did not want their representation. Instead, employees sang the praises of an opposition political leader and demanded, among other things, that their salaries be tripled. While the striking workers received some of the benefits they desired, the union and politicians eventually persuaded them to return to work. Despite discouraging the strike and then refusing to lead it, Congolese union leaders later claimed that militancy had helped their cause, they explained that: 'During such a strike, management is forced to approach the trade unionists to find a solution, they will finally listen to us.'

Mirroring the situation in Chambishi, industrial action was shaped by intra-workplace and national discourses about 'the Chinese'. For example, workers claimed that Chinese management had difficulties understanding and meeting their demands. In the words of a union leader who participated in the negotiations: 'The Chinese had problems to grasp that such an agreement [a collective agreement] should contain an improvement of the conditions as stipulated in the labour law... they just wanted to stick to the legally mandated minimum.' Indicting the relationship between the national government and Chinese companies, striking workers sang songs praising regional opposition leaders to enhance their political position.

This chapter contributes to the book's examination of the emergence of a neoliberal labour regime in the Copperbelt by exploring its momentary fracturing and rapid reconstitution. Strikes offer a unique opportunity to explore the micropolitics of work when the usual governance techniques involved in wage negotiations have failed: industrial action renders visible workers' expectations, unionists' tactical strengths and weaknesses,

³ The main shareholders of Sicomines are the SOEs China Railway Group (CREG) and Sinohydro Corporation – and Gécamines and the Société Immobilière du Congo.

and the political costs and rewards of industrial harmony. This chapter uses two Copperbelt strikes to illustrate how unions' relationships with workers, employers and the government are reconfigured, while workers' lives grow ever more difficult (see Chapters 2 and 3). In both Chambishi and Kolwezi, strikes expressed workers' rejection of collective agreements and, through this, the legitimacy of the relationship between themselves, their union, their employer and their government, creating a space of potential renegotiation. However, evidencing a core claim of this book, both the processes that led to the strikes and the strikes' resolution were driven more by the needs of capital than the goals of the state. In Chambishi, a temporary increase in political interest led to a one-off wage increase; in Kolwezi, opposition political involvement led to local authorities withdrawing their support for striking workers, yet a small wage increase was also provided. Key to these micropolitics were challenges to – and the partial reassertion of – the brokerage role of junior workplace-based unionists, and their control over the disjuncture between workers and Human Resource (HR) managers. As this chapter shows, this was a fragile role. In Zambia, unionists and management undertook significant discursive labour to maintain the status of the unions as the workers' supposed voice. In contrast, in the DRC, it was the government, more than the company or even the unions themselves, that reasserted the legitimacy of collective bargaining.

In comparing the involvement of Zambian and Congolese unions' involvement in workers' strikes, this chapter investigates how new foreign investments are grafted onto the historic trajectories of the Copperbelt (see Chapter 1). Under state paternalism in Congo, the union body Union Nationale des Travailleurs Zaïrois (UNTZ) was overtly an appendage of the regime and workers' militancy was violently suppressed. In Zambia, while senior MUZ leaders worked with Kaunda to minimise industrial action, miners regularly utilised militancy to demand improved working conditions and, by linking their militancy to decolonisation and democratisation, created narratives of powerful, militant mining unions. A key distinction between our case studies in the neoliberal era is not the strength of these unions – almost all have been neutered by ongoing layoffs – but the way their histories lead to differing expectations of those who adopt union roles. Linking the book's insights to the limited ethnography on strikes, this chapter considers how the union power field shapes workers' expectations, solidarity and bargaining power (Britwum 2018; Fredricks 2019; McQuinn 2018; Werbner 2014).

An important characteristic of the most recent mining boom is the increased role of Chinese State-Owned Enterprises (SOEs) in the Central African Copperbelt. Lee (2017) argues that these SOEs prioritise long-term production over short-term profits and are more likely than private capital to respond to political pressure with concessions to workers. We build upon Lee's (2017) insights by exploring why Chinese SOEs are more likely than other mines to experience political pressure. To do so,

we introduce the concept of the 'emic Chinese'; monolithic constructions of 'the Chinese' that emerge through media reports, local gossip and national political campaigns. Where other works demonstrate the need to challenge simplistic and often sinophobic narratives of 'Chinese colonisation' and 'China in Africa', we show that the 'emic Chinese' constructed has genuine political and economic affects (cf. Alden 2007; Mawdsley 2014). In both operations, anti-Chinese resentment accelerated militancy, in Chambishi it encouraged national political support for strikers, in Katanga it motivated rapid repression.

Strikes and the Micropolitics of Work

Anthropology and labour studies often romanticise strikes as sites of instability, renegotiation and resistance (Lazar 2017; Werbner 2014). These works see industrial action as evidencing and generating workers' power to demand improved wages and conditions, and interpret any response to militancy other than unionists' unconditional support as evidence of cowardice or corruption (Kieran 2010; Zolniski 2019). Several studies of workers' experiences of militancy state that employees strike in response to a failure by unions to effectively represent their members or to guide their demands; the unions discourage the strike but lack the legitimacy to either prevent or end it; and local political leaders use the disturbance as an opportunity to enhance their status, siding with the workers or employers as is politically expedient (Uzar 2017; Zolniski 2019). This chapter attempts to add nuance to the micropolitics of militancy, comparing the acts of junior unionists in two strikes to explore how their tactical agency shaped and responded to differing political and ideological histories and economies on the central African Copperbelt.

