

**MPUMALANGA DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT,
LAND AND ENVIRONMENTAL AFFAIRS**

Appeal instituted by:

EARTHLIFE AFIRCA JOHANNESBURG **FIRST APPELLANT**

BIRDLIFE SOUTH AFRICA **SECOND APPELLANT**

**MINING AND ENVIRONMENTAL JUSTICE
NETWORK OF SOUTH AFRICA** **THIRD APPELLANT**

ENDANGERED WILDLIFE TRUST **FOURTH APPELLANT**

FEDERATION FOR A SUSTAINABLE ENVIRONMENT **FIFTH APPELLANT**

GROUNDWORK **SIXTH APPELLANT**

**ASSOCIATION FOR WATER
AND RURAL DEVELOPMENT** **SEVENTH APPELLANT**

BENCHMARKS FOUNDATION **EIGHTH APPELLANT**

Directed to:

**MEMBER OF THE EXECUTIVE COUNCIL: MPUMALANGA DEPARTMENT OF
AGRICULTURE, RURAL DEVELOPMENT, LAND AND ENVIRONMENTAL
AFFAIRS**

NOTICE OF INTENTION TO APPEAL

1. **KINDLY TAKE NOTICE** that the appellants intend to lodge an appeal against the decision of the Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs to grant environmental authorisation, with authorisation register number **17/2/3/GS – 131**, to Atha-Africa Ventures (Pty) Ltd for specified activities relating to its proposed Yzermyn Underground Coal Mine, the surface infrastructure of which is proposed to be located on portion 1 of the farm Yzermyn 96 HT in the Magisterial District of Wakkerstroom, Mpumalanga Province. A copy of the notice of decision, to which the environmental authorisation and the reasons for the decision are attached, is attached, marked “**Annexure A.**”
2. The First Appellant is **EARTHLIFE AFRICA JOHANNESBURG** (EarthLife), a non-profit organisation with NPO number 004-159. EarthLife challenges environmental degradation and aims to promote a culture of environmental awareness and sustainable development. It also seeks to improve the quality of life of vulnerable people in South Africa through assisting civil society to have greater impact on environmental governance by understanding and defending their constitutional rights, specifically those enshrined in section 24 of the Constitution of the Republic of South Africa. Its address is 5th Floor Hereengracht Building, 87 De Korte Street, Braamfontein, Johannesburg.
3. The Second Appellant is **BIRDLIFE SOUTH AFRICA**, a non-profit and public benefit organisation registered in terms of the laws of the Republic of South Africa with NPO registration number 001-298 NPO and PBO exemption number 930 004 518, with its head office at 239 Barkston Drive, Blairgowrie, Johannesburg. It is an independent nature conservation organisation with the mission to promote

the enjoyment, conservation, study and understanding of wild birds and their habitats. BirdLife South Africa has over 6000 members in 32 bird clubs throughout South Africa. BirdLife South Africa is a partner in the Grasslands Programme, which is a partnership between government, non-governmental organisations and the private sector to mainstream biodiversity into the Grasslands Biome, with the intention to balance biodiversity conservation and development of protected areas in a production landscape.

4. The Third Appellant is **MINING AND ENVIRONMENTAL JUSTICE COMMUNITY NETWORK OF SOUTH AFRICA** (MEJCON-SA), a non-profit voluntary organisation with its administrative address at c/o Centre for Environmental Rights, 2nd Floor, Springfield Studios, 1 Scott Street, Observatory, Cape Town. MEJCON-SA was constituted in October 2012 with the main objective of promoting and defending the environmental and human rights of communities that are both directly and indirectly affected by mining; and to ensure the sustainable use of mineral resources.
5. The Fourth Appellant is **ENDANGERED WILDLIFE TRUST** (EWT), a non-government non-profit organisation and a public benefit organisation with NPO Number 015-502 and PBO number 930 001777. EWT has its physical address at Building K2, Ardeer Road, Pinelands Office Park, Modderfontein, Gauteng. EWT is a fully accredited member of the Union of Conservation of Nature and is dedicated to conserving threatened species and ecosystems in southern Africa.
6. The Fifth Appellant is **FEDERATION FOR A SUSTAINABLE ENVIRONMENT** (FSE), a registered non-profit company with registration number 2007/033134/08 and NPO number 062986-NPO. FSE has its physical address at 8 Palladio, corner

