

# A silent killer: The case of the Santa Village community living next to a mine dump: Part 1

CULISA

By Elvis Komane and Nthabiseng Mahlangu



August 2018

A publication of:



In partnership with:



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**A silent killer: The case of the Santa Village community living next to a mine dump  
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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## **ACRONYMS**

AEL	Air Emission License
AWARD	Association of Water and Rural Development
CEO	Chief Executive Officer
CER	Centre of Environmental Rights
CULISA	Council of land and Informal Residence and Family Development in South Africa
DEA	Department of Environmental Affairs
DWS	Department of Water and Sanitation
ECA	Environmental Condition Act
LRC	Legal Resource Centre
MPRDA	Mineral and Petroleum Resources Development Act
NUMSA	National Union of Metal Workers of South Africa
SLP	Social and Labour Plan
WML	Water Management License
WUL	Water Users License

1.

## Introduction

### Who are we?

CULISA (Council of Land and Informal Residence and Family Development in South Africa) was formed in response to the pollution crisis of the Highveld Steel and Vanadium Vanchem calcite mine dump and the affect that the mine dump was having on the local community. Our goal is to fight for the rehabilitation of the calcite mine dump. CULISA has been registered with the South African NPO regulatory body since 22 April 2016.

Two members of CULISA participated in th Changing Practice Course: Olifants catchment. These were Elvis H. Komane, who is the founding member of CULISA, and Nthabiseng Mahlangu who joined the organisation later. Both live in Santa Village ward 10, Emalahleni Municipality which is part of the Nkangala District municipality in the Mpumalanga Province in the Republic of South Africa. The Santa Village community has been badly affected by



mining pollution for many years and yet it is as if this village and the people that live there do not exist. Our change project is aimed at lobbying for the proper management, including the development of a rehabilitation plan and programme, for the calcite mine dump which we believe is poisoning our community.

**“The Santa Village community has been badly affected by mining pollution for many years and yet it is as if this village and the people that live there do not exist.”**

“My name is Elvis Komane. I live in Santa Village, Emalahleni. I have lived here for 8 years but I started coming regularly to Emalahleni in 2000 when I started to study electrical engineering. I got involved with the United Front (a social movement which developed out of NUMSA) when I was working for Kusile Power Station in 2013. I became the provincial secretary of the United Front. As provincial secretary I participated in an Environmental Forum established to ensure the proper management of the calcite mine dump at the Highveld Steel plant. We placed a lot of pressure on Highveld Steel to provide plans for the rehabilitation of the mine dump. This include protest actions. My baby girl was born in 2013, in Emalahleni, I was concerned about her future. She couldn't live with me in Santa Village because of the pollution there and I had to make the difficult decision to send her to live with her mom's family. She has breathing problems and that pains me. This is why I am committed to sorting out the pollution from the mine dump”.

A recent study by the South African Medical Research Council of communities living next to mine dumps found a definite association between higher levels of asthma, pneumonia, emphysema, chronic bronchitis, wheeze and chronic cough in the elderly and young children (Nkosi, 2018). This is what Elvis' young daughter suffered from when she stayed in Santa Village, and is the reason that Elvis had to send his daughter away.

“My name is Nthabiseng Mahlangu I enjoy living in a peaceful and healthy Environment. This is a place where I want to see myself. Instead I live in Emalahleni where everything is polluted, I always wanted to help but I did not know how? Fortunately, around November while we were playing Netball, a friend of mine told me about Elvis Komane and how his organisation wanted to change the world we are living in. I was interested in knowing more about what they are doing and to be part of the project. Elvis Komane was not someone new to me. I knew him as our community leader in our Village (Santa Village). On the 29 of November Thabang Makhubedu took me to meet with Elvis Komane and he explained more about CULISA and

their goal to change the levels of pollution in our village and how this links to a change that we need to bring to the whole Planet.

I have been part of CULISA since the beginning of 2017. We have participated in organizational meetings, workshops, programs, community upliftment programs, social justice, and environmental monitoring programs. I was not one of the applicants for the EMG/Rhodes University Changing Practice Course. I only joined Elvis on the second day of the first module, after receiving a call from Jane Burt requesting me to join the class after Enos Leutle of CULISA did not show up. This has become an opportunity to learn, observe and study particularly around the effects of toxic mine dumps”.

# Introduction Poem, by Elvis Komane

## **My body feels**

Irritation of the skin

My skin tastes the invisible

My skin feels the unknown

The same applies to the

Skin of mother earth

The land is laying a complaint

Its complaining to all living  
creatures

Complaining from the heartless  
business practices

In the name of mineral diggings

Modernizer as mining operations

Chewing my womb to ashes

Yet left me with scars and bruises

I am bleeding through the

Broken veins and scars

Left by mining activities

When mines urinate they infect

Me with a land virus like

The human virus called HIV

And AIDS in this regard is

AMD (Acid Mine Drainage)

Which infiltrates through

Mouth, nose and stomach

And polluted my

CLEAN BREATHING AIR

Chewing and screwing

The Ozone Layer the I am

With daily dreamers and hustles

Of change by Technology method

Which is not sustainable not  
rehabilitatable

## Introducing our Change Project

Our change project is aimed at investigating and calling for the proper management, including the development of a rehabilitation plan and programme, of the Calcite Legacy Dump. A legacy mine dump is a mine dump that existed before the current legislation around mining and mining pollution. The companies that created these dumps are no longer around or have sold to other companies. This means they are not held responsible for the mine dump and the responsibility for clearing the mine dumps lies with government. The company responsible for this legacy dump is the former Highveld Steel and Vanadium, which changed its name to Evraz Highveld, and is currently known as Highveld Industrial Park. In our case study we will refer to the responsible company as Highveld Steel as this was the original company that created the problem.