Workers' ability to improve wages through militancy reflects their bargaining power and their solidarity, interacting with legal structures and cultural norms. Key determinants of the threat of militancy (and through it the ability to use bargaining to raise wages) are the availability of skilled replacements for striking workers and the effectiveness of militancy in impeding production (Mwanika and Spooner 2017). Linked to these economic factors is employees' sense of unity with their co-workers (von Holdt and Webster 2005). A strike is an overt demonstration of employees' economic significance and, by uniting against management, striking workers affirm and create their workplace identity. Further, the relationship between workers and management is mediated by various moral expectations (Kasmir 2014). Strikes often arouse when employers or workers attempt to alter this moral economy (Fredricks 2018).

The limited anthropology of unions explores the times when unions lead, rather than respond to, strikes (Fredricks 2018; Kasmir 2014). These studies focus on how unionists decode members' claims, strengthen their

resolve, and articulate to management the ways in which it has failed its moral obligations. Unions are therefore presented as the employees' voices within a larger society, and strikes as opportunities that empower unions through entwining them with workers' identity. Durrenberger and Erem (2005: 92, 99), for instance, explain that: 'Unions are able to provide the infrastructure to use spontaneous actions creatively for longer-term goals for the individual, for the bargaining unit and for the union.' Further, 'By various means... and negotiating from the base of strength... [trade unionists] tried to bring the frames of reference of members into alignment with those of the union by involving them in successful action.'

Building upon this understanding of industrial action, Kesküla and Sanchez (2019) and Lazar (2017) describe grand narratives of strikes and militancy as motivating union leaders and members. Kesküla and Sanchez (2019) then explore slippage between union discourses, which emphasise strikes and militancy, and the mundane tasks of trade unionism, which are unromantic, bureaucratic and centred on compromise rather than struggle, a disjuncture that they claim is core to workers' disillusionment with unions.

Where Kesküla and Sanchez (2019) and Lazar (2017) attempt to understand how unionists are motivated, other works try to analyse their ability to meet their own and their unions' goals. These studies often draw on actor-network approaches and classic brokerage literature (Darlington 2014). They conceptualise unionists as a double-sided screen, controlling the miscommunications between employees and management (Cohen 2014). Under the right circumstances, this enables unions to make demands on HR, who are worried about disharmony and ignorant about workers; at other times, it allows them to facilitate concessions to employees while maintaining the associational identity of the workforce (Britwum 2018). Unionists are also often understood to profit from this disjuncture, by either receiving promotions or siphoning off resources for themselves (Zlolski 2019). These studies share some of the key flaws of much brokerage literature: the unionist in question is presumed to embody all the powers of the union, without considering these actors' (often junior) intra-institutional status, and there is little attention paid to how unionists' motivations and moral projects guide and are shaped by their brokerage capacity (James 2011; McNamara 2019). We focus on the moral discourses and emotional labour of relatively junior, shop floor-based, union officials. These workers discourage strikes, yet for them a career in politics, or a substantive bribe, is unlikely, and they would benefit from the same pay rises as other unionised workers. This chapter shows how Zambian trade unionists attempt to reconcile the disconnect between a belief in the union's strength and their experience of disempowerment. In contrast, in Congo, which does not have a culture of 'strong' unions, junior union officials put less effort into reconciling their structural position with their union's historical project and their own experience of development.

Often underexplored in analysis of strikes is the role of political history, real and imagined, in shaping the likelihood and potential of militancy. When comparing the micro-politics of work across the Copperbelt a key distinction is the role of unions under paternalism, and how this role influences workers and unionists in the neoliberal labour regime.

The Congo has little history of union-led social change and, as the previous chapter shows, Congolese mineworkers are relatively ambivalent towards their union. In Zambia, miners' strikes were crucial to both the decolonisation and the democratisation movements (Larmer 2007). While this has generated significant nostalgia for the powerful unions of the pre-privatisation era, workers are aware that their militancy was not always supported by union leaders. They therefore invoke their proud trade unionist history even when appealing past unions to political figures (Uzar 2017). This nostalgia shapes union members' and junior representatives' belief in the power of the union, and in the potential efficacy of strikes and industrial action. In Congo there is no such nostalgia; unions have never held significant power and were subordinated through a corporatist structure under Mobutu (see Chapter 4). Unions in both nations therefore have similarly limited legal powers, but junior union officials in the two countries draw from and respond to differing obligations and moral economies.

