

Corporate Compliance of the Twickenham Mine's Social and Labour Plan

COME-ACT

By Elton Thobejane and Provia Sekome



August 2018

A publication of:

COME ACT

COMMUNITIES IN MINING AND ENVIRONMENTAL ACTIVISM

In partnership with:



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Corporate Compliance of the Twickenham Mine's Social and Labour Plan A case study developed through the *Changing Practice: Olifants* project.

July 2018

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Acknowledgements: The Changing Practice: Olifants project is implemented by the Environmental Monitoring Group accredited by the Environmental Learning Research Centre, Rhodes University and funded by AWARD through the USAID: RESILIM O programme. The 'work away, work together' design is based on the Environmental Learning Research Centre's 20 years of environmental learning support which have resulted in numerous partnerships and courses to support different sectors of society. The Changing Practice course, run by the Environmental Monitoring Group, is a continually evolving variation of this design with a particular focus on supporting and up-scaling civil society action. The participants on the Changing Practice course are members of the South African Water Caucus, a network of organisations committed to promoting the wise, just and equitable use, protection and provision of water.

The USAID: RESILIM-O project is funded by the U.S. Agency for International Development under USAID/Southern Africa RESILIENCE IN THE LIMPOPO BASIN PROGRAM (RESILIM). The RESILIM-O project is implemented by the Association for Water and Rural Development (AWARD), in collaboration with partners. Cooperative Agreement nr AID-674-A-13-00008.

EMG's facilitation of the Changing Practice course was made possible through co-funding from the Swedish International Development Co-operation Agency (SIDA) through the Swedish Society for Nature Conservation, (SSNC). The views herein shall not necessarily be taken to reflect the official opinion of SSNC or its donors.

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LIST OF ABBREVIATIONS

CALS	Centre of Applied Legal Studies
CEF	Community Engagement Forum
COME-ACT	Communities in Mining and Environmental Activism
DMR	Department of Minerals and Resources
IANRA.	International Alliance on Natural Resources in Africa
IDP	Integrated Development Plan
MACUA	Mining Affected Communities in United Action
MEJCON -SA	Mining and Environmental Community Justice Network of South Africa
MPRDA	Mineral and Petroleum Resource Development Act
PAIA	Promotion of Access to Information Act
SLP	Social and Labour Plan
UNGP	United Nations Guiding Principles

1.

Introduction

Our focus is on the mining industry at Anglo Platinum's Twickenham Mine and their Social and Labour Plan (SLP). The scope of our work includes monitoring the formulation process. This means monitoring host community consultation, engagement and involvement during the drafting and finalization periods of the SLP, and the implementation and enhancement of corporate compliance enforcement.

Introducing COME-ACT

Communities in Mining and Environmental Activism (COME-ACT) is a non-profit alliance of community based organisations. Our aim is to promote, support and further the development of community based approaches from being mere slogans like, "nothing about us without us" and the free, prior and informed consent principle. This includes promoting and supporting community participation, especially in processes leading to decision making and the sustainable management of mines and the environment. We also pay special attention to the impact that mining has on heritage sites and protected areas.

Introducing the authors

Elton Thobejane is a husband, a father, student and an environmental, human rights and mining activist. Provia Sekome is a daughter, a sibling and energetic film and acting student and a human rights activist. Both are based in the Olifants Catchment in Sekhukhune region of Limpopo Province, South Africa. Our continued activism is encouraged by the plight and appalling conditions under which mining affected communities, which we call 'host communities', continue to live.



We believe that corporations are wilfully ignorant about compliance, as mining companies are well resourced in terms of information and their obligations. They make sure that those who are negatively affected by mining operations are systematically excluded from devising reasonable, equitable and sustainable programs of development and prevention of harm. This is specifically so, when it comes to participation in regulatory legislations such as the Mineral and Petroleum Resource Development Act of 2000 (MPRDA). We are guided by global principles such as the United Nations Guiding Principles on Business and Human Rights (UNGPs) . This is what encourages and motivates us to be determined and shape our focus as activists.

“We are guided by global principles such as the United Nations Guiding Principles on Business and Human Rights (UNGPs). This is what encourages and motivates us ...”

Introducing our Change Project

Our Change Project is about working towards changing unethical corporate practice in terms of Social and Labour Plans, including monitoring, and enhancing compliance enforcement by coming up with recommendations for improved SLPs, systems and legislative provisions for a people-centered social beneficiation system.