At first, we thought that our project would be about finding out the chemical properties of the mine dump. We are still waiting for test results from our partner organisations and this is still something we are interested in. This information will help us argue for how the health risks that the dump poses to the community. However, in the process of doing our case we have realised that the main work we have done in this Change Project is to re-establish dialogue with the mine owners and other stakeholders as well as gather more support and momentum from others in civil society and government to ensure that something is done to reduce the impacts of the mine dump. We can also argue that we have increased our skills and knowledge by taking up opportunities that arose through our involvement in the Changing Practice course such as attending courses run by the Centre of Environmental Rights and teaming up with Open – Up and their project that is looking into measuring air pollution levels in mining communities.

What our change project shows is how complex and difficult it is to hold Highveld Steel accountable for cleaning up their mine dump. We document how it takes continual lobbying, monitoring, awareness raising and attempts at influencing policy. Our case documents the history of Elvis' involvement with keeping the mine accountable since 2013. We then document the situation as it is today and share what we have done during our Change Project to continue the struggle. Finally we share what we have learnt.



## 2. History of our relationship with the mine dump



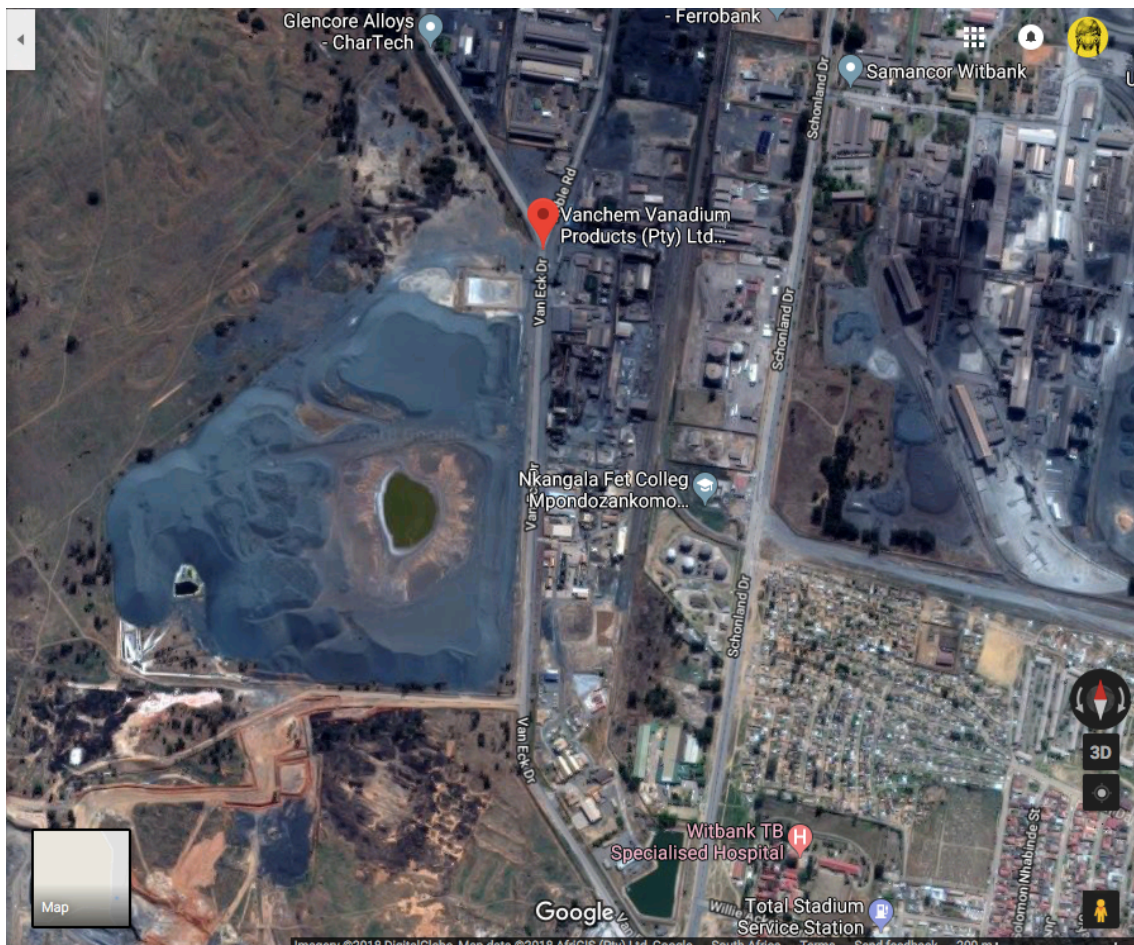
The Highveld Steel Mine Dump

Highveld Steel and Vanadium Corporation currently has a large steel refinery called Vanchem in Emalahleni. At this plant is a giant waste dump with more than 17 million tons of waste material surrounded by sink holes and polluted dams. The dump sits next to the main entrance gate of the Vanadium plant. It looks grey in colour and it's like a huge mountain about 40 meters long with no trees or any other vegetation growing on it. On top of the dump there is a rock formation. It is composed of soft sand like ash particles which travel through wind and water interfering with animals, human life and the entire environment.