Across the Central African Copperbelt, workers and unionists have been challenged by neoliberal legal and political changes. In the Congolese copperbelt today, workers are more precariously hired than under state or industrial paternalism. They are subject to mass layoffs and are more likely to be subcontracted than ever before (see Chapter 1). In these circumstances, the unions defend workers in disciplinary disputes and participate in wage negotiations, sometimes successfully improving salaries and working conditions. In Zambia, workers have found their wages and working conditions diminished as investor primacy has been combined with discourses that link national development to low salaries and labour flexibility. Over the ten-year period that followed mine privatisation, sympathy strikes were outlawed, multi-unionism was introduced, and collective bargaining shifted from an industry to enterprise level (Lee 2014). In responding to miners' worsening wages and conditions, Frederick Chiluba, Zambia's first democratically elected president and a former union leader, famously asked mine workers to 'die a little' to revitalise the economy (Fraser 2010: 11). Uzar (2017: 292) claims that Zambian mining unions have 'surrendered to the dominant ideology of "industrial peace", yielding the strike weapon to corporate hegemony'.

This creates a strange situation on the Zambian side of the Copperbelt. When strikes occur they are often reasonably effective, with companies incentivised to increase workers' miniscule salaries in exchange for not paying the shutdown and upkeep costs of their enterprises (Lee 2017). The Copperbelt is crucial to Zambia's politics and is deeply unionised. Workers' strikes therefore encouraged rapid involvement by senior unionists and politicians (Fraser 2017). In most cases these unionists

and politicians urged miners to return to work, publicly condemning their irresponsibility, even as they covertly brokered salary increases (Uzar 2017). Workers therefore have the potential to demonstrate their bargaining power and build unity through militancy, but this process often encourages them to be sceptical of their union.

Workers' disempowerment in the Copperbelt is complicated by the prominence of Chinese state and private capital. Chinese companies have a growing presence on both sides of the Copperbelt, generating anxiety among workers, who believe that they pay less than other employers, and among local businesspeople, with whom they compete for customers (Fraser and Larmer 2010; Rubbers 2019). As Lee (2017) observed, the way these enterprises are structured and their links to the Chinese state make them susceptible to political pressure and more flexible in responding to workers' demands. We show how this pressure is created and deployed, with miners' invocations of 'the Chinese' requiring a response, and with political figures unwilling to be associated with Chinese companies.

In describing the effects of this 'emic Chinese' we contribute to the near sub-discipline of 'China in Africa' (Alden 2007). Much of these literature problematically conflates Chinese migrants, investment capital, diaspora and the state. An emerging topic in studies of Chinese workplace regimes and China in Africa more generally, is differentiating among actors labelled 'Chinese' and unpacking the often sloppy conflation of Sinophobic rumours, exuberant media reports and actual data (McNamara 2017). CNMC, the Chinese SOE behind ChinMin, has appeared frequently in this literature. In 2011, a Human Rights Watch report claimed that NFCA underpays, prohibits unionisation and is uniquely dangerous to work for. Rebutting this report, Hairong and Sautman (2013) presented data that showed that wages and working conditions actually meet industry standards. Human Rights Watch, in their view, was merely reporting Sinophobic rumours. In 2017, Lee (2017) reconciled these claims, stating that NFCA – another CNMC's subsidiary in Zambia – offered a compact whereby lower wages were a trade-off for security of tenure, which is increasingly unavailable to other workers. While we discuss the precise level of CNMC wages below, what is undeniable is Zambians' perception that CNMC, and an amalgamation of 'Chinese' hawkers, construction companies, and the diaspora, are brutal employers and a potential threat to Zambia's political independence and development (Fraser and Larmer 2007). Similar ideas are expressed by workers, and spread by various media and civil society organisations in Congo (Rubbers 2019). What interests us here is not the veracity of these beliefs, but how they came into play in the context of the strikes under study. As we will see, they influenced the jostling for moral position between the union, state and company, and the political imperative not to be seen as weak in front of the Chinese enhanced workers' ability to make demands on political figures.

Unionisation in Chinese SOEs

Chinese SOEs in the Copperbelt are judged against Zambian Consolidated Copper Mines (ZCCM), Générale des Carrières et des Mines (Gécamines) and other current investors. These investors often, but not always, have links to former colonial powers, and many of their operations were crucial in shaping the transition from state paternalism to early neoliberalism. Chinese SOEs' deviation from the norms set by these organisations guides and creates additional opportunities for brokerage and political action.

After international investors pulled out of the Chambishi mine in 2004, CNMC, China's 29th largest SOE, bought this mine for US\$ 50 million, with a commitment to invest another US\$ 150 million in the region (Lee 2017). Chambishi was designated a Special Economic Zone, where CNMC would invest in other businesses, including a construction company and a copper smelter, in exchange for tax concessions (Lee 2010). Initially, mineworkers were not unionised, and in 2017, they were paid a monthly salary of ZMK 1,228 (US\$ 123). By comparison, at Mopani Copper Mines, a permanent miner received ZMK 2,239 (US\$ 224).

Workers at CNMC subsidiaries obtained permanent employment and unionisation through a series of strikes. Wages for permanent workers at CNMC subsidiaries had consistently hovered around two-thirds of what permanent miners at other enterprises made. However, at ChinMin's worksite, over 70 per cent of employees are on permanent contracts, while at other mines only 30 per cent of workers were salaried, with the rest employed as subcontractors, earning as little as ZMK 650 (US\$ 65) (see Kumwenda 2015). Despite this, the absence of any permanent high-paying mining jobs appeared to many Zambians as a form of betrayal (see Lee 2014). Rather than ChinMin's workers being ascribed the high social status of *shimaini* (miner), they are referred to derogatorily as '*awomba ama Chinese*' (worker for the Chinese).