Lack of compliance and policy loopholes:

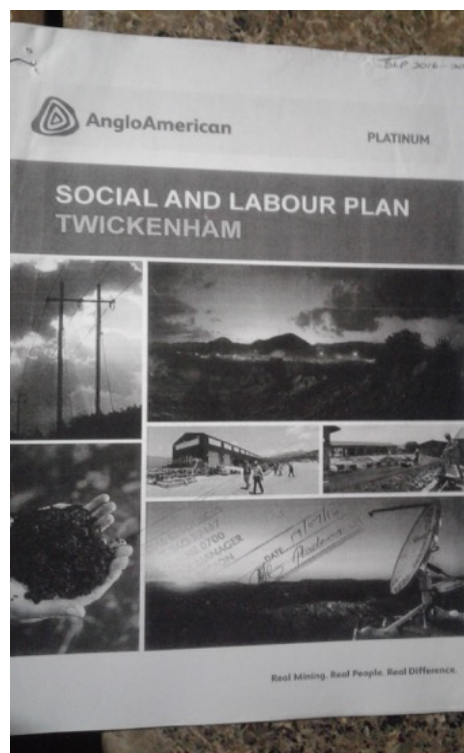
The “state of the Department of Water and Sanitation (DWS)” report, released by the South African Water Caucus on the 27 November 2017, stated that no mine in South Africa is 100% compliant with their water use license:

“On 1 September 2017 the Minister indicated that in the 2016/17 financial years, no mine achieved a “hundred percent compliance with its water use license conditions”. Out of 111 mines that were monitored in the 2016/2017 financial year, 55 mines were found to be significantly non-compliant with the conditions of the water use license, of which 25 mines were referred for enforcement actions. A further 30 mines were requested to provide action plans to address non-compliance. For the 2017/18, from April to June, 22 mines were monitored for compliance. Of this, 15 mines were found to be significantly non-compliant, of which 8 required enforcement actions. monitored and findings)”

Anglo American mines (Twickenham and Mogalakwena) scored a dismal rate of 24% compliance. A report released in March 2016 by the CALS titled “SLP Series One Trends Analysis” indicates that a significant number of mining companies in the country are still not compliant with their Social and Labour Plans’ obligations as envisaged in the SLP guidelines. Companies are taking advantage of the fact that the MPRDA itself, as the legislation used as a tool for regulatory purposes, has many loopholes. One of these loopholes is public participation in the decision making process which is not clearly outlined and is confusing. Section 100 of the MPRDA provides for the minister to develop the transformation tool (Mining Charter) but the charter does not stipulate how compliance is to be ensured, it furthermore complicates the process by making reference to the local municipality’s Integrated Development Program and relies on its public participation. It reads:

“Mining Rights Holders must ‘meaningfully contribute towards the development of the Mine Community (with a bias towards communities where mining takes place)...’ Projects must consist of ‘...infrastructure projects, income generating projects and enterprise development... Mining Rights Holders must ‘contribute towards Mine Community development by identifying priority project/s as per the approved IDP”.

The doors are thus opened for willful corporate ignorance, exploitation, departmental corruption and abuse. It is imperative for stakeholders, particularly communities that host mines, to understand why insufficient public participation processes and participation processes that are not clearly defined could lead to corporate exploitation and corruption.



Twickenham mine’s Social and Labour Plan 2016-2020

The MPRDA requires that there should be consultation:

The MPRDA is the primary piece of legislation that governs mining in South Africa and is the source for the Social and Labour Plan system. It requires that there should be consultations with communities. The legislation does not provide sufficient clarity or binding provisions on companies’ duties to consult communities. It also does not clarify how those consultations should be conducted and with whom. Even the SLP guidelines (SLP objectives, obligations

and processes) stipulated in regulation 40-46 of the MPRDA are very broad like that of the section 46f which states that, “the SLP must contain an undertaking by the mining right holder to ensure compliance with the social and labour plan and to make it known to the employees”, The question is, which employees? Does it mean managers who are more secretive or ordinary employees who are members of the affected communities? In this case the mining company is afforded a discretionary right to choose who to share the information with. The provision does not compel the companies to share with labour in particular as part of the working class. This gap creates the space for the suppression of community voice and an opportunity to acquire valuable knowledge in that community aspirations are not taken into consideration when formulating the Social and Labour Plans. The concept of meaningful public participation aims to empower and involve stakeholders. This means that when consultations or engagements are taking place, all stakeholders should be at the same level of understanding.

