

Mining and your Community: Know your Environmental Rights



Centre for
Environmental Rights
Advancing Environmental Rights in South Africa

LAWYERS FOR
HUMAN RIGHTS

Before mining can take place, mining companies must get permission from the government. In order to get permission, the mining company is required to assess the environment and learn about the community and consult with everyone who will be affected by the proposed mining. **This guide discusses the rights of communities and individuals who are affected by mining, and it discusses the law and processes that must be followed by a mining company before it can start mining.**





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Mining is an important industry in South Africa, but it is also an industry with a damaging impact. Mining often pollutes the water, air and soil, and can disrupt farming activities and community life. Communities throughout South Africa struggle to defend their rights to their land, to their environment and to their resources when faced with mining in their community. Although mining companies promise jobs and development, it is fairly unusual for a community that is affected by the mining, to see these benefits.

One of the challenges communities face is a lack of information about their rights and the law that applies to mining. Mining law and governance is complex. There are many different laws that apply to mining and it is governed by three national government departments as well as provincial and municipal government. As a result, people who are affected by mining often struggle to find out what their rights are or to know who to turn to for help.

This guide will give you some of the information you need to understand what your rights are and the legal processes mining companies must follow before they can start mining.¹

What is this guide about?

Before mining can take place, mining companies must get permission from the government. In order to get permission, the mining company is required to assess the environment and learn about the community and consult with everyone who will be affected by the proposed mining. This guide discusses the rights of communities and individuals who are affected by mining, and it discusses the law and processes that must be followed by a mining company before it can start mining.

This guide aims to answer the following questions:

1. When mining is proposed in a community, what rights do the members of the community have?
2. What is the process a mining company must follow before it is permitted by the government to mine in or near your community?
3. How can you participate in the government's decision whether or not to allow mining in or near your community?
4. How do you know if the mining is legal and your rights have been protected?
5. What do you do if the proper process was not followed by the mining company or the government?
6. What steps can you take to defend your rights when mining is proposed in your community?

This guide introduces some of the important laws and documents that communities and individuals affected by mining should know about and have access to. This guide tells you who to talk to when you need help.

¹ 2013 has been a year of far-reaching law reform affecting the MPRDA and NEMA. The law reform process is still underway and at the time of printing, a number of Bills are before Parliament. This guide attempts to convey the legal position as at 7 June 2013.

Although this guide cannot cover every aspect of mining law and community rights, it refers you to further resources that provide more information about communities and mining.

Mining means the extraction of minerals (such as platinum, gold, coal, diamonds, sand) from the earth. This may happen in many different ways, including underground, opencast and re-mining of old mine waste. **Prospecting** refers to the process by which mining companies search for mineral deposits in a specific area, usually by drilling and taking samples.

Structure of the guide

Section 1: Mining and your rights

Section 2: The licence process and consultation

Section 3: Important documents

Section 4: Fighting for your rights

In this guide we refer to the following laws

- The Bill of Rights in the Constitution which describes the human rights of all people in South Africa.
- The Mineral and Petroleum Resources Development Act, 2002 (the MPRDA). The MPRDA sets out the process a mining company must follow to get a licence or permit to mine. The MPRDA is administered by the Department of Mineral Resources.
- The National Water Act, 1998 (the NWA) also has a role to play in regulating mining. Mining almost always uses water and/or has an impact on a water resource such as a stream, wetland or river. The NWA is administered by the Department of Water Affairs.
- Mining will often involve activities governed by the National Environmental Management Act, 1998 (NEMA). NEMA is administered by the Department of Environmental Affairs.

Mining can only take place on land that is zoned for mining. Each province has different town planning and zoning laws and these fall outside the ambit of this guide. Town planning and zoning are usually governed by the provincial and municipal government.

Who are the key roleplayers?

This guide refers to the following people, departments and committees who all play important roles in the regulation of mining:

The Department of Environmental Affairs (DEA) is the national department of government that is responsible for making sure the environment is protected and natural resources (like minerals) are used sustainably. Protecting the environment is also the job of provincial government and each province has its own environmental department.

The Department of Water Affairs (DWA) is also a national department of government and it is the custodian of South Africa's water resources. It must ensure that water is used in a sustainable way.