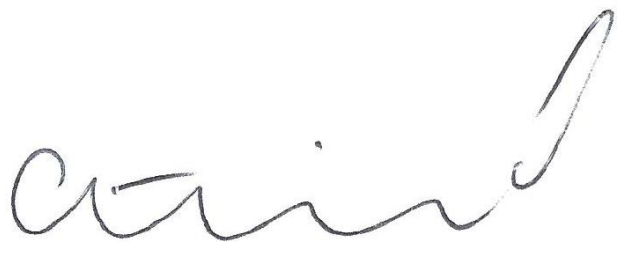
of Ryk Street and Roux Avenue, Beverley Gardens, Johannesburg. The FSE's main objective is promoting the ecological sustainability of development and the wise use of natural resources in South Africa.

7. The Sixth Appellant is **GROUNDWORK**, a non-profit environmental justice service and developmental organisation with NPO number 045-235-NPO. GroundWork has its physical address at 6 Raven Street, Pietermaritzburg. GroundWork seeks to improve the quality of life of vulnerable people in South Africa, and increasingly in Southern Africa, through assisting civil society to have a greater impact on environmental governance. GroundWork places particular emphasis on assisting vulnerable and previously disadvantaged people who are most affected by environmental injustices.

8. The Seventh Appellant is **ASSOCIATION FOR WATER AND RURAL DEVELOPMENT (AWARD)**, a non-profit organisation with company registration Number 98/03011/08 and non-profit organisation registration Number 006 – 821. Its physical address is at Number 14 Safari Junction, Hoedspruit, Limpopo. AWARD specialises in participatory, research-based project implementation aimed at addressing issues of sustainability, inequity, and poverty through building natural-resource management competence and sustainable water-based livelihoods. AWARD's vision is to contribute to a more sustainable world and in particular to a democratic South Africa where the principles of equity and sustainability are upheld and strengthened through building active civil society participation in wise water and biodiversity stewardship, management and governance.

9. The Eighth Appellant is **BENCH MARKS FOUNDATION**, a non-profit, faith-based organisation owned by the churches in South Africa, with its physical address at 6th Floor, Khotso House, 62 Marshall Street, Marshalltown, Johannesburg, South Africa, 2017. The Bench Marks Foundation is committed to providing leadership and advocacy on issues regarding benchmarking of good corporate governance, ethical and socially responsible investment as well as linking people and institutions committed to these ideals. The vision of the Bench Marks Foundation is to promote corporate social responsibility and socially responsible investment.
10. The appeal will be made available for inspection from the date on which it is lodged for a period of 10 (TEN) days and at the premises of the Centre for Environmental Rights, situated on the **SECOND FLOOR, SPRINGFIELD STUDIOS, 1 SCOTT ROAD, OBSERVATORY, CAPE TOWN**. Copies of the appeal will also be made available by email and requests are to be sent to chorsfield@cer.org.za.
11. The notice of intention to appeal complies with the requirements of the law and the letter from EcoPartners dated 24 June 2016 to stakeholders and registered interested and affected parties, attached, marked "**Annexure B.**"

SIGNED AT CAPE TOWN ON THIS THE 27TH DAY OF JUNE 2016

A handwritten signature in black ink, appearing to read 'A. Lind', is written above a horizontal line.

Attorneys for the Appellants
CENTRE FOR ENVIRONMENTAL RIGHTS

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AND TO: **ATHA-AFRICA VENTURES (PTY) LTD**
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AND TO: **ECOPARTNERS**
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