



## THE PEOPLES MINING CHARTER

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We the mining communities here gathered reiterate our fundamental inalienable human rights and as such are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all our fundamental human freedoms and rights can be fully realized.

We affirm that Democracy is premised on the following:

That affected people must determine their own destinies. For us this means choosing for our-selves both our own developmental paths, and to participate in all decision making and manage or co-manage the utilisation of our resources if we so choose.

In all our struggles against colonialism and Apartheid we have struggled for these, and have insisted that no authority is greater than the will of the people. We have consistently told all the past rulers, that there can be nothing about us, without us.

### MPRDA/Mining Legislation

Noting that the current mining laws as legislated in the MPRDA limits our democratic and inalienable right to self-determination, that amendments currently proposed to the Bill seeks to further reduce our right to self-determination and that in addition, many customary communities own their ancestral land although their ownership has not been formally recognized with title deeds of their mining and mineral rights, we reaffirm that it is the peoples, specifically occupiers of the land's, fundamental right to decide if any extractives / mining can take place on their land or not.

**We reiterate that it must be the directly impacted and affected local community, who must have the greatest weight in determining whether extractives happen on their land and not only outside interests. The values and principles of our shared humanity, our aspirations of collective prosperity and our legitimate concerns about future losses such as the erosion of our connection to ancestral lands, our heritage and livelihoods -govern our decision making.**

**We believe in self-reliance of communities and accordingly call on our democratic government to respect and support, with revenue from our taxes, the decisions made by communities for a non-fossil fuel and non-extractive driven path of development.**

**Our historical and recent experiences have taught us that whenever corporations and their allies seek to mine on our lands they will adopt “divide and rule” strategies which only serves to benefit them.**

**To resist these initiatives we commit to mobilise and build movements, coalitions and networks that will pool our resources and protect our integrity as people of the soil. These peoples formation will be governed by clear principles that leaders are accountable to a community and cannot take decisions outside a legitimate, representative community decision making bodies of all the affected people. When powerful groups seek to co-opt our leaders, who act on their own, we will disown them, and inform the world of their treachery. It follows that those decisions will not be binding on the community.**

**We note that the mining industry is cloaked in secrecy which runs contrary to our constitutional values and insist that both government and corporations have a duty to provide affected communities with transparent information and processes. We affirm that we will be guided by:**

- Informed knowledge. The government as our elected representatives must ensure that an independent capacity development fund is accessible to such communities to source diverse sources of knowledge, geoscience, legal, psycho-social etc. which will help communities to make informed decisions**
- Government departments responsible for various aspects of environmental protection must come to the communities immediately when an application for mining rights and water use licenses and the like are made to obtain directly our informed consent.**
- Similarly, the same must apply to any authority responsible for extractives in particular mining and land**
- We believe we are the owners of the land and not governments, and real reparations and compensation, which should be both individual and collective, must start with those living around the mines and who work in the mines who were relocated by mining activities,— as we feel the collective negative impacts of mining more directly than others.**
- We Believe that the MPRDA must include provisions that direct no less than 50% of Royalties and tax allocations from mining activities, for development of directly affected communities, to counteract the disproportionate losses suffered by mining communities and labour sending areas**

**These disproportionate losses must be recognized in terms of gender, environmental, health, spiritual and land use losses, which are in violation of basic international and national human rights law.**

**We, as united communities, call on all other mining communities not to entertain any corporation that has a track record of violating labour, human and environmental rights anywhere in the world.**

**In addition, we will refuse to give consent to any company that does not have a transparent community driven process of negotiation which has at its core the principles of Free Prior and Informed Consent.**

**We call for the inclusion in the MPRDA of an independent, accessible, speedy and effective grievance or redress policy and mechanism to address community concerns throughout the mining /extractive processes.**

**We insist that the exclusion of mining affected communities in having a direct say in the governance of their lives is unconstitutional and we commit to ending this colonial project of dispossession in our lifetime.**

**The Mining Communities gathered here commit to undertake a democratic process of collecting demands from mining affected communities across South Africa to bring all their demands together in a Peoples Mining Charter that should be included in the MPRDA.**

**The key declaration is based on the following**

**Principles:**

- 1. Community Voice in Decision Making through negotiation based on right of consent to determine what activities occur on one's land.**
- 2. Democratic Community representation and customary decision making processes that are community based and not based on undemocratic traditional Authority.**
- 3. Benefits from mining activities (profits, employment, procurement, and local economic development) should be shared equitably distributed to directly affected communities, near mining communities, workers and the public through a democratic process.**
- 4. The public, specifically mining affected communities must have the right to Free and accessible access to information regarding all operations that affect the economic, social and environmental well-being of communities.**
- 5. Communities bear a disproportionate burden of the costs of mining and there should be independent, accessible, speedy, and effective recourse mechanisms, before during and after mining.**
- 6. Rehabilitation standards should ensure that the land is no worse than when mining started.**

**7. Restitution and Reparations should correct historical wrongs and should include environmental, social, cultural and heritage rights including spiritual connections to land, people and nature.**

**8. Compensation for loss of livelihoods and economic social, environmental, cultural and heritage resources should be based on full cost accounting including future losses of alternative development paths and value loss of minerals.**

**9. Women must have the right to Inherit Land and should be consulted on all issues affecting their bodies, families, land and lives in both customary traditional structures and community, local, provincial and national structures.**

*Adopted on 26 June 2016 in Berea*