



Mining and Environmental Justice Community Network of South Africa

The voices of South Africa's mining affected communities must be heard

“Real mining. Real People. Real difference.” This slogan is used by Anglo American, one of the world’s largest mining companies and a member of the South African Chamber of Mines. Such a slogan would have you believe that mining brings a positive difference to the people it affects. It would like to create the impression that mining brings jobs, education and training, new businesses, better schools and clinics, and improved access to facilities leading to an improved quality of life for local communities. This has, in fact, largely become the mainstream narrative that is peddled about mining in South Africa.

If you ask someone who has lived near mining operations, you will hear a completely different story.

You will hear about dust and noise from trucks driving to and from the local mine all day and all night. You will hear about livestock dying after drinking water polluted by the mine, and about the mine refusing to compensate livestock owners for their loss. You will hear stories about how graves are abruptly dug up and relocated to make way for the mine without proper consultation of the families of the deceased. And you will hear how people lose access to land and their livelihoods so that mining can take place.

Mining is also making people sick. On [Johannesburg’s West Rand](#) people are breathing toxic dust loaded with dangerous chemicals like cyanide and arsenic from the operational as well as the abandoned mines in their areas.

These stories seldom make it into the mainstream narrative because mining affected communities (or fence-line communities) are usually excluded from participating discussions about whether and where mining should take place. Astoundingly, these communities are also excluded from processes that purport to benefit them, such as development of Social and Labour Plans and the Mining Charter.

The [Mining and Environmental Justice Community Network of South Africa](#) (MEJCON) is a network of communities, community-based organisations and community members from different parts of South Africa whose environmental and socio-economic rights are affected – directly or indirectly – by mining activities. MEJCON is a non-profit, voluntary association which was established in October 2012 with the goal of elevating community voices in mining decisions and policy, as well as facilitating community engagement, sharing and unification around the environmental and socio-economic impacts of mining on people living in the affected areas.

In June 2017 the Minister of Mineral Resources released a new version of the [Mining Charter](#) that is to apply to the South African mining industry going forward. Following its release, the Chamber of Mines applied to court to have the 2017 Mining Charter reviewed and set aside on the basis that it does not favour the interests of the members of the Chamber. The Minister of Mineral Resources has suspended the operation of the Mining Charter until that court case is concluded.

According to the [Mineral and Petroleum Resources Development Act, 2002 \(MPRDA\)](#) the Mining Charter is a tool to be used “...To ensure the attainment of Government’s objectives of redressing historical, social and economic inequalities as stated in the Constitution”. The MPRDA further provides that the Mining Charter “...will set the framework for targets and time table for effecting the entry into and active participation of historically disadvantaged South Africans into the mining



industry, and allow such South Africans to benefit from the exploitation of mining and mineral resources and the beneficiation of such mineral resources.”

The Mining Charter has at its core the transformation of the mining industry to benefit historically disadvantaged South Africans. Since 2002 there have been three versions of the Mining Charter and yet at no point were mining affected communities given an opportunity to participate in the drawing up of this important document that speaks directly to their daily lives. The majority of South Africa’s mining affected communities are historically disadvantaged and many were forcibly relocated to those areas by the apartheid government. It is therefore paramount that mining affected community voices are heard in this court case. MEJCON has joined forces with two other networks of mining affected communities, namely Mining Affected Communities United in Action (MACUA) and Women Affected by Mining United in Action (WAMUA) to participate in this case so as to ensure that the voices of mining affected communities are heard in this decision. In this case, they are represented by lawyers from the [Centre for Applied Legal Studies](#) (CALs).

MEJCON, MACUA and WAMUA are also asking the court to review and set aside the 2017 Mining Charter for lack of meaningful engagement in the drafting of the Charter with mining affected communities; and for the court to declare that mining affected communities are a key stakeholder in all negotiations and engagements on any further Mining Charter. And they are asking that community participation be meaningful and, at the very least, that the following principles are complied with:

- That communities are provided with access to all the relevant information timeously;
- That meeting venues are accessible;
- That engagement takes place in languages accessible to communities;
- That communities are given an opportunity to propose what should be contained in the charter, and not only asked to respond to state proposals; and
- That communities are given a meaningful and effective opportunity to be heard, and that their views actually be considered and addressed.

The Chamber of Mines has opposed MEJCON, MACUA and WAMUA’s application to be a part of this litigation. That opposition entrenches the legacy of exclusion of mining-affected communities from decisions about mining. We are hopeful, however, that the Court will not allow the muffling of our voices to continue. Follow the [MEJCON Facebook](#) page for regular updates about this matter.