Zambian discourses about 'the Chinese' combine their disappointment in the differences between *shimaini* and *awomba ama Chinese* with their interactions with Chinese storekeepers and construction workers, both of whom are alleged to brutalise workers, as well as with regular announcements by opposition politicians that 'the Chinese' control Zambia's government (Fraser and Larmer 2010). While this emic construction is imprecise, it is clear that politicians and union leaders fear any perception that they are allied with the Chinese and this gives striking workers additional leverage.

In 2011, following a series of strikes, ChinMin workers achieved unionisation, with NUMAW, but not MUZ, allowed to represent them. While preventing workers from choosing their union is illegal, NUMAW is considered to be less confrontational than MUZ (see Kapesa and McNamara 2020). When allowed on site, NUMAW head office staff promised the miners it would take a 'tough' stance with the Chinese. NUMAW's first branch chairman led a work stoppage that turned violent,

with Chinese security guards firing into the crowd. He was dismissed shortly afterwards with the blessing of NUMAW's national leadership. The next branch chairman was widely perceived to be corrupt and incompetent. Workers claimed he was unable to defend them in disciplinary disputes and wage growth during his tenure was nearly non-existent. When their branch chairman lost his bid for re-election in 2013, he used his connections with management and local political leaders to establish a MUZ branch. A combination of his personal patronage and widespread dissatisfaction with NUMAW meant that he quickly obtained almost half the plant's workers as members. This experience disillusioned workers, but almost all still asserted the importance of unionism, linking union presence to the successful strike, their positive experience of other union activities, and Zambia's political history (see Larmer 2007).

Even with both unions negotiating, wage growth remained negligible and in 2017, four months before the strike, workers learnt that the chairmen of both MUZ and NUMAW had recently received an all-expenses-paid study tour to China. This entwined their cynicism about 'the Chinese' with their experience of union corruption. Yet they also saw the need to corrupt unionists as evidence of union strength. This tension was crucial to understanding workers' and junior unionists' belief in the union's potential power and in seeing its failures as evidence of corruption rather than of weakness.

At Sicomines in Kolwezi, unionisation was similarly discouraged and traits that the workforce associated with the Chinese were key to a shutdown. Sicomines mine was part of a notorious deal signed in Congo in 2007 for Chinese-built infrastructure in exchange for access to mineral resources. The infrastructure works were carried out by Chinese SOEs, including CREG and Sinohydro, and financed through loans from the China Exim Bank. In exchange, the Congolese government granted access to mineral deposits near Kolwezi. Sicomines was created as a result of this deal, to ensure China's guaranteed access to minerals.⁴ Initially, the deal was perceived by academics and the media to be detrimental for the Congolese state (for a review, see Jansson 2013; Landry 2018). However, it fitted nicely into President Kabila's widely advertised *cinq chantiers* programme, which promised structural improvements in five domains: healthcare, employment, education, water and electricity supply, and urban infrastructure. Sicomines was therefore heavily associated with Kabila, and its success or failure reflected upon the president.

Working and unionising at Sicomines combined frustrations common to many Congolese mineworkers with specific complaints about Chinese management. Importantly, Sicomines did not begin the unionisation process when it had ten employees, as required by Congolese law. According to one *permanent*, this was because of the close ties between

⁴ Except Zhejiang Huayou Cobalt, which has only a very small share, Sicomines' Chinese parent companies are all SOEs. The project currently exploits two copper and cobalt mines: Dikuluwe and Mashamba West.

President Kabila and the Chinese managers. Sicomines' lowest paid workers earned just US\$ 104 a month. This was less than the industry's average salary and much less than the estimated US\$ 400 needed to support a family in Kolwezi. Among the 1,200 Congolese employees at Sicomines, only eleven occupied a position requiring a tertiary degree. In an environment of high underemployment, Sicomines did not consider tertiary education in hiring. This led to the presence of a large number of *universitaires cachés* at the company: employees who, eager to get any job rather than remain unemployed, had hidden their actual degree while applying. This topsy-turvy hierarchical structure created frustration, as Congolese employees resented being bossed over by someone who was less educated than themselves. Employees imagined that Chinese managers were rude people originating from 'rural and backward provinces' and often framed complaints as explicit rebukes of the Chinese; as one put it, for example: 'The Chinese boss treats you as if you were an idiot; you really need a lot of endurance to cope with this.'

More generally, miscommunication between the local staff and the Chinese migrants was endemic. Many Chinese employees were unable to express themselves in Swahili, French or English. All employees had rudimentary dictionaries in their phones, which they would pull out when necessary, leading to mongrelised expressions. Many directives were lost in translation, if they were translated at all. For instance, to the surprise of security guard John, he received a map of the plant labelled exclusively in Chinese, which was totally unreadable and unusable for him and the security staff.