The absence of a clearly outlined public participation process means that both the corporate SLP and municipal Integrated Development Plan (IDP) processes can be undertaken without the involvement of the very communities they are meant to benefit. The risk is that a municipality, through political party deployees, chooses to only consult with their political constituency and exclude other stakeholders. Mining companies may choose to consult with traditional leaders thereby excluding mining affected communities and workers, who are the intended beneficiaries of the Social and Labour Plan system. This is what happened with the public participation process for the Twickenham mine. It is of paramount importance that mining communities and workers are compensated for the hardships and harmful impacts of mining. This would require them to be actively involved in these deliberations and decisions.

“It is of paramount importance that mining communities and workers are compensated for the hardships and harmful impacts of mining”

The link between a lack of guidance in the MPRDA on participation and the lack of community participation and access to information:

Where there are clear loopholes in the law, the Twickenham Mine managers and coordinators designated to work closely with communities exploit those gaps with an interest in avoiding the mine’s full obligation. There are loopholes in the MPRDA. One of the ways in which the

MPRDA and its regulations fail to explicitly define conditions for meaningful participation is by not defining what it means to give sufficient notice of the community consultation meetings and to state outright that direct community participation is required in developing, implementing and monitoring SLP projects.

The MPRDA regulation 46 (c) (iii) states that local economic development projects be in line with local government's Integrated Development Plan (IDPs). This has led to an interpretation by the Department of Minerals and Resources (DMR) that it is enough for companies to consult municipalities and/ or the traditional authorities in some cases, on what local economic development projects will be in the SLPs. The department (DMR) also justifies this on the assumption that the projects contained in IDPs already reflect adequate community participation. This is not the case as community participation in the IDP process is also not working.

Another loophole is that SLPs are not made publically available. We argue that only a court case or influence in policy making or amendments to the MPRDA and regulations will remove these loopholes.

The link between a lack of participation and access to information and corruption:

When the broader community is kept in the dark about what programmes are in the SLP, which includes information on how the money is spent and who the beneficiaries are, there are more opportunities for corruption and irregular expenditure. If the people who are meant to benefit from SLPs do not know of the projects, they will not know or be on the lookout for corruption and irregular expenditure. For example, the beneficiaries of projects, which are supposed to be those in need are often powerful individuals such as chiefs. Another example is corrupt construction contracts where building costs for infrastructure, such as classrooms, are inflated.

The link between limited DMR compliance monitoring and enforcement capacity and corruption:

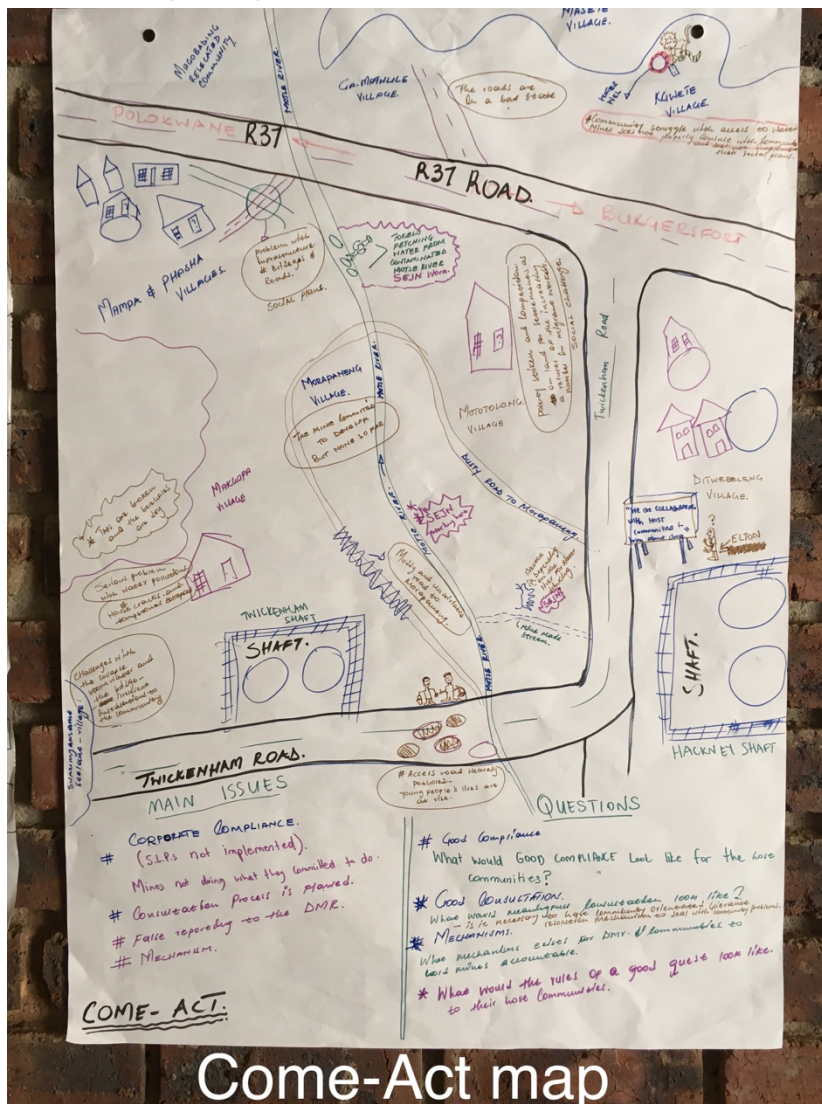
The limited capacity (in terms of personnel with expertise) of the Department to conduct thorough on-site inspections can allow irregularities in SLP expenditure and implementation to occur. In each province there are only 3 mine inspectors for purposes relating to SLP compliance and enforcement. These irregularities cannot be found without visiting the area and asking the right people the right questions. If people involved in corruption or other