The dump has been there since the 1960s. It directly affects communities from Santa village (ward 10), Vosman (ward 03), Mpondozenkomo and sub-section (ward13). Acid mine drainage from the dump affects soil quality, and water resources such as the Kaalspruit stream, Burgerspruit stream, Wilge River and the Olifants River.

In 2007, the Department of Environmental Affairs (DEA) declared the Highveld a priority area in relation to the levels of air pollution. Highveld Steel and Vanadium were identified as was

one of the main polluters and had already been sanctioned by the Green Scorpions as well as receiving formal complaints from NUMSA, Mpumalanga.



Google map showing the location of the Vanchem plant - the grey area is the mine dump.

An Environmental Forum was set up in 2011 which consisted of a wide range of stakeholders, including the company itself, DEA, NUMSA, Department of Labor, Department of Health and various civil society organizations (CSOs). The company produced a Dump Rework proposal with a budget of 150 million rand. The forum planned to initiate a public awareness campaign, capacity building of community monitors and team leaders, and a dust suppression plan.

## Activities prior to the Changing Practice course

### *Early engagements with the Highveld Steel from 2013 to 2015*

Elvis has been directly involved in engagements with Highveld Steel around their management of the waste dump since 2013, when he joined the National Union of Metal workers of South Africa (NUMSA). He was part of the environmental forum that was set up by Highveld Steel

and chaired by the then CEO, Mike Garcier. Other stakeholders on the environmental forum included the Department of Labour and the Department of Environmental Affairs as well as community representatives. In 2013, around the time when Elvis joined the Forum, there were negotiations on the table to clean up the mine dump by removing Vanadium from the dump. Elvis, through his representation on the forum, elevated the message about the dump in his community. Unfortunately, in September 2014 negotiations broke down around clearing the dump starting with the resignation of the CEO, Mike Garcier. At the same time the active regional head of NUMSA resigned. This meant that the Dump Rework plan as well as all other activities, including the training of community monitors and the dust suppression plan, never got off the ground. The company did not stick to the agreed clauses in the Forum's memorandum, such as 'nothing about us without us'. NUMSA responded to these delays by mobilizing the local communities. At the same time an interim provincial committee of the United Front was established with Elvis part of the organizing committee.

The new CEO of the company, Johan Berger, began to chair the forum but with no tangible results. NUMSA and the United Front intensified mobilization through community consultation meetings in Santa Village and other areas in Emalahleni. The consultation meetings led to a memorandum and agreement to initiate protests against the company. More than a 1000 people protested against the mismanagement of the mine dump which is reported on by Die Beeld newspaper. These actions result in Highveld Steel agreeing to take what they called 'reasonable action' to manage the mine dump with involvement from the local community in November 2014.



A meeting of the environmental forum takes place in December 2014 and Highveld Steel commits to fencing the mine dump, using labour from the local community, as a first step to better management. At the same time the United Front formal provincial committee is established and Elvis is voted in as the Mpumalanga representative of the Mpumalanga working group.

Over the 2014 Christmas period Highveld Steel went back on its promise to use local people to build the fence around the mine and instead contracts another company to do the fencing. The community try to intervene but were unsuccessful.

In March 2015 Elvis was elected as provincial secretary to the United Front. A month later Highveld steel is put under voluntary administration leaving 2500 workers and 8000 contract workers without jobs. This also affected NUMSA as many of its members were workers for Highveld Steel. The timeline in the table below gives details of the processes of engagement with the mine prior to this changing practice course.

### **Timeline Part 1: our engagement with Highveld Steel prior to the Changing Practice course**

<b>Date</b>	<b>Milestone</b>	<b>Comments</b>
2007	Inspection of the Vanchem plant by the Green Scorpions: they found “a series of non-compliances with environmental legislations... [including] significant contamination of groundwater linked to both the unlined and unpermitted hazardous waste dump on site” <a href="https://mg.co.za/article/2007-10-04-shock-pollution-findings-at-highveld-steel">https://mg.co.za/article/2007-10-04-shock-pollution-findings-at-highveld-steel</a> .	Highveld Steel was under the stewardship of CEO Mike Garcia
2011	The regional health officer of NUMSA visited Vanchem members and witnessed the pollution.	We get confirmation that the mine dump is owned by Highveld Steel.
2012	An Environmental Forum is set up which is chaired by Highveld Steel CEO Mike Garcia and includes Dept. Of Labour, Dept. Of Environmental Affairs, NUMSA and a range of community stakeholders.	The Env Forum to schedule 3 sittings annually.