In 2016 several *permanents* reminded management of its legal duties and introduced an application to unionise. The installation of this union delegation proved an arduous task. Whereas the law dictates that workers elect the union delegates by ballot, and consequently that the unions would be represented at the company, an HR manager went through the applications of about fifteen *permanents*, and invited those unions that seemed reliable for an interview. 'Reliability' depended on criteria such as owning an office, having long-standing experience and being rooted nationwide. As one of the *permanents* who was invited put it, 'the managers stated they did not want any "*syndicat troubadour*" – a union which makes unrealistic promises to workers. According to a high-level HR manager, an equally important requirement was that the union had a presence in another Chinese company and consequently had experience in negotiating with Chinese managers. After these interviews, the HR manager chose three unions.

Management asked the heads of each department to appoint a suitable union delegate who was articulate, well-educated and polite. The eighteen selected employees had no choice but to accept union duties. André, who was amongst the chosen ones, was worried because he was not allowed to choose which union he would represent. He explained: 'But the branch leaders said that this does not matter, as the only important thing is to establish a collective agreement, so all delegates should work together.'

Management fabricated a vote to decide which union was entitled to the presidency of the union delegation. These proceedings are similar to those found in China, where it is the employer who appoints the delegate (often his own relative), and not the votes of the workers (Chen 2003: 1025). However, they also reminded older Congolese trade unionists of the workings of union elections under the Mobutu regime.

The union delegation at Sicomines lacked legitimacy in the eyes of the workers. Both employees and the community more generally associated it with the belief that the company was protected by the national government, which enabled this government to be evaluated through the actions of Sicomines. As in Chambishi, this has led members to be disappointed with their unions. However, the trade unionists themselves were less embedded in a history of struggle and do not have the same loyalty to their unions as their Zambian counterparts. This had consequences on the way they negotiate wages and working conditions with their employer.

Wage Negotiations

The negotiations explored in this chapter occurred at times when worker dissatisfaction with their unions and employer was very high. In Chambishi, the unions and their newly elected branch leaders saw negotiations as a way to repair their relationship with workers. Without the ability to strike, or a rapid and equitable arbitration process, wage negotiators' core tactic was to draw upon the moral relationships between workers and their employers and to link these to technical discourses. The failure of these negotiations is crucial to understanding dissatisfaction with unions in Zambia and the limits of one of unionists' key brokerage roles. Unions presented their supposed ability to improve workers' wages as legitimising their presence. Their inevitable failure led to them being seen as corrupt or 'on the side of management', reducing their ability to help workers during a strike, and yet encouraging them to consider themselves the leaders of that strike, and to then discourage future strikes.

After learning of their chairmen's study trips to China, MUZ and NUMAW both organised elections to select new branch executives shortly before their 2017 wage negotiations. These elections were harshly fought. As members and candidates attributed their low wages to the previous chairman's corruption, outlandish pay rises and daily wage negotiation updates were promised by the candidates. Those elected decided to ask ChinMin for a 'needs based' increment of ZMK 2,500 (US\$ 250). To support this claim they produced a document explaining that even salaries of ZMK 3,700 (US\$ 370) would fall below the industry average for permanent workers and the basic-needs basket calculated by Zambia's Jesuit Centre for Theological Research (JCTR 2019). They also compiled data implying that the company was healthy. However, when

they brought their arguments to NUMAW's deputy general secretary, he questioned their technical expertise and linked this to the brutal legal structures, exclaiming:

We are supposed to be leaders, lets not be like those normal Zambians, who whenever they see a truck say 'the company is rich'... if we ask for too much the company will just say 'we are in dispute' and then they will show our demands and say we were being unreasonable, we need demonstrate that we know about the company and that our claims make sense.

He suggested instead asking for ZMK 1,000 (US\$ 100) and stressed the need to manage miners' expectations. Further contradicting the promises made during the branch elections, the MUZ General Secretary called his chairman to remind him that the negotiations were confidential and suggested that he avoid members until they concluded.

During Chambishi's negotiations, it was clear that legal structures were more important than argument in determining wages. ChinMin's Zambian HR manager and its Chinese director presented the company as poor and explained that, despite any moral obligation they felt to workers' families, ChinMin simply could not increase salaries. The Zambia HR manager, did most of the talking, she said that the diminishing value of the kwacha was reducing profits, that the government had removed their energy subsidy, and that they could not find a market for sulphur, a by-product of copper production. In response, the MUZ chairman found an earlier ChinMin annual report which stated that the only impact of the devaluing kwacha was an 11 per cent reduction in ChinMin's wage bill and the branch executives obtained the prices on essentials from various markets, demonstrating the increased cost of living.

Over the course of negotiations, the HR manager acknowledged many of the union's arguments. However, she argued that they were irrelevant if the company could not find a buyer for their sulphur, meaning that any pay rise would endanger its health.⁵ After three weeks, the HR manager gave the union two options: the company could increase the transport allowance by ZMK 30 (US\$ 3 a month) or it could give a pay-rise of ZMK 1,000 (US\$ 100), but would balance operational costs by laying off nearly half of its employees. The unionists made a counter offer the next day, they would accept 10 per cent (about US \$10) and the company would not lay off any workers. The HR manager declined their offer. She said that if the union did not accept 0 per cent, the company would declare a dispute. She adjourned the meeting until the following morning.