irregularities around SLPs do not think they will likely be inspected and caught, they are more likely to continue with the behavior which financially benefits them personally rather than benefiting the community as a whole.

2. Context

What we see, observe, know and experience

The Twickenham Mine is situated on the Hackney, Twickenham and Surbiton farms of the Bushvelt complex along the R37 main road linking the town of Burgersfort and Polokwane. The mine started operations in 2002. In the year 2000, the mine constructed the main tarred road and the electric supply lines for the mining operation, across the community cultivation fields leaving the community totally dependent on the mine. In return, the land owners were



promised employment, infrastructure developments and broad based benefits, such as participation in the key economic activities of the area in which mine operates and local enterprise up-liftment coupled with biased procurement progression program. To date those promises have not yet materialised.

The case of the Morapaneng community

The Community of Morapaneng is situated between the Hackney and Twickenham shafts of the Twickenham Mine. The access road, which was constructed in this village, to link the two shafts is heavily potholed. This community has been trying, without success, to get the mine to repair or reconstruct the road in order to minimise the dust and mechanical damages motorists continue to incur while driving on the road. This community engaged in small-scale crop farming before the mine came. After the mine established itself the community abandoned farming because the mine erected power lines and constructed a tar road within the cultivation fields and promised employment and development. Now that the mine is placed under care and maintenance (meaning that the mining activities and production are temporarily suspended) until 2022, there are no sustainable projects for downscaling and for the communities affected to survive in the meantime. We have since tried to engage the mine about this situation and to argue that the sustainability projects should be part of the SLP. We were told that the SLP is nearly complete in terms of implementation, therefore, it is not likely to happen.



Power lines and tarred road constructed on arable land



Morapaneng village access road in a bad state

The case of the Ga-Kwete community

The community of Ga-Kgwete, where comrade Provia resides, is struggling to access clean and drinkable water. They share a water source, which is a well in the mountain, with dangerous and life threatening wild animals like snakes, jackals and baboons. The well is the only reliable source of underground water for this community and when the water pump breaks down the entire community and its neighboring villages can't get water. The demand is also more than the supply so it creates unhealthy competition and conflict between various communities and the wild animals.



A well at the Ga-Kgoete mountain- the only reliable source of water in the community

A second problem is that the mine is suspected of targeting members of the community, especially those who are vocal in standing up for their rights to water access. Five families

from this community are selectively excluded from benefiting from the mine-orientated and municipal general services meant for the entire community. We suspect that these families are being punished for having successfully fought with the Lebalelo Water Association to rebuild their cracked houses. Their houses were cracked when Lebalelo was blasting within their neighborhood to install a raw (non-drinkable) water pipe supply to the mines. Lebalelo Water Association is the subsidiary of major mines in the Tubatse Local Municipality with the sole mandate of supplying raw water to the mines for their underground operations. The broader community is also ignored when it comes to the formulation and implementation of the Social and Labour Plan. Finally, young people and elders are always subjected to the risk of being killed by motorcars because the situation forces them to cross the ever busy R37 main road with wheelbarrows and buckets to fetch water from the well. The traditional leader, for some reason, is siding with the mine to further suppress the voice of this community by insisting that all communication with the mine has to pass through his traditional council to get authorization.

Our water is polluted; our roads are damaged.