Date	Milestone	Comments
Feb 2013	Negotiations re cleaning of mine dump proceed. CEO Mike Garcia presents a budget of R150 million to re-mine Vanadium from the mine dump.	A tender is processed for specialist companies to tender for the re-mining.
July 2013	Elvis Komane (co-author of this case study) joins NUMSA and becomes a shop steward while working for Eskom's Kusile Power Station.	Recruited by Xoliswa Posiswa to become full time shop steward.
Sept 2013	Elvis is introduced to the Environmental Forum by Simon Khanyile, Mpumalanga regional organiser for NUMSA.	Elvis is a community leader in Santa Village, a neighbourhood next door to the dump. He elevates the message about the dump to the community
April 2014	Sitting of the Environmental Forum. Promises of progress are made by Highveld and announcement that Highveld has been sold to Evraz Highveld.	
Sept 2014	Sitting of Environmental Forum and we are told of the resignation of project head Mike Garcia. Frustrations begin.	Community mobilisation begun with the help of NUMSA.
Oct 2014	Interim provincial committee of United Front established in the presence of Zwelizima Vavi and Dunga Sekwebo the National coordinator.	Simon Khanyile and Mduzizi Shabalala become conveners and Elvis Komane becomes the scribe.
Nov 2014	Environmental Forum chaired by the new CEO Mr. Johan Berger does not bear fruits.	Community mobilisation continues.
Nov 2014	A community consultative meeting is held in Santa Village and other areas in Emalahleni by United Front and NUMSA.	A resolution is made to prepare a memorandum and stage a protest against Evraz Highveld Steel.

Date	Milestone	Comments
19 Nov 2014	More than 1000 community members and Highveld employees protest against Highveld Steel	The memorandum is issued and received by the CEO Mr. Johan Berger. An environmental journalist from Die Beeld writes about the protest.
25 Nov 2014	The memorandum is responded to (see Appendix 1 for details from the Memorandum).	Highveld commits to taking reasonable measures to manage the dump properly and involve communities.
11 Dec 2014	A sitting of the Environmental Forum is held at Highveld Steel.	Highveld commits to fencing the dump, using local labour from the community.
12-14 Dec 2014	National working committee of the United Front is established at a meeting at the OR Tambo Southern Sun Hotel	Elvis Komane was nominated to become the provincial rep for Mpumalanga in the National Working Committee
Christmas holidays 2014	Highveld hires a company to fence the dump, despite their agreement to hire local labour from the community.	Community tries to stop the process, but Highveld manages to fence the dump.
March 2015	Provincial conference of United Front in Mpumalanga	Elvis Komane becomes provincial secretary of United Front
11 April 2015	Highveld Steel went under voluntary administration.	2500 workers and 8000 contract workers left without jobs.
2015	From this point on, we had no contact with Highveld Steel, because they were under administration	

After Highveld Steel used private contractors to put up their fence negotiations broke down and trust was lost. When Highveld went under administration we lost contact with them completely. Throughout 2015 and 2016 we kept trying to re-establish communication using our old contacts but were unsuccessful.

### *The establishment of CULISA and reopening communication with Highveld Steel*

In the meantime, we were making progress with getting our organisation started and connecting with other civil society organisations (CSOs). In July 2015, a meeting was held in Santa Village, with participants from other informal settlements and CULISA was formed to respond to the needs and concerns of informal settlement dwellers in Emalahleni. In September of the same year the National Secretary of United Front, Jara Mazibuko, introduced Elvis to Stella Horgan from Zingela Ulwazi. This is how Elvis and CULISA became involved in the CSO Indabas run through the Association of Water and Rural Development (AWARD) during 2016 and 2017. Throughout 2016 CULISA participated in the CSO Indabas and had various opportunities, including the Water Clinic and a Rights and Remedies training, run by the Centre for Environmental Rights (CER) in Cape Town.

In February 2017, Elvis was flown to Cape Town to participate in the CER Rights and Remedies training. This trip turned out to be a critical turning point in terms of reviving the relationship with Highveld Steel. At the Cape Town airport Elvis picked up two magazines: Engineering News and Mining Weekly. On pg. 11 of the Mining Weekly he read an article about Evraz Highveld Steel which included an email address for one of the attorneys overseeing the administration of the company. This led Elvis to google search for more contacts which eventually led him to an address for Theresa Davies, personal assistant to the CEO Johan Berger. She responded to CULISA's emails and the lines of communication were opened up again.

Another important contact was made on this trip. Bantu Holomisa was the guest of Honour at the graduation ceremony for the Rights and Remedies training run by CER. He shared his contacts with Elvis and he would turn out to be an important ally for CULISA in their struggle to get the mine dump rehabilitated.

## 3.

### The current situation

#### Viewing the mine dump through our eyes

During strong winds the particles from the mine dump move through the wind and it looks like a shower of rain.

The dump looks shiny with white powder. The west edge has a terrifying highly polluted waste water dump.



Polluted dam close to the dump.

We have discovered the freezing zone. When the white powder connects with water its results in a freezing white ice like substance. When you feel the ground under the white powder it is cold.



