

SA's Black business rejects 'shocking' court ruling on Chinese

A number of Black business organisations including the National African Federated Chambers of Commerce (NAFCOC), Black Management Forum (BMF) and Black Lawyers Association (BLA) have reacted with anger to a recent High Court judgement that found that Chinese South Africans now qualify as BBBEE and EAA beneficiaries.

Black business and professional organisations met on Monday, June 30, to reflect on the Pretoria High Court Judgement, by Judge Cynthia Pretorius, that essentially "recharacterised" Chinese South Africans as "coloured", thus qualifying them as beneficiaries in terms of both the BBBEE Act and the Employment Equity Act. The organisations reckon the judgement has "far-reaching implications in the country's economic transformation efforts".

In their statement, the organisations maintain, "As Black business and professional organisations, we reject both the substance and process that was followed leading to this shocking judgement. This judgement in our view, revises a long-held historical view of the democratic struggle in South Africa. The identification of Africans, Coloureds and Indians as major beneficiaries of BBBEE and Employment Equity is based on a sophisticated socio-economic analysis that took into consideration poor access to quality education, lack of economic access, poor living conditions, etc. The economic transformation efforts sought to deal with the primary defining force of apartheid discrimination, which expressed itself through the socio-economic oppression of Africans, Indians and Coloureds (as historically defined), hence their over-representation and visibility in the anti-apartheid struggle".

The organisations also object to the fact that they were "not appraised" on the issue - and heard about it only after the fact, from the media - and they want the SA government to appeal the judgement.

"As Black business and professionals, we see the Pretoria judgement as a 'disappointing revision' of the struggle for economic emancipation in South Africa ... We reiterate our conviction that Black Economic Empowerment and Employment Equity interventions should primarily benefit the following Black groups:

- Indian
- African
- Coloured (Chinese are not coloured)

In addition the above-mentioned organisations, the statement was signed by the Association for the Advancement of Black Accountants of South Africa (ABASA), Black Conveyancers Association (BCA), Black Information Technology Forum (BITF), South African Black Technical and Allied Careers Organization (SABTACO), South African Institute of Black Property Practitioners (SAIBPP), Black Business Executive Circle (BBEC) and the National Black Business Caucus (NBBC)

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