We have realized that since the mine has been operating the streams are polluted and the levels of platinum metals have increased in the river. The flow of underground water has been disturbed because boreholes have dried up. Currently, the tarred road, that was built by the mine, is potholed beyond repair. The number of road users, especially big trucks, has increased creating an unbearable amount of dust which has resulted in air pollution and noise. This makes it difficult for students to study.



Trucks and motor vehicles create unbearable amount of dust and noise

Our wellbeing has decreased not increased.

Most members of the community are unemployed and living below the poverty lines. The livestock is dying as a result of drinking water polluted by the mine almost every day (Our

colleagues at SEJN's have developed a case study with more information about the effects of polluted water on livestock and the impact this has on communities), but there are no means of recourse. Ironically the mines are currently denying responsibility for the loss of livestock but have compensated others in the past for the same loss. These doorstep communities such as Morapaneng and Dithabaneng have been reduced to being onlookers in their own community and feel helpless.

Mine not delivering on SLP projects to uplift the community

We have observed that Twickenham mining affected communities continue to live in appalling conditions as a result of mining activities in their own backyards. The SLP audits we have conducted as an organization, which entailed obtaining SLP copies and annual compliance reports from DMR to check and verify the information, identifying targets and doing checks and balances to hold mine accountable, revealed that this is happening despite the mine expressly committing to roll out specific projects in particular villages, especially the communities near the mine's operations. The projects that the mines are supposed to deliver on include support of the local Small, Medium and upcoming enterprises, income generating projects such as the egg laying farming valued at R3 million for the relocated community of Magobading (which was moved by the same mine) and Gamashabela, which is the affected community. Other projects include support for local farming and the repair of existing boreholes.

PROJECTS	BUDGET (R'000)	ACTUAL SPEND (R'000)
FOCUS AREA 1: COMMUNITY INFRASTRUCTURE, INFRASTRUCTURE DEVELOPMENT & COMMUNITY INFRASTRUCTURE DEVELOPMENT		
Magobading OVC Center	R 1 000 000	R 0
2,2km Road (Makgopa to Seelane) - Phase II of 20km road	R 3 000 000	R 0
Installation of Solar Street lights in Mampa, Phasha Makgalanoto, &	R 5 000 000	R 0
FOCUS AREA 2: COMMUNITY EDUCATION AND SKILLS DEVELOPMENT		
Education support programme for pre - primary and Primary school		R 0
Maths, Science and Technology support to Grade 10 - 12 learners		R 0
Support to educator for both GET & FET levels		
Phase 2 of the Skills development programme		
FOCUS AREA 3: INCOME GENERATING PROJECTS (ENTERPRISE DEVELOPMENT)		
GaMashabela Farming (Egg Layer Project)	R 3 000 000	R 0
Magobading Farming (Egg Layer Project)	R 3 000 000	R 0

Twickenham mine SLP annual return shows a trend of false reporting

What community members reveal about the SLP and mining operations

The interviews we have carried out with members of the Community Engagement Forum at Ga-Kgwete, where comrade Provia resides, indicated that the mine has delegated its responsibility for SLP consultations to a consulting firm which did not develop a clear understanding of the most affected communities and their needs. This is evidenced by the inconsistency in beneficiary definition which significantly impacts the ability of the mining operation to effect meaningful change. Understanding the history of the community and its main economic activities and land use immediately prior to the arrival of the mine is vital to developing any plan to uplift the community. It provides context and informs decision making going forward, especially in relation to the social and economic strategies, such as the Social and Labour Plan, that need to be formulated and implemented.

Communities in our region live on communal lands where there are no title deeds. The chief is the custodian of the land on behalf of communities, hence permission to occupy was issued in the traditional leaders' name for purposes of administration. Some traditional leaders play the role as gate-keepers for communities in consultation with the mining companies on issues such as community beneficiation, trusts and the disposal of community land to allow mining to happen.

The communities in nine tribal authorities proclaimed to be affected by the mine. This includes two relocated communities who, since 2000, have never been in a consultation meeting around the Social and Labour Plan. Most villagers don't even know what the SLP is and what it aims to achieve. The obligation of ensuring that public participation is effective and embraces meaningful consultation, community involvement and empowerment falls directly on the mining company. Therefore the process of stakeholder identification and community understanding is crucial. It is obvious from consulting community members that this is not happening.