White ice like powder around the dump



The white powder dominates and covers the top soil changing the soil texture and also the soil colour. When you walk on top of the soil it feels like you could sink. The powder goes through the ground and underground into the Karlspruit.



Karlspruit stream surrounded by the white powder

The Karlspruit connects with the Burgerspruit which connects with the Klipspruit. Whenever the powder connects with the ground nothing grows. The dump is a complete serial killer it needs to be jailed for life.

If you pour water on your plants or when it rains a few days later you see white glistening marks where the water touched the plants. Peaches that grow in Santa Village are black instead of yellow. The roof sheets of our houses go rusty. They decay very fast.

### **Findings from CULISA's survey**

CULISA conducted a survey at the beginning of the changing practice course to find out what people knew about the dump and what their experience of the dump is. Many community members commented on the dump, for example one community member said, "The dump its look like a huge grey mountian with no vegetation.. Trees growing close to the dump are gum trees but from a distance you can see that they are not healthy and their colour is no longer green'

You don't have to get close to the dump for it to affect you. The tiny white particles from the dump makes it hard for people living next to the dump to live a healthy life. The survey showed that many people suffer from sinuses, eye irritation, skin irritation, breathing difficulties, headaches, and they find it hard to grow healthy vegetables. There are many babies that are born with breathing problems. Communities are frightened and they need the dump to be removed.



Mine dumps and polluted water, in Vosman. People live 20 metres from this polluted water.

4.

## What we have done

### **A realization that policy and law are still inadequate when dealing with legacy mine dumps**

Industrial pollution started when industry started. For years, corporate pollution was not considered a serious issue and mining and refining corporations could randomly dispose of waste and neglect the dumps. Over time, national government became aware of the huge environmental impacts and took measures to counteract it legally through laws like the Environmental Condition Act (ECA) and the Mineral and Petroleum Resources Development Act (MPRDA). This Act regulates the chemical and mining industry by issuing licenses. All corporations need the following licenses: Operating license; Social Labor Plans (SLP); Environmental Impact Assessment (EIA); Air Emission License (AEL); Water User License (WUL); Waste Management License (WML). But even when these licenses are obtained, pollution still happens and compliance is a pressing issue.

The change project has three phases each with its own focus. The primary phase's focus is on research, re-establishing communication with Highveld, and the community educational program; the second on draft policy development in managing all existing legacy dumps in South Africa; and the last focus is on remedies and sustainable solutions to the dump sites.

## What are the main questions guiding our action research?

At Module 2 of the Changing Practice course, we came up with the following 5 research questions:

- Which toxic materials are compositions of the dump; what is the white powder everywhere around the dump?
- What type of training, study materials, content and type of awareness campaign do we need to engage with in our communities?
- How can we stop/prevent the dump from spreading its toxins into the environment and nearest communities; what are the health impacts of the dump?
- How can we stop the dump from causing air, water and land pollution?
- How will affected people be compensated?

These are a lot of questions and each one could make up a change project. We tried to address the questions relating to the toxic materials, the white powder and health impacts. We collected samples of the white powder from the dump as well as samples of soil which we labelled carefully. We sent the samples to the University of Venda but we have yet to receive any results.



Elvis collecting some of the white powder to send to the University of Venda

We would still like to run training with affected communities where we interrogate these questions but we will need to partner with organisations that have the technical expertise to guide us in finding answers to these questions. We did develop a training programme in negotiation with the mines. (See description of activities below).

In trying to answer these questions ourselves we realized that our area of expertise is in political organising and mobilising and we have deepened these skills through focusing on our Changing Practice Project. We have also been able to renew our efforts that we started in 2013 with the support of the Olifants CSO network. Our biggest success has been building relationships through the opportunities offered by the Changing practice course and doing the change project. We realized that the questions that we have really addressed are:

1. How can a small CSO such as CULISA place pressure on a large company such as Highveld to get them to take responsibility for their waste? Particularly when we face the challenges we have mentioned above.
2. How can we mobilise support from government departments, from affected communities and from other civil society organisations, to build support for a bigger movement against harmful mine waste?

Below we document the relationships we have tried to build and the engagements we have tried to set up over the duration of the Change Project in the hope that it will show how challenging it is to deal with mine waste and to negotiate with mines.

### **Engagements with Highveld Steel during the Change Project**

Elvis had opened up communication with the mine through the contacts he found when attending the CER rights and remedies course in Cape Town. He sent the first email to Mr de Klerk, the current CEO. He drew on the legal advice from the Legal Resource Centre who Nthabiseng and him had made contact with through the CSO indaba's run by AWARD.

This correspondence led to three meetings in May. In the first meeting CULISA reminded the company of the 2014 memorandum and reiterated that CULISA still stood behind this memorandum. In the second meeting, with the mines legal representatives, CULISA asked for the company's EIA and WML and proposed that a health study be done on the effects of the dump. The company also informed them that they exploring the possibility of the dumps rehabilitation with DEA. In the final meeting in May CULISA presented a series of historical documentation on their ongoing negotiations with the mine and requested that the

environmental forum be reestablished. The company agreed. Other information and agreements reached were:

- the company is still in the process of selling the calcite dump. This is the Dump rework plan that was discussed in 2013.
- it will prioritize the (re)fencing of the facility (some 50% of the fence was removed or stolen) and repair other prevention measures for the Dump;
- it will install a pump for dump waste water control.