That evening, the MUZ general secretary told the branch chairman that he must accept the increment offered. MUZ would not pay for a legal challenge, and if the negotiations stalled, the company might fire him. As the night progressed, members desperately called the chairman,

⁵ Several months later we learned that sulphuric acid accounted for less than 4% of ChinMin's revenue.

seeking information about their diminishing wages. He protested that he was not allowed to inform them. A co-worker reminded him that he had committed to update members on negotiations, unlike his predecessor. Linking his own disempowerment to the nation's perceived prostration before the Chinese, he told a caller:

The things people say when they are in opposition is different to what they do in office. When [former Zambian president] Michael Sata was in opposition he was always saying, the Chinese are parasites, the Chinese are parasites. Then he was elected and he came to parliament and he said, my Chinese are not the Chinese of [the president before Sata] Rupiah Banda. What had happened was the powerful people had told him that he must keep quiet and that keeping quiet is good for the country, it is the same for us [the unionists].

Workers saw his silence as evidence of his incompetence or corruption. The next day it was agreed that the company would increase the transport allowance by 30KW and retrench no workers. The branch chairmen were sent to explain this to members. They read a factsheet detailing the company's struggles to sell sulphur, without mentioning the threat of retrenchment. They began this task in one section of the company at 9 a.m., but found that by their 11 a.m. appointment in the heart of the plant, all miners knew the results of the negotiation and believed that union executives had been bribed by the Chinese. A strike began and the trade unionists switched from advocating for the workers to attempting to cajole them back to work.

Negotiations at Sicominex were similarly laborious, yet without the burden of promises of success by union leaders or a history of labour activism. Executives needed to continuously delay proceedings to consult their head office in China. The poor software translations of the drafts led to misunderstanding and renegotiations. Cultural differences also caused disagreements. Management understood the legal minimum as indicative of what workers should be entitled to. In the eyes of the Chinese negotiators, wages and social advantages that are not enshrined in the labour law are 'priceless gifts', not to be embedded in workplace agreements. Further, exemplifying these cultural differences, the president of the union delegation attempted to explain to his Chinese interlocutors the importance of a decent burial and an extended (and costly) period of mourning in the eyes of Congolese workers. But the only answer he received was: 'Dying is a natural thing... so why spend so much money on something that is so natural?... Death is a family affair, not a company affair.'

The legitimacy of the union was also challenged during the negotiations. Weeks were spent on one clause which stated that 'not the least kind of pressure' is to be put upon the members of the union delegation. The Chinese side vigorously opposed this expression. Instead, the agreement was changed to read that both parties shall refrain from putting 'pressure

that might hinder or compromise the execution of the union delegations' duties'. Eventually a single-digit increment was agreed upon, increasing the lowest wage by US\$ 6 to about US\$ 110.

As was the case in Zambia, communication between trade unionists and members was prohibited during the negotiations, encouraging sentiments of mistrust and dissatisfaction to be aimed at the unions. After many months of difficult negotiations, the collective agreement came into force at the end of October 2017. In Congo, the unions are typically the key advocates of the agreement. However, on this occasion each department received just one copy, and the members of the union delegation relied upon HR staff to explain the agreement, who in turn passed this task on to the foremen. The negotiation process had left the workers predisposed to question the legitimacy of the document and malicious rumours spread about the agreement's supposed failures. Workers started to whisper that it was a very disadvantageous agreement and his sparked a general feeling of unease on the work floor. The disgruntlement particularly concerned the meagre single-digit salary increase. A member of the union delegation gauged this unease and warned the Chinese HR staff that a strike was percolating. The HR manager retorted that it was precisely the union delegation's job to prevent workers from striking. When Chinese officers were directly confronted by disgruntled employees, they replied that they should channel their anger towards the union delegates, as they were the ones who had signed the agreement.

Common to these negotiations was how little power the trade unionists held vis-a-vis employers. Despite their disempowerment, however, it was they, not management, who had to persuade the workers that the negotiation outcomes were fair. In both Chambishi and Kolwezi, they failed, and the disgruntled workers went on strike. Paradoxically, these strikes strengthened the negotiating of the trade unionists who had worked to prevent them. This observation is important for distinguishing between unions and unionists as brokers. These junior unionists had little capacity to change their wage agreement's outcome without militancy, yet they were crucial to maintaining the disjuncture between workers and management. As we will see, this enabled multiple actors to claim responsibility for the success of negotiations, while abrogating themselves from their failure.

Strike Resolution

The specifics of Zambia and Congo's political economies, combined with internal concerns about the Chinese, encouraged workers in both nations to use strikes to obtain political patronage rather than union leadership. In Zambia, the success of this patronage further divorced workers' associational identities from their unions. In Congo, trade unionists claimed after the event to have advocated for the strike, in stark contrast

to their actions at the time. In both cases, by firing workers but not union leaders, the company could reduce the union's moral credibility without damaging a negotiating process that was advantageous to the employer, or inhibiting the daily running of their operations.