Gatekeeping key reports and false reporting

It was very difficult to obtain copies of the SLPs and compliance reports from Twickenham Mine because its officials and managers are reluctant to accept that these documents are public and therefore should be shared with host communities. These documents are supposed to be available to communities in hard copies whenever requested for whatever purpose. The DMR does not help in this regard either and often we get inadequate information from them, even if we have applied for information through the provisions of the Promotion of Access to Information Act. When we did get the SLP we conducted audits and monitoring and have uncovered false reporting to the DMR through the SLP annual reporting. In some cases,

projects which are still to be implemented are reported as complete while there are no signs of implementation.

No clear way of working through grievances

Communities do not have a way to lodge grievances with the mine and the mines do not have a clearly outlined mechanism to resolve disputes and conflict arising from their operations. Hence we have experienced continuous protests and demonstrations by the affected communities.

No accountability in practice

A central issue of the implementation of the SLP is holding the mine accountable for its commitments. Accountability requires the regulator (DMR) to impose sanctions against mining companies where there is clear and overwhelming evidence of failure to deliver on obligations. In theory, there are repercussions for failure to deliver on SLP targets. But in practice, these seldom materialise. Part of the problem is that nowhere in the regulations or guidelines is it stated what level of fulfilment is considered to be non-compliant. This is one of the gaps that needs to be closed.

In Summary:

- Communities that have been removed from land for mining operations and agricultural land that has been taken up by mines to build roads and electrical lines are not compensated for as stipulated in the SLP.
- Economic and development projects stipulated in the SLP have not been done.
- When the SLP was developed there was ineffective consultation resulting in the most affected communities not receiving any benefit from the SLP projects.
- The mine and DMR are reluctant to provide SLP reports and other vital documents to communities unless stipulated to do so using the mechanisms of PAIA.
- There are no mechanisms for dealing with grievances directly with the mine.
- Mines are not held accountable for non-compliance and there are no clear guidelines or regulations stipulated when a mine is non-compliant with their SLP.

Why is this happening?

In the context of our Change Project, it continues to happen for the following reasons:

- The lack of capacity or unwillingness of DMR to monitor the implementation of the SLP
- Lack of community participation during public participation processes;
- There are no adequate responsibility and accountability mechanisms or platforms apportioned to activists to monitor and feed the system with accurate information to enhance compliance enforcement
- Lack of clearly outlined mechanisms to hold corporations accountable.
- Prevailing systematic exclusion of host communities in decision making processes

How do we know this is true?

We are members of the very same communities affected by mining, therefore we have lived experience of what is going on. We have documented proof of communications between ourselves as mining activists and the mine in pursuit and advancement of the struggle of our communities. We have photographs to prove our case dating back to 2009. We also know that there were no proper and meaningful community consultations undertaken during the development of the social and labour plan. A tick box exercise was used during the IDP consultative meetings which normally are used to rubber stamp meetings through the erroneous assumption that the signing of the attendance registers amounts to consent. As the alliance of community organisations, we managed to obtain copies of the Social and Labour Plans and annual compliance reports from the DMR by means of using the Promotion of Access to Information Act for purposes of auditing compliance and monitoring.

3.

Visioning a different future

Why this is not what we want to see in the world:

Governments across the globe put measures in place to oversee and regulate how business should relate to people, the environment and how to conduct operations in a way that respect and protect the rights of citizens. The High Commissioner in the United Nations Security Council was tasked with coming up with the United Nations Guiding Principles aimed to ensure that multinational corporations, such as Anglo American, sign and adhere to these principles. This appears not to be enough as companies continue to systematically exploit and ill-treat

the masses around the world. Communities affected by Twickenham are no exception to this practice hence we want to change it.

We believe that the mining companies in particular have managed to find ways to influence and lure lawmakers and politicians into their system through bribes and shareholding offers, among other incentives, in order to protect their business interests at the expense of the poor and marginalised communities. The example of this is the case of Mapela community in Mokopane against Mogalakwena Platinum Mine where the mining company has been proved to have paid the traditional chief the amount of R165 million without a proper and convincing explanation. Also the case of the former cabinet minister in South Africa whose luxurious trip to Dubai was funded by the controversial mining tycoons; this matter is still before the commission of enquiry. This compromises and undermines the good governance practice in various governments across the world and at company level. The Social and Labour Plan system in South Africa, for instance, is one system that is meant to ensure that companies leave behind a good legacy in the form of community upliftment and an environment that is conducive for human and animal life cohabitation. It made communities believe that there are systems in place and subsequent repercussions in case companies fail to implement their obligatory undertakings.

