



Centre for Environmental Rights

Advancing Environmental Rights in South Africa

The Voice Community Representative Council
1534 Phumula Location
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Volksrust
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Attention: Mr Thabiso Nene
thevoicecerc@gmail.com

25 June 2018

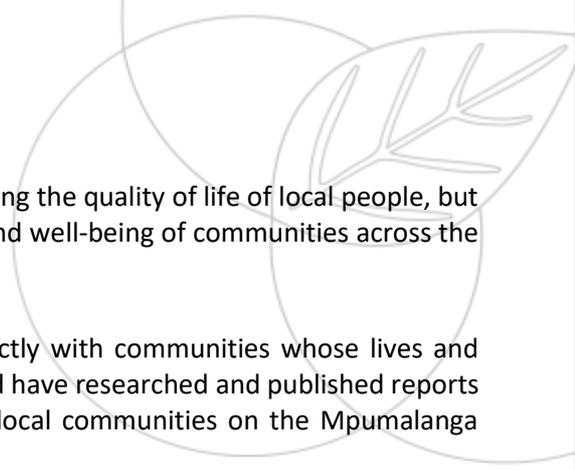
Dear Mr Nene

INVITATION TO PRESENT ON THE SOCIAL, ECONOMIC AND ENVIRONMENTAL IMPACTS AND REMEDIATION OF A PROPOSED COAL MINING PROJECT NEAR WAKKERSTROOM

1. Thank you for your letter dated 20 June 2018. We and our clients, the members of the Coalition, appreciate that you are seeking accurate information about the legal challenges to the coal mine proposed by Atha-Africa Ventures Pty Ltd (Atha).
2. We note from a media release issued by Atha on 24 May 2018 that you are its Community Consultant. We assume, however, that in your 20 June 2018 letter you are addressing us in your capacity as Chairperson of The Voice Community representative Council, and not as Atha's Community Consultant.
3. For clarity, the Centre for Environmental Rights are not the attorneys for any communities in or around the proposed mining area, and we have never suggested that we are. We also do not represent any landowners in the area. The CER represents eight non-profit, public interest organisations¹ who believe that the long-term defence of protected areas, strategic water source areas, and biodiversity in this area is in the public interest.
4. We and our clients are non-profit organisations working to realise people's Constitutional environmental rights to clean air, clean water and health, and sustainable, decent jobs. We defend the rights of all interested and affected parties, particularly local people, to be consulted on new developments, and to benefit equitably from them. We believe everyone is entitled to accurate information, so that when they decide whether to support or resist a new development, they do so on the basis of the facts.
5. The organisations opposing this particular mine do so because the proposed mine would be inside a declared protected area and a strategic water source area. Coal mining in strategic water source areas will threaten South Africa's water security. The damage that this mine would do to water resources cannot be mitigated.

¹ These eight organisations are: Earthlife Africa Johannesburg, the Mining and Environmental Justice Community Network of South Africa, BirdLife South Africa, the Endangered Wildlife Trust, Federation for a Sustainable Environment, groundWork, Association for Water and Rural Development (AWARD) and the Bench Marks Foundation.

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6. All these organisations are deeply committed to job creation and improving the quality of life of local people, but we also know that coal mining continues to devastate the lives, health and well-being of communities across the Highveld.
 7. CER and a number of the members of the Coalition have worked directly with communities whose lives and livelihoods have been ruined by mining in many parts of South Africa, and have researched and published reports on how coal mining has devastated the environment and the lives of local communities on the Mpumalanga Highveld in particular. You can access these reports as follows:

- groundWork (2016): ***Destruction of the Highveld***: http://www.groundwork.org.za/reports/gWReport_2016.pdf and <https://cer.org.za/news/new-report-by-cer-partner-groundwork-on-destruction-of-the-highveld-by-coal-mining>;
- Centre for Environmental Rights (2016): ***Zero Hour: Poor Governance of Mining and the Violation of Environmental Rights in Mpumalanga***: <https://cer.org.za/news/zero-hour>
- Bench Marks Foundation (2014): ***SOUTH AFRICAN COAL MINING: Corporate Grievance Mechanisms, Community Engagement Concerns and Mining Impacts***: http://www.benchmarks.org.za/research/policy_gap_9.pdf;

Also see this report published by the University of the Witwatersrand Forrest, K., and Loate, L. (2017) ***Coal, water and mining flowing badly***. Working Paper: 9. Johannesburg: Society, Work and Development Institute, University of the Witwatersrand: <https://www.swop.org.za/working-papers>

We will send hardcopies of these reports to your address in Volksrust.

We also recommend that you watch some of the short films on our website – here, people from such mining-affected communities talk about how they have experienced mining: <https://cer.org.za/video-library>

8. Late last year, together with the Mining Affected Communities United in Action (MACUA) and Women Affected by Mining United in Action (WAMUA), the Mining & Environmental Justice Community Network of South Africa (MEJCON-SA) who is a member of the Coalition, brought legal action to force the Minister of Mineral Resources to consult with mining affected communities on changes to the Mining Charter – until then, the Ministry and Department were not consulting with communities, but only negotiating with the Minerals Council of South Africa (formerly the Chamber of Mines), of which Atha is a member. [<https://www.dailymaverick.co.za/article/2017-11-17-groundup-victory-for-community-organisations-in-mining-charter-battle/#.WyzU1UzbIV>]
9. As you may be aware, there are a number of legal challenges underway aimed at setting aside the approvals given for the proposed coal mine, including in the High Court. Since Atha is a party to those proceedings, it is not appropriate for CER or our clients to debate the merits of those cases with Atha in a forum like the one you propose.
10. As such, we are unfortunately not able to accept your invitation in the form you have proposed.
11. Instead, we and our clients would like to extend an invitation to a delegation from The Voice to attend a meeting in Emalahleni, Mpumalanga on a date suitable to all of us. At such a meeting, we and the Coalition will share with you detailed presentations on the reasons for our opposition to the proposed coal mine. We will also introduce you to the organisations mentioned above (MEJCON-SA, MACUA and WAMUA), and visit some of the communities around Emalahleni in which coal mining is already underway, or where the impacts of coal mining are evident. We believe that this is information relevant to The Voice and the communities it represents.
12. We hope that you will accept our invitation, and we look forward to hearing from you.

Yours sincerely

CENTRE FOR ENVIRONMENTAL RIGHTS



per:

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Attorney

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