While the strikes were caused by similar dissatisfactions, how they were resolved demonstrates the contrasting political significance of miners across the Copperbelt. Chambishi is in Kalulushi, one of Zambia's most significant electorates. It has never been held by the same MP for more than one electoral cycle and is politically and economically crucial to the nation. It is also among the largest electorates by population, which is significant because several analysts of Zambian politics argue that miners' votes have a multiplier effect: rural family members follow the voting patterns of the urban miners who assist them financially (Fraser 2017). The area's MP and the Patriotic Front government feared the perception that they were cowering before the Chinese, a perception that was toxic not just in their electorate but all urban electorates where Chinese retailers were outcompeting Zambians (Fraser and Larmer 2007).

When the Chambishi strike began, the branch chairmen addressed strikers, imploring them to return to work. The NUMAW chairman explained that his appeal reflected his genuinely held belief that they had obtained the best wage increase that was economically viable. The MUZ chairman did not disagree, but noted also that management had threatened to fire him if the strike continued. Workers hurled rocks at their supposed comrades and accused them of corruption.

Management was in the process of sending the trade unionists home when Kalulushi's MP flew into Chambishi on the president's private jet. She berated the Zambian HR manager and claimed that the Chinese did not know what an appropriate salary was but that the HR manager 'was greedy with her fellow Zambians'. She explained 'it is as easy as drinking water, you must take this allowance and add it to the basic' (essentially a 35 per cent pay increase) and she demanded that no one be disciplined for the strike. The ChinMin CEO agreed, and the MP addressed the striking workers. The MP then returned to Lusaka, where she gave a press conference explaining that she had educated the Chinese about their responsibilities to Zambia.

Over the next few months, the MP loudly and publicly blamed the union's head offices for trouble in the Chambishi Zone and in Chinese operations more generally, deflecting criticism from the company while asserting her own significance to the strike's outcome. She explained that 'the Chinese must be taught that this is Zambia' but that 'we Zambians are being betrayed by our own people [i.e. bribe-taking trade unionists]'. While CNMC could not publicly challenge the MP, company HR could punish junior unionists. While no one was fired for striking, many MUZ members were dismissed and union branch staff were charged on unrelated matters.

To remain effective, the MUZ chairman had to draw ever closer to management. HR overtly blamed the junior unionists and explained: 'If the union had been honourable, they would have said "this is a matter for the union and the company, the politicians have no mandate to be part of it."' She noted that the politicians' involvement reflected badly on both the union and herself, even as it had strengthened workers' identity and raised their wages. Despite being proud of the wages they had achieved after the strike, most unionists were committed to preventing another strike from occurring.

The Sicomines strike's resolution reflected Katanga's weaker political position, but still invoked 'the Chinese'. The ability to call upon national political concerns was a key tactic for the disgruntled workers who, right from the start, politicised the strike to support their demands. The particular political context also assisted, with elections that seemed continuously pending and a vulnerable president, which in turn triggered a tense climate throughout the country, with regular rallies and marches. Lacking a union-based industrial relations structure and having no close relationship with an influential local political figure, Sicomines lacked a clear resolution strategy and therefore attempted to break the strike through divide-and-rule. Supervisors put pressure on individual workers and handed out cash to those who were willing to work or to guard company property. Within one day, management had succeeded in halving the number of strikers.

Without a long-established union role, the Congolese delegates faded into the strikes. The provincial ministers of mines, labour and home affairs, as well as the labour inspector and the deputy mayor, came to the plant to try and soothe the workers. When the authorities asked the strikers to put together a group of representatives with whom they could negotiate, the strikers all pointed to each other, and no one dared to step forward. Instead, hostile songs rang out about the corrupt union delegation. The strikers praised Moise Katumbi and Dieudonné Mwenze Kongolo, two prominent opponents of President Kabila. As the governor of Lualaba Province, where Kolwezi is located, is known to be a protégé of Kabila, these acclamations represented a challenge to the provincial authorities who visited the workers.

Nevertheless, even without union leadership, the strikers managed to put their grievances on paper and handed it to the provincial minister of labour, who was determined to assert the union's role as workers' representatives. Among their demands was a minimum wage of US\$ 300, two bags of cassava meal a month, a new system of shifts, higher funeral allowances, increased severance payments, more suitable positions for educated Congolese with appropriate transport provided for them, and finally an end to the contempt and insults the Chinese colleagues inflict on them. The minister called upon two union delegates to sign this document, to make it 'official'. She then handed this to management, and ordered them to give their reply to the union delegation, who would pass the response on to the workforce. As in Zambia, a local political figure thus restored the

duties of the union delegation after determining wages and conditions on their behalf. A trade unionist claimed: 'A wildcat strike [like this one] gives us power. Because during such a strike, management is forced to approach the unionists to find a solution, they will finally listen to us.'

The following day, Monday, 20 November 2017, one of the workers' claims was met on the spot: all workers received two bags of cassava meal. Management promised to take the strikers' demands into account and assess the possibility of meeting them. An increase in salary was a possibility as well, but the union delegates convinced the strikers one way or another that tripling the lowest wage (from US\$ 100 to US\$ 300) would be impossible and would undermine the company's viability and, consequently, job security for all. One by one, the employees got back to work. As spontaneously as the strike had begun, it ended.