This is not what the world wants to see happening because if it continues to happen it means people will suffer more while the few get unfairly richer. It means there will be continuing land degradation where mining occurs without any benefit to communities or rehabilitation of the environment. There will be carbon emissions beyond limits. There will be more dangerous heavy metals in our river systems and ocean due to increased acidity in our rivers. There will be spillage of oils and chemicals all over. There will be rapid algae growth due to increased nitrate as a result of polluted water discharged from the mine shafts which will lead to a significant drop of oxygen in our river streams which will then kill animals. Floods and droughts will happen more often and with greater extremes. It will also mean that international laws and principles will be disregarded and ultimately be rendered powerless and useless. There are legislative obligations to ensure meaningful community participation, community beneficiation and global principles to prevent human rights violations but these laws and processes are continuously being ignored.

What do we want to see in the world?

Globally we would like to see multinational corporations adhere to the United Nations Guiding Principles on Human Rights and Business. We also want to see host communities being declared as key or core stakeholders for the purpose of consultation. Over and above that we

would like to see policy influence and change to close gaps in the mining legislation, such as the problems with public participation in the decision making process that are not clearly outlined. It is confusing to many. This opens doors for willful corporate ignorance and exploitation. We would also like to see a change in the mining companies' attitude and approach towards mining communities. They have to change the way they perceive communities, which seems to be as people who are not supposed to know about what is impacting their lives and what is meant to benefit them; as people who do not have rights in life and who do not need to live a decent life. We would also like to see communities take initiative to hold mining companies accountable so that corporations can be forced to fulfill their obligations.

4.

How are we changing things?

In 2013 communities affected by the Twickenham Mine formed a community based organization called Combined Communities. This was after we realized that the mine was not fulfilling its Social and Labour Plan obligations and that we needed a parallel structure to the existing Community Engagement Forum (CEF), which could keep the mine and the forum on its toes. We were sure that the CEF was actually colluding with the mine and the traditional leaders against the affected communities, hence there was no development.

Communities were kept in the dark about what was in store for them in the Social and Labour Plan. We suspected that something was wrong because there was not a single project across the nine traditional authorities that we could say the mine had done as part of the Social and Labour Plan. We fought with the mine until our issue was so serious that it had to be referred to the local municipality for intervention. The only thing that the municipality could do at the time was to buy time by postponing the meetings and preventing us from protesting. During these meetings, community leaders were identified and threatened with arrest. After a very fierce and prolonged battle we ultimately won back the right to protest, which was then authorized. In 2014 we were slapped with a court order which stopped us from embarking on the authorized protest. The mine and the CEF feared that the Chief Executive Officer of Anglo American, who could decide to relieve everyone involved, would come to know of the community struggles and dissatisfaction. In 2015 our struggle for justice and accountability collapsed because we lacked knowledge on how best we could access information regarding the Social Labour Plans to hold the mine accountable.



Communities gathered outside the mine shaft to demonstrate dissatisfaction on the work of the Community Engagement Forum

We are changing this firstly by acknowledging that indeed there is a problem, which we believe is the first step towards solving any problem. We are changing this behavior by building community power through conducting regular capacity building workshops which COME-ACT has facilitated, supported by the Centre for Applied Legal Studies (CALs). The aim of these workshops has been to help communities affected by mining, especially Twickenham Mine, to be aware that there are processes that the mine has to follow and also that it has to take community members through those processes. We alerted them as to where the loopholes are in the mining legislation and the SLP process and that communities have an important role to play in monitoring and helping to enforce compliance.

The stronger the argument, backed with evidence, the more chances to influence change in the behavior of both the Department of Mineral Resources and the corporates. Documenting and sharing our work with communities persuades others to take a cue from us. We communicate and consult with experts about our work in order to help shape our project. Come- Act has conducted its first SLP audit workshop in collaboration with CALs at Tubatse Crossing Mall Conference Hall in November 2017. The purpose of the workshop was to empower more community members with audit knowledge and skills and also to share what

was uncovered during the Twickenham Mine SLP audits. This included the failure of the mine to implement targets and trends of false reporting. We have since used this discovery as a tool to mobilise more communities affected by mining and also to create awareness that communities must know that corporate reports regarding development are actually not a true reflection of what is happening on the ground. We have engaged national community networks such as the Mining and Environmental Community Justice Network (MEJCON –SA) and International Alliance on Natural Resources in Africa (IANRA) to embrace the work we have done on the SLP system and the auditing we have introduced by incorporating it in their programs.



Robert Krause from CALS during the SLP audit workshop in Tubatse Crossing Mall Nov 2017

5.