CULISA next met with the company in August 2017 where it was agreed that the Highveld Steel would contribute R30 000 to facilitate awareness raising around the mining dump. On the 11th September 2017 CULISA sent an Environmental Awareness Training proposal to the company. The company indicated that they can provide for 4 days training for 32 Community Environmental Monitors in addition to their fencing commitment. The company also agreed to include CULISA in their monthly consultative forum. As agreed, the Environmental Forum has also been revived, albeit without the participation of government stakeholders as before. At this point CULISA felt positive about the good good lines of communication with Highveld Steel Unfortunately from September 2017 to May 2018 the company stopped communicating and the environmental forum was not held.

As CULISA we were not deterred as we knew we would need to drive this project from multiple angles. As part of Assignment 2, we saw that there was a need for DEA to come and monitor air pollution. Elvis got Honourable Bantu Holomisa's number at the Rights and Remedies training in Cape Town in February 2017 and Nthabiseng phoned him as part of building her knowledge network. He was really interested in what we were trying to do and said we will talk again. We have also had an invitation from Bantu Holomisa to make a presentation to the parliamentary portfolio committee on Environmental Affairs. He has also told us that there are rehabilitation funds in government, that we hope he will help to source. When our case is complete, we will contact the DEA portfolio committee again and present our case.

**“As CULISA we were not deterred as we knew we would need to drive this project from multiple angles”**

Another opportunity that Elvis had was to participate in the African Media Indaba. The organisers said they found him on the internet. We think that Holomisa may have nominated Elvis. He was asked to design a sprint project, and his project was 'Air Quality and Story

Telling'. CULISA also collected water and soil samples from the mine dump for testing at the University of Venda. We are working with the Young Water Professionals (YWP) on this but unfortunately have not yet received any definitive test results other than initial results which confirmed that the water we collected was highly acidic.



Showing our fellow course participants the mine dump and toxic dams

We have had 3 workshops in the community: some people don't see the problem with the mine dump; but others living closer feel the impacts.

We have started working on a draft policy for all existing and legacy mine dumps (see Appendix 2).

Through Bantu Holimisa's support we organised an air quality training on the 15th and 16th of June with funding by DEA and it was a good opportunity for us to reach many government departments and community members. We used the opportunity of the air quality meeting to say "you as government have given the mines the permission to pollute and now they will not listen to us. What are you going to do about it?" We launched our draft policy proposal and

the draft case study at that event. We hope that with this support Highveld Steel will no longer be able to ignore us.

We want our people to know that the dump is a silent killer and we need to do awareness raising so that more people know this. If more people know the dangers of the dump they would help us to fight this battle. If many people were with us the government could not ignore us and they would be forced to do their job properly and enforce the laws against Highveld.

### **Some tactics that Highveld Steel used to undermine our work.**

This has been a long and hard journey and it is not over yet. We feel that an important part of our case is to highlight the distraction tactics and delay tactics that Highveld Steel used to get away from our demands that they clean up the dump.:

#### ***Breaking communication:***

When we had differences around a training agreement (particularly around resources for the training, which they first agreed to fund and then backtracked), they started to silence our communication channel. They were not responding to our emails or our calls. We couldn't go there physically because there is security and if you don't have an appointment you can't get in. This was the delay tactic they used for 6 months.

#### ***Postponing and canceling meetings:***

An ongoing tactic is to call a meeting and then cancel or postpone it just before the meeting happens. For example, in April 2018 we had a meeting after they had been avoiding us for many months. Highveld then proposed to have a workshop with CULISA and other activists (30 in total), at a nearby lodge, on the 3rd of May. This workshop was to negotiate the training - they would present their proposal for the training and activists would respond and give their own proposals, and together we would come up with a working programme. The meeting never happened and communication froze again.

#### ***Buying us out with contracts:***

Another tactic is to try and buy us out. This is a common experience that all environmental activists face. Often we are offered jobs or contracts. For example, the company has made CULISA an offer to take on a laundry contract and this almost broke our organisation as some members felt we should take the contract. If we did this would have compromised our mission which is to hold Highveld accountable. They also offered our partner CSO organisations contracts to work for them. This builds distrust and prevents us from building a strong united movement.

