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SA Chamber of Commerce Annual Awards Gala Dinner

London | 31 January 2024

Opening

Good evening, Ladies and Gentlemen, and distinguished guests.

I extend my gratitude to our esteemed Chairperson, Sharon, for granting me the privilege to briefly share the stage with you tonight.

Allow me to reminisce for a moment. As a lawyer, I'm reminded of my late principal, Deon Nel – a former barrister, diplomat, and attorney, with a notorious talent for being verbose. A junior partner walked into his office and asked if he wanted to go to lunch, and Deon said, “sure, but let me ask you a quick question”. Some three hours later – neither of them had gone to lunch, Deon was still talking, and the junior partner was on the verge of malnutrition and in tears!

Rest assured, I won't emulate Deon's verbosity tonight. As lawyers, we're not paid by the hour for these addresses, and brevity is the soul of wit.

Hogan Lovells, our global law firm, traces its roots to Lovells here in the UK. With 47 offices spanning every continent, our membership in the South African Chamber of Commerce is strategic. It serves an important role for building our business and footprint in South Africa, which in turn acts as the springboard for our endeavours across the African Continent.

Working closely with the Chamber, particularly with Sharon over the years, we've achieved notable successes and unlocked opportunities, making meaningful contributions to the South African business community.

Tonight, I'm honoured to be accompanied by colleagues, including Chris Green, who leads our South African office. Chris will later present the Chairman's Award.

Ladies and Gentlemen, 2024 is a pivotal election year in South Africa. The historically loyal alliances in organized labour and politics have undergone a transformative shift, revealing a new political landscape. Navigating the challenges ahead for business requires astute intelligence, robust networks, and sound advice.

As a mining lawyer, allow me to demonstrate some of these challenges by highlighting a growing crisis beneath the surface of South Africa's mining sector. A surge in illegal underground sit-ins, marked by violence and racism, disrupted the last quarter of 2023. These incidents expose a breakdown in collective bargaining and safety systems, yet public condemnation from unions, labour departments, the ministry of mineral resources and the mine safety authorities is conspicuously absent.

Digging into these sit-ins reveals three key factors.

First, inter-union rivalry. Since 1982, the National Union of Mineworkers (NUM) dominated for three decades, but by 2012, the Association of Mineworkers and Construction Union (AMCU) had reached membership that rivalled the NUM and this tension erupted in the horrors of the Marikana Massacre.


The AMCU fuelled sit-in at Gold One Modder East Operations last October, sparked by a closed shop agreement with NUM, held 500 employees hostage and injured 15, laying the foundation for subsequent reactions.

The second factor is escalating fears of downsizing, a harsh reality in a country with a rising 35% unemployment rate. Employees, with union blessings, risk immediate unemployment through unprotected sit-ins to demand job security, further disrupting the collective bargaining process, as was the case at Wesizwe Platinum in late October last year.

And the third factor is the political undercurrents within the mines. South Africa's political landscape mirrors the mining industry, and it is naive to think that it does not. This adds another layer of complexity, particularly this year.

Unions sanctioned sympathy protests, as we saw at Bafokeng Rasimone Platinum Mine, where 2,205 employees staged an underground sit-in just days before Christmas in solidarity with other protests, without even communicating a demand to their employer.

Can you imagine having to steer your business through all of this. How do we do it? I suggest, navigating these complexities requires a broader perspective.



Business intricacies, whether unique to the mining sector or any other business for that matter, demand resilience, innovation, and collaboration. Recognizing internal forces that drive progress – the creativity, dedication, and triumphs of individuals within our communities and organizations – is paramount. After all, business is a collection of people, and greatness is achieved not just by geniuses, but by ordinary individuals like you and me who rise to the extraordinary.

So what does this have to do with an auspicious award ceremony like tonight's, when some people (none of us of course) may say that this is nothing more than a self-indulgent excuse to dress up, eat well and drink too much! It's a question worth pondering against the backdrop of these and other challenges we will face.

Francis Fukuyama, the American political scientist, and scholar provided some insights on the failures of communism in his 1992 book, *The End of History and the Last Man*, which sheds light on the importance of mechanisms to reward individual success, which was obviously lacking in Communist Russia and contributed to its ultimate collapse.

To achieve a thriving community, celebrating individual success is not a luxury, but a necessity. That's why we at Hogan Lovells proudly support this event.

Ladies and Gentlemen, as we celebrate tonight's finalists, I urge each of you to actively contribute to overcoming challenges in our respective fields. Be a catalyst for progress – do so through fostering innovation, supporting colleagues, or championing positive change.

Let us leave here not as passive witnesses to excellence, but as inspired individuals shaping the future. Together, we have the power to mould a future defined by resilience, collaboration, and shared success, no matter the challenges ahead.

Thank you, Sharon, and to everyone present. Let's embark on this journey of inspiration and action together, as we have some fun tonight.



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