Broader influences on our work

Global impunity for multinational companies

There is a broad or a global challenge by multinational companies which continue to operate with impunity. These companies display a total disregard for human rights and responsible business practices. The decision-making process should be inclusive globally. We need to affect the following: Radical socio-economic transformation (skills development and income generation), the African development agenda, compliance with regulations and implementation of good governance principles.

Climate change

Climate change threatens food security and shelter by means of floods, increased temperatures and extreme weather events. It is therefore imperative that mining companies and smelters are compliant with carbon emission standards and regulations. We need to build a movement of civil society globally to advocate and empower communities with knowledge to hold corporates accountable.

The extreme weather conditions, floods, and the poor air quality as a result of industry and carbon emissions in the last quarter of the year 2017 made it very easy for our audience during the capacity building workshop to understand that the local spend within the SLP is not proportionate to the impacts of mining. In fact this awareness served as the source of inspiration for communities to act and this led to activists being even more motivated to monitor implementation of SLP targets in order to close the gap between the two.

Gender and inequality

We are living in a very unequal society. Women will continue to bear the brunt of negative impacts of mining and will always have to adapt to a new environment which will make them even more vulnerable. We realised that comrade Provia was unable to spend more time or a reasonable amount of time on the project because she had more family feminine responsibilities compared to comrade Elton. So as a result we moved quite slowly in understanding the art of the Social and Labour Plan auditing as the core aspect of the project. We struggled to access information we needed from the government. This was often because we lacked knowledge and financial power to order departmental officials to prioritize our requests for information like most companies do. It is much harder for us to gain access to information and legal assistance and we rely on non-governmental and civil society organisations to help us fight our battles.

Social movement

Communities are often subjected to live in conditions that are unhealthy and unsuitable for human habitation and in some instances are forced to relocate. They also suffer from health hazards such as air pollution and contaminated water. All this is at variance with the social and economic transformation agenda which the MPRDA provisions are meant to address. This gives rise to social conflicts and public outcry which later translates into a bigger social movement. However a large number of people lose lives along the process as the struggle intensifies and people demand recognition and change in practice like Comrade Bhazooka of the Xolobeni community who was killed fighting for the right of community to say No to mining.

This social movement does have a mobilisation, support and an advocacy role to play in society in order to deal with the social ills and challenges emanating from the mining activities.

We have received overwhelming support throughout the project from our fellow comrades and activists in the Mining Affected Communities in United Action (MACUA), Mining and Environmental Community Justice Network (MEJCON SA) and the Olifants Catchment Civil Society Organisations network. This project has proven to be an appropriate tool for mobilization and has galvanized support towards the mining sector transformation as envisaged in the mining charter.

It has proved to be the perfect foundation for building a strong social movement based on the values, objectives and principles that drive our work. Our arguments are backed by reliable, first hand and tested information in pursuit of social justice.

6.

Conclusion

Our main argument is that with clearly outlined and tested processes, coupled with meaningful participation of key stakeholders such as the mining affected communities or host communities, it is possible to hold mining companies accountable and to ensure that these companies comply with legislative obligations as prescribed by the MPRDA. A free, prior and informed consent principle and clear guidelines for public participation are fundamental for a just and fair process of engagement.

Given the prevailing circumstances in the country, it is very important for us, the activists, to lay the foundation for building a new solid, independent, democratic and militant mass working class movement informed by the plight of our communities and ward off attacks on activists and communities. Comprised of workers' unions, civil society, mining communities, students, homeless, unemployed, landless and various formations of activism and campaigns deeply rooted in the aspirations of the poor and downtrodden masses of the people to fight capitalism as the common cause of misery experienced by the majority and to contest power to influence policy making, advance socialism and a truly free, just and equal society.

**Corporate Compliance of the Twickenham Mine's Social and Labour Plan
A case study developed through the *Changing Practice: Olifants* project.**

July 2018

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The Changing Practice: Olifants project is implemented by the Environmental Monitoring Group accredited by the Environmental Learning Research Centre, Rhodes University and funded by AWARD through the USAID: RESILIM O programme. The participants on the Changing Practice course are members of the South African Water Caucus, a network of organisations committed to promoting the wise, just and equitable use, protection and provision of water.

The USAID: RESILIM-O project is funded by the U.S. Agency for International Development under USAID/Southern Africa RESILIENCE IN THE LIMPOPO BASIN PROGRAM (RESILIM). The RESILIM-O project is implemented by the Association for Water and Rural Development (AWARD), in collaboration with partners. Cooperative Agreement nr AID-674-A-13-00008.

Funded by:



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