



Centre for Environmental Rights

Advancing Environmental Rights in South Africa

Ms Sibongile Malie
Department of Mineral Resources and Energy
Pretoria
By email: Sibongile.Malie@dmr.gov.za

31 January 2020

Dear Ms Malie

SUBMISSIONS ON THE DRAFT MINE COMMUNITY RESETTLEMENT GUIDELINES, 2019

1. The Centre for Environmental Rights (CER) is a non-profit organisation comprised of environmental rights activist lawyers that help communities defend their right to a healthy environment. We do this by advocating and litigating for transparency, accountability and compliance with environmental laws.
2. Thank you for the invitation to make submissions on the draft Mine Community Resettlement Guidelines, 2019.
3. As indicated in our earlier letter today, while we welcome this opportunity to comment, we note that the commenting period largely fell over the festive season when our offices were shut. This rendered it difficult for us to meaningfully and adequately engage with our clients and partners on the draft, particularly given a range of other draft legislation published for comment over this period. We submit that this is contrary to the principles of public participation and compromises the public participation process. We therefore urge the Department to, in future, be mindful of the timing and period for commenting and ensure that it does not exclude interested and affected parties from this crucial process.
4. We enclose our submissions in the form of a table containing our comments and our proposed amendments / insertions.

Yours sincerely

CENTRE FOR ENVIRONMENTAL RIGHTS

per:

Catherine Horsfield

Attorney

Programme Head: Mining

Direct email: chorsfield@cer.org.za

Cape Town: 2nd Floor, Springtime Studios, 1 Scott Road, Observatory, 7925, South Africa
Johannesburg: First Floor, DJ du Plessis Building, West Campus, University of the Witwatersrand, Braamfontein, 2001, South Africa
Tel 021 447 1647 (Cape Town) | Tel 010 442 6830 (Johannesburg)
Fax 086 730 9098
www.cer.org.za

Centre for Environmental Rights NPC is a non-profit company with registration number 2009/020736/08, NPO Ref 075-863, PBO No. 930032226 and a Law Clinic registered with the Legal Practice Council | Directors: Bonita Meyersfeld, Prof Eugene Kenneth Cairncross, Gregory Daniels, Mohamed Saliem Fakir, Melissa Fourie (Executive), Prof Tracy-Lynn Humby (Chair), Stephen Mark Law, Karabo Matlawa Maelane | Attorneys: Melissa Fourie, Leanne Govindsamy, Thobeka Amanda Gumede, Daiyaan Halim, Catherine Horsfield, Robyn Elizabeth Hugo, Matome Lethabo Kapa, Misaki Koyama, Timothy Hendrie Lloyd, Nabeelah Mia, Nicole Löser, Danjelle Midgley, Ruchir Naidoo, Zahra Omar, Wandisa Phama | Candidate Attorneys: Tatenda Wayne Muponde, Vuyisile Hope Ncube