## Timeline Part 2: Engagements with Highveld during period of Changing Practice Course

Date	Milestone	Comments
25 April 2017	CULISA writes their first email to Highveld Steel with the subject: 'A complaint against Evraz Highveld Steel for not removing their Calcite Waste Dump which has deposits of toxic Vanadium which is exposed to the public'.	This email was sent to the attention of Mr. De Klerk (AMSA CEO) and was responded to by Theresa Davies. The CSO indabas created a space for us to get some legal advice from the LRC which helped us to write this letter.
11 May 2017	CULISA meets with Evraz Highveld on the Calcite Dump matter.	We reminded them of the memorandum delivered in Nov 2014 and reiterated that we stood by that Memorandum.
16 May 2017	CULISA meets again with Evraz Highveld Steel. Present was Andrea de Souza, Theresa Davies and Connie Carels (secretaries and legal representatives).	CULISA requested the Highveld's EIA license and WML (Waste management license). CULISA proposed a health study and an awareness campaign. Connie Carels informed us that they are negotiating with DEA to find remedies for the dump.
30 May 2017	Meeting between CULISA, VEJMA (another CSO) and Evraz Highveld Steel. CULISA submitted the November 2011 Memorandum and Responses, the Draft Health Impacts Awareness pamphlets and the Minutes from Environmental Forum meeting December 2014 where Highveld Steel agreed to fence the dump using local labour.	CULISA raised their focus is on the Vanadium dump and that they represent various wards in Emalahleni. Evraz Highveld Steel informed us that a Consultative Forum had been established, and agreed to hold an Environmental Forum in parallel to this Consultative Forum. CULISA was invited to join these forums.
August 2017	Meeting between CULISA, VEJMA and Evraz Highveld Steel	Highveld commits to re-fencing the dump. Highveld agrees on a R30 000 budget to facilitate awareness training. Highveld requests CULISA to prepare a training programme.
Sept 2017	CULISA submits a training proposal.	



Date	Milestone	Comments
11 Sept 2017	A meeting between Highveld and CULISA to discuss the training programme.	Highveld approves the programme but says they have no funds to fund the programme. Highveld prioritises the fencing of the dump for now. CULISA raises that they previously agreed to a R30 000 budget for the training but they have no response.
Sept 2017 - March 2018	No Environmental Forum, no other meetings between CULISA and Evraz Highveld Steel.	Postponements of all meetings, contracts and interactions.
April 2018	Meeting between CULISA and Evraz Highveld Steel (after 7 months of silence)	Highveld to have a workshop with CULISA and other activists (30 in total), on the 3rd of May. This workshop was to re-negotiate the training
3 May 2018	Workshop between Highveld and activists is postponed.	No further communication with Highveld to date.

## 5.

### Broader influences on our work

#### Where does the power lie to enforce compliance?

In our observation, corporations and industries are more powerful than our government because they generate so much money. Government fails to enforce compliance because industry has such a huge influence that includes bribery and corruption. In 2014, the CEO of Highveld Steel resigned and at almost the same time the provincial chairperson of NUMSA resigned and there are those who suspect that there was some corruption there.

Our direct experience of bribery was when the company offered CULISA a laundry contract to try and stop us from challenging them on the mine dump. This caused huge tension in our organization and some people left. It also means that we are always asking ourselves whether some of our comrades are receiving bribes. At one point when Highveld was closed, and we were the only ones trying to re-establish contact with Highveld, we started to collaborate with

another CBO called VEJMA to challenge the dump. The next thing we knew VEJMA had submitted a proposal to Highveld to support their organisation. They used our contacts with Highveld Steel as an opportunity for their own organisation to support their own waste management project. We felt upset that they did not even consult us before they submitted their proposal. We only heard about the proposal when, in a meeting, the HR person from Highveld said to VEJMA, in front of us: “we got your proposal, its good, we will support you”. That felt like a betrayal and also delayed our progress in actually addressing the mine dump.

### **Issues affecting women and children**

When we get together for meetings, we have noticed that there are less women than men. We think this is based on fear. Women are scared that they and their families will be at risk if they get involved in this kind of work. There is also a suspicion that if they participate in our meetings we will use their information to make money for ourselves.

It is dangerous for women who are pregnant to be in such polluted environments. Elvis’s child, and many other children, are born with breathing problems, and eye problems, from the dirty air. It is only poorer communities living right next door to these dirty mines. The owners of the mines will never even live in Emalaheni. They live in Cape Town and other places.

### **Accessing vital information is challenging**

Finally, we have faced challenges in getting the results back from our soil and water samples because the Young Water Professionals left the course due to pressures to do with their PhD studies. It is not easy for us to access the right people to help us get proper answers about what exactly what is in that mine dump and what it is doing to our water, air and soil.

6.

## **Recommendations**

In terms of what we want Highveld to do about the dump, we would like it to be covered for now while they work on the plan for removing it completely. They need to build a barrier of some kind that prevents ash from blowing into the air and to the communities. There needs to be a dust suppression plan of some kind.

Highveld said they had a plan of reworking the dump. If they cannot find a buyer for the waste they should take it back to Mapoch mine where they got it from and put it back in the ground.

There was a memorandum delivered to Highveld Steel by the United Front in November 2014 which Highveld Steel agreed to. One of the points in the memorandum was “nothing about us without us” - this includes all possible contracts related to management and rehabilitation of the mine dump (including fencing, any building or re-working operations). We stand by this memorandum (see Appendix 1).

There should be health support for people affected by mine waste in our community. We need free high quality health services in our area paid for by the mining companies.

In the informal settlements, where we build with steel sheets, the sheets rust very fast, and we are sure it is because of the mine dump. We would like compensation for our damaged property.

In the future, such companies must be situated about 50km away from where people are living, and from water resources.

We have an idea for setting up an early warning system that is like the weather service that informs people in advance if air pollution is going to be extremely bad on a particular day. They do have systems like this in cities like Beijing and Santiago, then people can wear masks and stay indoors.