The strike had dramatic repercussions on the workforce. As many as seventy-two strikers who were identified by surveillance cameras in the plant lost their jobs. To find out who the instigators had been, however, proved hard. The HR staff believed it was the *universitaires cachés*, those who had hidden degrees, the intellectuals among the blue-collar workers. This was rejected by the workers, as one explained: 'we all wanted respect for our educated people'. Seeing a Chinese boss being rude or disrespectful to someone who is their own superior is hard to bear. There was enormous solidarity among the workers, and they all refused to identify the strikers from the pictures that the HR staff showed, let alone to name the instigators. Annual leave went from twelve to fourteen days, there was a slight salary increase and workers received two monthly bags of cassava meal. In addition, management made some efforts to create a more pleasant atmosphere and suppress the insults. Posters appeared throughout the plant exhorting the Chinese staff to 'put the worker at ease'. Management dismissed a Chinese supervisor who was known for being particularly harsh and rude towards Congolese workers, who had nicknamed him 'Mobutu'.

Despite the limited role of unions in both strikes, they contributed to consolidating their structural power and give meaning to the role of junior trade unionists. In Zambia, junior trade unionists came to reposition themselves as having led the strike, and to see themselves, rather than workers, to have made moral claims to management and the community. In doing so, they could draw upon and emboldened a well-established myth of union strength (see Kesküla and Sanchez 2019). In Congo, trade unionists pointed out that strikes such as these show management the importance of having strong unions to represent the workers and to listen to their demands. In both cases, these claims were considerably facilitated by the fact that the strikes broke out in Chinese mining companies, and that the labour practices of such companies have emerged as a public issue which can be leveraged for the support of a political patron. Problematically for the unions, miners used militancy to obtain improved working conditions, strengthening their own identities as workers even as this identity was divorced from their union.

Conclusion

This chapter has used strikes in Chambishi and Kolwezi to explain the extent to which trade unionists, and workers in general, are able to influence new investors' labour practices. As has been a key claim of the book, we have shown that the requirements of capital take precedence over the aspirations of the state in shaping labour regimes. However, we have also shown that as the neoliberal regime emerges, state authorities can on occasion play a crucial role in supporting workers' militancy, a role they rarely played under state paternalism, when they were necessarily entwined with management. We also explored how and why politicians are particularly incentivised to intervene when militancy occurs at Chinese SOEs.

The similarities and differences between these strikes demonstrate how labour regimes are contested, negotiated and reshaped. In both Zambia and Congo, the fragmentation of the union power field, threats of mass layoffs, and the development of subcontracting has encouraged conservative union projects, oriented towards surviving as an organisation and saving workers' jobs. Unions, and the unionists within them, attempt to broker the relationship between workers (whom they represent), companies (on whom they depend) and the state (whose legislation constricts their actions). Where Zambian trade unionists' identity was intimately tied to a glorious (and imagined) union history, this was not the same for their Congolese counterparts. Yet trade unionists on both sides of the border engaged in similar activities and constructed similar identities. Both groups negotiated as thoroughly as possible, before being hamstrung by legal and structural realities. Ultimately, the political power of miners in Chambishi, which was linked to, but not solely derived from, their union's role in industrial paternalism, led to a better outcome to the strike than in Kolwezi.

The similarity between their actions encourages conceptualising trade unionists as brokers, policing the disconnect between workers and management (Cohen 2014). In doing so, one can see how differently positioned unionists, as opposed to unions, influence industrial outcomes. This chapter highlights the interplay between workers and unionists' dissatisfactions and the historic roots of unions' perceived power (see Chapter 1). In understanding the differences between Congolese and Zambian unionists' responses to industrial action, it is crucial to consider Zambia's imagined history of industrial action and the way this shapes politics and unionism today, as well as the actual bargaining power of each union.

These strikes and the tactical responses of unionists, politicians and industry were also influenced by dominant understandings of 'the Chinese'. Rumours about the Chinese as an undifferentiated emic construct shape the national political economy and influence social action in both countries (Alden 2007). While Chinese businesses, diaspora, capital and migrants are not a homogenous entity, national media, politics and

gossip commonly conflate them, creating threatening narratives that can have a truly political effect (McNamara 2017). In both countries, worker mobilisation was intimately tied to the perception that their exploitation had uniquely Chinese characteristics. In Zambia nationwide discomfort about Chinese capital inspired an MP to quickly support striking workers (Fraser and Larmer 2010). In Congo too, despite the fact that the workers had praised the opposition leaders, provincial authorities intervened to find a solution favourable to them. Thus, whether Chinese companies are seen as close or opposed to government's interests, discourses about working conditions in these companies seem to have a certain political significance. They prompt state authorities to interfere in labour disputes, to remind foreign investors their sovereign power, to protect national citizens, and to restore order.

The findings of this chapter put into question the assumption that industrial action necessarily enhances union participation (McQuinn 2018). In both strikes, militancy encouraged workers to perceive a strong worker identity, it also enhanced workers' scepticism about union-based collective action. If strikes push management to restore and acknowledge trade unionists' formal power as workers' representatives, they also reveal that this power is increasingly empty from the point of view of those who are represented. In other words, strikes contribute to progressively erode the legitimacy of unions to the benefit of local political figures. This is especially the case in places such as the Central African Copperbelt, where political leaders regularly interfere in labour disputes.

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