

THE RIGHT TO SAY NO!

A Memorandum of our Demands to the Department of Mineral Resources

Tuesday 24 April 2018

We, representatives of mining affected communities across South Africa, are gathered here in Pretoria in solidarity with the Amadiba Crisis Committee, which is saying NO to mining! We come from the communities of Emalahleni, Middelburg, Merafong, Newcastle, Empangeni, Lephalale, Mokopane, Burgersfort, Moruleng, Brits, Somkhele, Fuleni, Moutse, Sasolburg, Bophelong, Ogies, Klerksdorp, Duduza, Tshirela, Beckersdal, Rustenburg, Welkom, Virginia and Botshabelo. We come from communities that are suffering the impacts of mining. We have learnt the lessons well. We come from communities that, like our brothers and sisters in the Amadiba, who oppose mining on their land. We come with one voice! We say NO to mining!

The Amadiba have been saying a very loud and clear NO since the early 2000s but a long line of ministers and senior officials in the department of mineral resources, as well as the minister of rural development and land reform, and the Australian mining company (Transworld Energy and Mineral Resources) have refused to listen. Instead, government has violated its own laws (the Interim Protection of Informal Land Rights), and accepted multiple applications to mine despite community opposition. Government has also failed to investigate and bring to justice the killers of Sikhosphi Bazooka Rhadebe, who was gunned down on the 22 March 2016 for his leadership. The lives of communities who say NO are cheap and expendable. We say NO to mining!

We, communities to be affected by mining, have the right to development, to the development that meets our needs not the interests of governments or corporations. We fought for the right to vote as a basic democratic right. And we fight now for the democratic right to determine our own future. We say NO to mining!

Mining and the big infrastructure that comes with it, like roads, and railway lines, and bridges and ports, and power stations that are offered by mining companies and the government destroy our land, our livelihoods, our health and our communities and also comes with the demand for us to exchange our land. We, communities living on the land which nourishes our bodies and our spirits, are told that we are standing in the way of progress and development. What sort of development is this that steals our land and water, makes us sick and divides our communities. We say NO to mining!

These are our demands to the Department of Mineral Resources:

You have ignored a legal judgement and trampled on our right to participate in the writing of the Mining Charter. We are the communities that carry the price of mining, and we demand our right to be heard, our right to be an integral part of the decision making processes, and for our voices and interests to shape the Charter.

The Minerals and Petroleum Resources Development Act (MPRDA) must be reformed to include the free prior informed and continuous consent (FPIC) of communities throughout the life of a project. Communities should be informed about the full range of impacts of the proposed project before and during decision-making. They should not be coerced or threatened to accept the project. Any attempts on the part of government officials, company representatives, or traditional leaders to corrupt or unfairly influence decision-making should be exposed and heavily penalised. The right of consent should be continuous so that communities can withdraw their

consent at any time during a mining project. The decision-making processes of customary communities shall be recognised, respected and upheld.

The Interim Protection of Informal Land Rights Act protects the rights of customary communities who own the land in common. This legislation is regularly undermined by government, by companies and by traditional leaders who disrespect the tenure rights of occupiers and the customary decision-making processes of these communities. The custodians – Kings and Chiefs – are not the owners of the land and have no authority to dispose of or make development decisions which do not involve decision-making by all members of the community according to customary rules and procedures. IPILRA must be respected and enforced.

All forms of violence – death threats, violence or the threat thereof, rape and the threat thereof, and assassinations - used to coerce community decisions in favour of the mining should be condemned in the strongest terms by government. These cases shall be fully investigated and the state shall seek prosecution, to the full extent of the law, by those found culpable. Government must send out the strongest message that intimidation and violence to force a particular outcome will not be tolerated.

Communities say NO to mining because they live on the land and this is often their only form of livelihood. Many communities value their rural life and enjoy a historical relationship to land which is cultural and spiritual. This relationship should be respected and supported. This is not to say that communities don't want external support for their development. They want basic services, education and healthcare, infrastructure that supports the development of local livelihoods, and state investment in employment creation. Local, provincial and national government department should regear their priorities to support the development people want and need!

All social and environmental impact assessments should be undertaken by consultants employed by the state and selected by communities.

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 process.

We, communities, from across South Africa standing in solidarity with our brothers and sisters of the Amadiba stand united in defence of our RIGHT TO SAY NO!