While working on the Highveld Steel calcite dump CULISA realized that the current policies on management of existing and legacy dumps is not working. There are loopholes regarding compliance. Therefore, CULISA has started preparing a draft policy framework on proper management of all existing and legacy dumps in the country. This draft looks at the legacy dumps as a national question and invites all stakeholders to participate in further drafting this important piece of legislature to redress the current ancient ecological debt (see Appendix 2 for draft policy).

7.

## Reflections

This course and doing this Change Project has helped a lot because it has given us a space to interact with other knowledgeable people including other course participants. We have

learnt how other people solve their problems. It also created a space of consistency and a space where we were able to try different strategies.

Nthabiseng says:

*“I have always been a person who loves nature but I have not loved books. So, if I had not done this course I would not have even known how dangerous that dump is. I am so grateful that Elvis introduced me to the Changing Practice Course. I have learnt so much about how other people solve problems, people who are facing the same problems. For example, from Come-Act we have learnt about SLPs. SEJN is also dealing with mines and we told them how we access the mines. We are working with Action Voices on many projects in Emalahleni. If I hadn't done this course, I wouldn't have the skills to communicate, and I have learnt how to use Microsoft and type up all these assignments. I got ‘mdlandla’ (energy!) from this course, and that will stay with me!”*

We all have challenges in our everyday life. Sometimes you have to dig deep and a book can be a solution for your everyday challenge. Remember you can run but you will never hide. No matter how tough it might be, we are active citizens are a mouth piece of nature and the environment.

We are not alone in changing the world into a better place to live in for the coming generation; we are working with Department of Water and Sanitation, Action voice, Come-act just to name a few.



Mentor meeting in Mid-2017 in Emalahleni, with our sister organisation from Emalahleni, Action Voices and course facilitator Jane Burt.

## APPENDIX 1

### Important points from the Memorandum delivered by NUMSA and others to Highveld Steel in November 2014

#### Issue no. 3.1:

On the 31st of March 2014 your company (Evraz Highveld Steel and Vanadium) under CEO Mr. Mike Garcia made an undertaking to put safety measures, inter alia to have a budget in the region of R150 million to be spent on a staggered basis for a period of 10 - 12 years and beyond on the calcite dump, indeed that was a welcome move.

#### Issue no. 3.2:

A project to export the calcite dump will result in massive job creation, such a project was supposed to have kick started by 30 October 2014, but then the CEO Mike Garcia was removed instead of removing the calcite dump.

#### RESPONSE:

The CEO of Evraz Highveld Steel undertakes to work with community representatives to complete facility projects within the financial framework of the company.

#### Issue no. 6.1:

**6.2.1:** No consultations over health issues about us without us.

**6.2.2:** No negotiations over health or environmental issues about us without us.

**6.2.3:** No removal of killer calcite waste dump from us without us.

#### A proposed project plan was tabled:

Focus Area	Activity	Status
Regulatory	Authorisation	Applications invited
Beneficiation	Re-working the mine	Ongoing discussion
Sale of dump	Local and Export	Negotiating with interested parties
Health	Environmental Management	Dust suppression tender in process
Security and Fencing		Quotes received - evaluating
Monitoring	Surface / underground water	Reporting activities - ongoing

## **APPENDIX 2:**

### **Draft policy for legacy, existing and future mine dumps**

- Regulate all forms of mine waste disposal in the country.
- Control and manage all forms of waste.
- Enforcing the law in ensuring that the disposal of waste at undesignated areas is a punishable crime before the environmental court.
- Ensuring that existing regulatory standards in relation to:
  - Water
  - Land and
  - Air pollution

by all forms of practice, activity, event, business practice is a punishable offence with heavy punishment.

- Ensuring Environmental education and awareness raising in all public and private institution, public and private properties, private and public spaces.
- Ensure that everyone in the country respects and obey environmental laws.
- Ensure that all forms of business practices in the country obey and abide by the regulation.
- Ensuring that there is a good relationship between human beings, corporate bodies, government, natural resource and the environment.

### **Objectives**

- Sustainable waste disposal management program for domestic use, private, business practice and government practices.
- Sustainable waste disposal and removal, management, cleaning and maintenance and land Rehabilitation.
- Ensuring public education and knowledge and ensure it become the responsibility of everyone, business, to dispose and remove waste responsibly.
- Ensuring that violating environmental laws and good practice principles becomes a serious criminal court.
- Ensure that reported environmental cases are:
  - Attended immediately
  - Investigations
  - Arrest

- Trials
- Fine and
- Jail time
- Ensuring that we work together in achieving a healthy, clean and safer environment by and informed and responsible citizens and environmentally friendly domestic waste disposal and more environmentally safer business practices and addressing the legacy of the past with the aid from current businesses in the same sector, this must be set an operational and licensing requirement.

### **Application**

This policy shall apply to all acts, events, business practices resulting with mine waste disposal be it visible or invisible known and unknown waste, this aim to promote the Waste Act polluter's pay principle

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**A silent killer: the case of Santa Village community living next to a mine dump**  
**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.

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Funded by: