

Scant redress systems in place for communities bulldozed by government

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Communities who arm themselves with knowledge and information and work together to protect their interests are clearly a threat to the government and mining companies, says the Bench Marks Foundation.

“Feedback received from communities at the Alternative Mining Indaba in Cape Town describe scenes of intimidation and blatant disregard for the interests of the people and the environment by both government and the mining sector,” says John Capel, Executive Director of the Bench Marks Foundation.

“A clear example is the opposition to mining in the Wild Coast of South Africa, where the Xolobeni residents have done everything in their power to stop mining in the area.

“The residents have done intensive research and they know what the impact of the mine will be not only on the environment, but to their health and livelihood. And they are not prepared to sacrifice this, no matter what. As a result of their opposition, they have been labelled by the government as a problem and against development and have endured regular raids of their houses and many have been physically abused”.

Capel says that although the community has put forward strong and relevant reasons why mining should not take place on the Wild Coast, the Department of Minerals and Resources is set to allow mining to go ahead.

“This case says much about our democratic system and the failure of free, prior and informed consent,

“The government is meant to be the defender of the poor and the country, but it favours short-term profit- making for few at the

expensive of the long-term sustainability aspects that have been presented to it by the people.

“Communities are bulldozed into accepting mining with little redress mechanisms in place. The law is designed in such a way that those affected are generally unable to fight for their right not to have mining in their community. They also don’t have the resources to hire professionals to advise them.

“This why we have been campaigning for an Independent Capacity Development Fund that will allow communities access to various expertise as well as an Independent Grievance Mechanism that will give them recourse to justice, to be put into place and that all mines contribute to,”

“Mines must contribute to the independent capacity development fund and it must be run by an independent third party,” says Capel.

In addition to the independent fund and grievance mechanism proposed, Capel says that access to a company’s Social and Labour Plan (SLP) should be easily attainable by communities, as currently it is extremely hard to access them and they should have a large part and say in what constitutes a development objective of a SLA.

Capel explained that mining companies are required to submit Social and Labour Plans (SLPs) that contain the regulatory requirements of the mine to the Department of Minerals and Resources prior to the granting of a mining right. These SLPs should include targets and strategies to promote socio-economic growth and development, promote employment and the advancement of the social and economic welfare as well as promote the use of skills of Historically Disadvantaged South Africans in the communities and areas in which mining and production takes place.

“The SLPs are meant to clearly define commitments made by mining or production-related businesses in their quest to earn the right to operate in a geographical area,” says Capel.

“Once the mining right has been granted, the mine is required to implement its undertakings and programmes and then report against the respective progress on an annual basis so that it can retain its mineral right, but this is a mute point as who holds them accountable when one cannot even access the SLP?

“Throughout the years while researching the mining industry, we have found it incredibly hard to access SLPs and when we do, we have found them to be inadequate and appear to be a “cut and paste” document quickly put together to get a licence.

“In addition, annual reports skim over issues and yet, they retain their licences. Where’s the fairness in that?

“Events such as the Alternative Mining Indaba also show us where those affected by mining stand with the government, particularly the Department of Mineral Resources (DMR), as they don’t come to the conference, although invited. Yet they attend the Mining Indaba which is held in Cape Town during the same period.

“The DMR have a huge presence at the other Indaba, but not one person comes to this one. Government departments in general, have been rarely seen at this indaba which is now in its seventh year. Mining companies are also seldom seen at this Indaba.

“In our opinion, this shows how little both government and the mining sector care about the people who work in and live around mines and how afraid they are of committing themselves to listening to the real accounts given by those who they are meant to serve”.

The Alternative Mining Indaba (AMI) was created provide a space for everyone from all over Africa and the world to discuss and workshop subjects that are wreaking havoc or working well in the mining sector.

The theme this year is “Making natural resources work for the people, leaving no one behind” and includes training, inspirational, debating, case studies, strategic approaches and action plan sessions on themes such as access to remedy: litigation and mining, artisanal and small scale mining, business and human

rights, mining and taxation and gender and extractives.

The AMI takes place from 8-10 February 2016 at the Upper Eastside Hotel in Woodstock, Cape Town.

The AMI provides an international platform for all interested stakeholders to share experiences, mobilise and motivate mining communities to strengthen their work on advocacy for environmentally and human rights conscious natural resource governance, develop strategic tools that will empower Africa's citizens to meaningfully participate in natural resource governance, facilitate and foster better engagement between mining communities, governments and mining communities, facilitate and foster better engagement between mining communities, governments and mining companies and to provide a voice to the lived experiences of communities affected by mining.

For more information on the AMI, go to www.altminingindaba.co.za. In addition, you can follow the indaba on Twitter: @AltMiningIndaba and on <http://alternativeminingindaba.blogspot.com/> and Facebook.

For more information on the Bench Marks Foundation, go to www.bench-marks.org.za.