The Department of Mineral Resources (DMR) is the national department of government responsible for promoting the sustainable mining of South Africa's mineral resources and to ensure that all South Africans benefit from that mining.

The Environmental Assessment Practitioner (EAP) is an independent person who assesses the impact the proposed mining will have on the environment and affected communities. Usually EAPs will be the ones who come into the community, to assess the land and water and to consult with community members.

Interested and affected parties (I&APs) includes all people who are affected by the proposed mining or have an interest in the mining. This includes landowners and each member of land-owning communities, tenants, occupiers, residents, workers, each member of neighbouring communities, traditional authorities, each person who is currently using the land for residential, grazing, ploughing, hunting etc., and other affected people.

The **landowner** is the person who owns the land affected by the mining.

The **lawful occupier** is someone who lives on, works or controls the land affected by the mining, in terms of legislation, custom or an agreement or with the permission of the owner.

The **mining company (also called the applicant)** – once a person or company submits an application to the DMR for a mining right or a prospecting right, it becomes known as the applicant. Once the right has been granted, the applicant is called the **right holder**.

The **Regional Manager** is an employee of the DMR who is appointed to manage a regional office, for example, the Mpumalanga regional office, which is based in Witbank. The Regional Manager recommends to the Minister of Mineral Resources whether or not she should grant a mining right or prospecting right to an applicant.

Mining and your rights

What are your rights?

The Constitution lists the rights of every person in South Africa. It is very important that the rights of communities and individuals within communities are both considered and protected when the government decides to allow mining.

When you know what your rights are, you can insist that your rights are respected. Knowing your rights helps you to participate in consultation processes and to alert government when your rights are violated.

Just administrative action

The Constitution gives everyone the right to just administrative action. This means that when decisions are made by the government, those decisions must be fair and properly taken. One of the ways to try and ensure that decisions are fair is to give everyone with an interest in the decision an opportunity to have their say and to have their concerns about the decision heard and taken into consideration. Both government and mining companies must consult with communities and individuals affected by any decision to allow mining. However, people cannot be properly consulted without having enough information about the mining, how it will happen, and what its impacts will be.

Information

The Constitution gives everyone the right to access any information held by government and any information held by companies (including mining companies) that is needed to protect human rights. If a mining company wants to mine in or near your community, you are entitled to information about how the mining will happen and how it will affect you and your community. When you have information about the mining activity, it is easier to participate in the decisions taken about the mine and to raise objections to the granting of a licence to mine. Having this information about how the mining company is supposed to mine will allow you to monitor the mining company and to know when it is breaching its licence conditions and in so doing, breaking the law. You can use the information to raise awareness in your community about the risks you all face or the benefits you should demand.

Healthy environment

Everyone in South Africa has the right to a healthy environment that does not harm their health or well-being. The Constitution says that the environment must be protected for current and future generations. If a mining company wants to mine, it must do so in a way that is sustainable and ensures that future generations can also benefit from South Africa's resources.

The environment includes the land, water, air, people, plants, animals as well as buildings and houses. All of these can be affected by mining activities.

If a mining company proposes to mine in your community, it must show how it will protect the environment and how it will protect the community from pollution. If mining causes suffering in a community (for example, by filling the air with dust or the water with toxic substances, making people sick) it must take steps to fix that problem and to take care of people who are suffering.

If the mining company does not tell you how it will protect the environment and how it will protect the community from pollution when it proposes to mine, you have a right to insist that it shows how it proposes to protect you and the environment and manage pollution. If you are not satisfied, you may send an objection to the Department of Mineral Resources (see section 2) telling it why the mining company should not be given the right it has applied for.

Food and water

The Constitution gives everyone the right to access sufficient food and water. Mining often uses large amounts of water and can pollute rivers, streams, groundwater and other sources of water for the community. Mining may also make it difficult for a community to produce its own food by taking up agricultural or grazing land or by polluting the soil or air.

When a mining company applies for a right to mine in or near your community, you can ask the mine how much water it will use and where it will get that water from. You can ask the mining company questions about what will happen to the soil where the mining will take place and whether and when it will be possible to farm on that land in the future. You can ask what the mining company will do to protect cattle, crops, food gardens and water sources. If you are not satisfied, you may send an objection to the Department of Mineral Resources (see section 2).

Land

Although the Constitution protects people's ownership of their property, the MPRDA enables a mining company to get a right to mine the minerals on your land, without your consent. As a result, mining law may allow a mining company to take away an individual's and a community's use and enjoyment of the land they own, live on or work on.

However, if a mining company is granted a right to prospect or mine, or if it wants to do studies and tests, it cannot come onto your land unless it has asked for your permission. The mining company must enter into negotiations with the landowner, tenant, a member of a community who has individual land use or other lawful occupier and, if agreed, the mining company must pay the landowner or tenant/occupier/resident to use the land for mining or prospecting. It is important to remember, however, that the mining company does not need your consent to get a mining right to mine on your land. If the mining company cannot reach an agreement with a landowner or occupier, either the mining company or the landowner or occupier can notify the Regional Manager. The Regional Manager will hear each party's side of the story and decide how to proceed to resolve the dispute. The Regional Manager may decide that the compensation to be paid to the landowner or tenant must be determined by an arbitrator. An arbitrator is an independent person who helps people resolve disputes. The arbitrator will make a decision and both the landowner or occupier and the mining company must obey the decision. In some cases, the Regional Manager may recommend that the land is expropriated by the government which means the land will be taken by the government and it will have to pay compensation to the landowner.

If you refuse a mining company access to your land when all the steps above have been followed and the mining company has attempted to agree on compensation with you, it may ask a court to order you to give it access to the land. If a mining company threatens to take you or any members of your community to court, you should immediately contact one of the legal clinics listed on page 26.

Where the land is owned or used in terms of customary law, the mining company must respect that law. In terms of customary law and the legislation protecting informal land rights, no individual, whether a leader or a community member, may enter into an agreement with a mine that will affect the use of communal land without a majority vote by individual right holders. Individuals should be careful when asked to make an agreement with a mining company about compensation. Always ask for legal advice before signing any agreement with the mine.

If mining starts in my community, do I have a right to be compensated?

As part of its consultation with the landowner or lawful occupier, the mining company may come to an agreement to pay for the loss of use of the land or the damage that mining might do to the land. This is called compensation. On communal land, compensation should not be paid only to the community at large or to its leaders, since individual holders of informal rights are also entitled to compensation. It is important that a community or individual who agrees to be paid compensation understands exactly how much, when, how and for how long that compensation will be paid.

Communities who live close to mining, but who do not own the land and do not work or live on the land where mining happens, might not be part of the agreement and will usually not be compensated. If, however, the mining company harms community members by, for example, causing houses or other buildings to crack, cattle to die from drinking poisonous water, vegetable gardens to become unproductive, people to become sick or the community's water supply to become polluted, the mining company must compensate the community who suffered the damage. In order to receive compensation for this type of damage, a claim must be lodged with the mining company and assistance from a lawyer is most likely necessary. It is also common for mining companies to resist these claims for damages and it might be necessary for a lawyer to assist the person who has suffered the damage to use court processes to assert these types of claims. If you suffer this type of damage, you should seek assistance from a law clinic.

Often mining companies say how they will compensate communities in their social and labour plan. This is discussed in more detail in section 3.

If mining starts in my community, do I have a right to a job working on the mine?

Mining creates different kinds of jobs. Some require few skills and some require highly skilled workers. Mining companies also have different ways of employing people. Sometimes they use labour brokers. Sometimes the Department of Labour will assist a community to find workers with the right kind of skills. The fact that a mine is in or near a community does not mean that the members of that community are guaranteed jobs on the mine. The mining company however is obliged to contribute towards the socio-economic development of the area or more broadly, the province in which they are operating. Participation by the affected community is essential in determining the contribution the mining company should make.

Mining companies often don't consult affected communities properly or at all. Sometimes mining companies mislead communities by giving them too little or incorrect information.



Before a mining company can start mining, it must prepare a social and labour plan. The social and labour plan says what jobs will be available at the mine and what steps the mining company will take to develop the skills of mine workers.

The social and labour plan also includes the infrastructure development and poverty eradication project that the mine will support in line with the local integrated development plan and these can include job creation projects. Communities can use the consultation process to put pressure on the mining company about what kind of jobs and social projects it would like and how the community should benefit from mining.

The licence process and consultation

Before a mining company can begin mining or prospecting it will usually be required to have the following four permissions from government:

1. A mining or prospecting right;
2. An authorised environmental management programme or plan;
3. A water use licence; and
4. An environmental authorisation.

Mining companies may require additional licences for the disposal of waste or for emitting pollution into the air, and they must ensure that the land is zoned for mining.

This section of the guide firstly describes the processes that must be followed by a mining company when it applies for these permissions and, secondly, talks about community consultation.

Whenever a mining company applies for any permission, it must consult all interested and affected parties and report those parties' concerns to government. Proper consultation means the mining company must give you information about the proposed mining and you must have an opportunity to tell the mining company and government what your concerns and objections are. The mining company must respond to those objections and concerns. Mining companies often don't consult affected communities properly or at all. Sometimes mining companies mislead communities by giving them too little or incorrect information. Some mining companies have been known to use tricks to avoid properly consulting the community by holding meetings in venues and at times that do not suit the community. Some mining companies have been known to bribe members of the community to say certain things at public meetings or to spread lies about the mining.

It is very important that communities know that they must be properly consulted. Consultation is an important part of every licence application and you can find a description of how, when and with whom consultation should happen on page 15 of this guide.

Mining and prospecting rights

It is important that affected communities get involved as early as possible in the process and not wait for mining to start before taking action. This may mean taking action in response to an application for a prospecting right.

Often, before mining takes place, mining companies want to investigate the amount or type of minerals available on the site. This is called prospecting and requires a prospecting right. Some prospecting might involve very little – for example, drilling holes or the removing small quantities of earth – but prospecting can also involve large amounts of earth-moving, shaft building and other disruptive activities.

The processes for prospecting and mining licences differ. It is important to keep track of these processes once you are aware that an application for a mining right or for a prospecting right has been made. Part of keeping track of the process involves finding out any deadlines for you to comment on the application. A prospecting right is usually given to a mining company for five years but can be extended to a maximum of eight years. A mining right can last for up to 30 years.

THE PROCESS:

Mining rights, prospecting rights and environmental management programmes and plans

When a company wants to prospect or mine in a particular area, it must apply for a prospecting right or a mining right. If the application is submitted in the correct form and there are no other prospecting or mining rights on the land, the Regional Manager must accept the submission of the application.

Within 14 days of accepting the application, the Regional Manager must:

- Put up a notice in the regional office of the DMR and publish it in a local newspaper, gazette or pin it up at the Magistrate's court. The notice must invite interested and affected parties to send comments, concerns and objections to the DMR within 30 days of the notice. **This is called a section 10 notice.**
- Notify the applicant to prepare an Environmental Management Plan or Programme and to consult with interested and affected parties within 30 days for prospecting rights or within 180 days for mining rights. You will notice that there are different timeframes generally for prospecting and mining applications.

If the Regional Manager does not publish the notice or if the applicant does not consult landowners, occupiers/tenants/residents and other affected people, the process has not been properly followed and the DMR should refuse the application. However, this does not always happen. If mining starts in or near your community and the community has not been consulted, that mining may be illegal. You should immediately notify the DMR and the mining company. You can also report the mining company to the police (see section 4).

SECTION 10 NOTICE AND RMDEC

If you see a notice and are concerned about the impact of the prospecting or mining, you should send an objection to the Regional Mining Development and Environment Committee (RMDEC) of the DMR. The contact details will be on the section 10 notice. You should also send it to the Regional Manager (who is also the chairperson of RMDEC). Community members who want to comment but are not literate or who cannot write down their comments due to disability should phone the regional office and assert their right to give their comments in person or over the phone. Comments can be made in any of the official languages in South Africa.

Objections you raise can include:

- The mine will have a damaging impact on the land, air, water or other aspects of the environment.
- The mine will have a damaging impact on the health of the members of your community.
- The mine will have an impact on your community if many new workers arrive in the area.
- Your community will lose access to its land or will be forced to move and live somewhere else when the community does not want to move or the mining company is not providing adequate compensation.

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- Members of your community might lose their existing jobs or the mining might not create new jobs in the community and is therefore of no benefit to the community.
- The mining company may not have treated your community well in the past.
- The mining company did not notify or consult with your community.
- Your community does not want mining on its land or your community wants to mine the land itself.

These are just some examples of the kinds of things that your community may be concerned about.

If you submit objections or comments in response to a section 10 notice, the Regional Manager must call a meeting of RMDEC. The Committee is made up of officials from the DMR and other departments which should include the DEA and DWA. You may be invited to talk to RMDEC. RMDEC's job is to listen to your objection and to send a report to the Minister of Mineral Resources, which she must consider when deciding whether or not to grant the right. This may also be an opportunity for you to gather more information about the mining from the DMR and the mining company.

NOTICE TO THE MINING COMPANY TO CONSULT AND CONDUCT AN ENVIRONMENTAL ASSESSMENT

After an application to mine or to prospect has been accepted by the DMR, the mining company must:

1. Notify and consult with the landowner, tenant/occupier/resident and other interested and affected people; and
2. Conduct an environmental assessment.

CONSULTATION

Although the MPRDA prescribes a number of opportunities when communities and other affected parties should be consulted, applicant mining companies often try to combine all of these into one consultation process.

The mining company must record what was said when it consulted the landowner and community and must send the report to the DMR. You are entitled to see a copy of the report and the list of the people consulted.

The mining company cannot simply come to your community and ask you to sign a form saying you don't object to mining. It has to give the community information about the mining, it has to listen to community concerns and it has to respond to those concerns. It is very important that the consultation process is done fairly and ensures everyone has a chance to be heard. Consultation must be done in the right way with the right people. You can read about the proper process for consultation on page 15.

It is important to note that although the mining company **MUST** consult with you before it can get a mining right or a prospecting right, the law does not require the mining company to get your consent for it to be granted a right.

ENVIRONMENTAL ASSESSMENT

The mining company must tell the DMR what impact the mining will have on the environment and on affected communities. To do this, the mining company must first look at what the environment is like before mining starts and must describe how the environment will change when mining begins. The mining company must also look at how it can protect the environment and reduce the impact of mining.

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If the mining company is applying for a prospecting right, it must prepare an environmental management plan. If the mining company is applying for a mining right, it must prepare an environmental management programme.

The mining company must consult affected communities as part of the scoping process and the environmental impact assessment process. These processes are explained in section 3. The mining company must provide you with copies of the scoping and environmental impact assessment reports. You can read more about these documents in section 3.

At the end of this process of consultation and assessment, the mining company will send all the documents, including a report with all the comments of interested and affected parties, to the DMR. The mining company will also send the DMR its environmental management programme. You are entitled to copies of all of these documents.

MINING RIGHT/PROSPECTING RIGHT

If the DMR decides to allow the mining company to mine or to prospect, it will approve the environmental management programme or plan and either the Minister or the Director-General will grant the mining right or prospecting right. The mining company must have BOTH an approved environmental management programme and a mining right, or an approved environmental management plan and a prospecting right before they can start their operations. Mining companies are not required to tell you when the decision to grant the right or authorise the environmental management plan or programme has been taken. You should ask the mining company and the DMR to let you know when a decision is taken and what that decision is.

Water use licences

Mining and prospecting often involve the use of water and may have an impact on your community's water supply and on rivers, wetlands, streams and groundwater. Activities that use water for mining include spraying for dust, pumping water from one location to another, storing dirty or clean water and others. All of these activities require a water use licence from the Department of Water Affairs (DWA).

A mining company is not allowed to start using water until it has a water use licence. Usually this means that a mining company cannot start mining until it has a water use licence. If a company uses water without a licence (when it is required to have one) this is a criminal offence, and you can report the mining company to the DMR and the DWA who are obliged to intervene. You can also report the mining company to the police (you can read more about this in section 4).

THE PROCESS:

Water use licence applications

Mining companies must submit an application for a water use licence (called an integrated water use licence application or an IWULA) to the DWA. The mining company will usually submit its application to the regional office of the DWA or to the Catchment Management Agency (where they exist).

CONSULTATION

Usually mining companies do not follow a separate consultation process when applying for a water

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use licence. They are, however, required to consult in terms of the Promotion of Administrative Justice Act (PAJA) and may also be required to consult by the DWA.

The way the mining company uses or pollutes water may have a huge impact on your community's access to water for drinking or irrigation and can impact on the health of your community. You should demand that the mining company consults with you and your community on its planned water use and ask for information about all the risks. Ask the mining company how it will protect your community's water supply and what it will do if there are pollution spills or other problems on the mine. You can ask the mining company about the risk of acid mine drainage and what will happen to dirty water. If you are concerned about the impact the mining will have on the water, you should inform the mining company and the DWA. You can also tell your local councillor and the municipality that supplies water to your community as the water supply to your community might be at risk.

WATER IMPACT ASSESSMENT

The DWA may ask the mining company to give it information about:

- How the mine will use water
- What impact the mine will have and how close it will be to nearby rivers, streams, wetlands, lakes and other water sources
- How the mine will keep the dirty mining water away from clean water sources
- Whether the mine will treat its dirty water
- What the mine will do about rainwater runoff
- Whether there will be enough water for the needs of people, animals, crops and the environment
- Who else is using water in the same area and what the impact on them will be

Your community should seek information about the water use licence application and should insist on being consulted.

If the mining company does not consult you, you should send your objections, comments or concerns directly to the DWA. You should not let the mining company stop you from having your say!

WATER USE LICENCE

Once the DWA has made a decision to grant or refuse the water use licence application (or to ask for more information), it must tell the mining company and anybody else who objected to the application. You are entitled to a copy of the water use licence and you should ask the mining company to let you know when a decision has been made about the water use licence application.

Environmental authorisations

Often when a mining company proposes to start mining or prospecting, the mining or prospecting involves other activities that affect the environment. These include building roads, clearing vegetation, erecting buildings, installing petroleum tanks and other activities. Many of these activities require an environmental authorisation.

These authorisations are governed by the National Environmental Management Act (NEMA) and the Environmental Impact Assessment (EIA) Regulations.

Before a mining company can be granted an environmental authorisation by the relevant government department, it has to consult with everyone who will be affected and everyone who has an interest in the matter, as well as everyone who asks to be consulted.

THE PROCESS:

Environmental authorisation application

The mining company must submit an application for an environmental authorisation to the appropriate authority. The mining company will usually be required to submit its application to the provincial department of environmental affairs. These departments are:

- KwaZulu-Natal Province: Department of Agriculture, Environmental Affairs and Rural Development
- Limpopo Province: Department of Economic Development, Environment & Tourism
- Mpumalanga Province: Department of Economic Development, Environment and Tourism
- Northern Cape Province: Department of Environmental Affairs and Nature Conservation
- North West Province: Department of Economic Development, Environment, Conservation and Tourism
- Eastern Cape Province: Department of Economic Development and Environmental Affairs
- Western Cape Province: Department of Environmental Affairs and Development Planning

NOTIFYING LANDOWNERS/OCCUPIERS

Once the mining company has submitted its application, it must send a notice to the landowner or any other person in control of the land. A person in control of the land includes a tenant or individual holders of informal rights on communal land, a farm manager and others. Individual land users on land held communally are regarded as “owners” of the land and are entitled to notice as such. Traditional authorities are not authorised to take a decision that will affect the land without a majority vote by individual holders of informal rights to the communal land. If the landowner or person in control of the land cannot read or access a written notice (due to illiteracy or any other disadvantage), the mining company must talk to the owner/occupier and agree another way to give notice.

ENVIRONMENTAL ASSESSMENT AND THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

A mining company is required to appoint an **environmental assessment practitioner** (EAP) who will prepare the mining company’s environmental impact assessment and who will consult with interested and affected parties.

The mining company must do an environmental assessment which means they must assess the environment before mining starts and their assessment must describe what impact the mining will have on the environment and on the communities that live and work in that environment. Depending on the type of activity, the mine may be required either to prepare a basic assessment or a full environmental impact assessment (including a scoping report). These documents are described in section 3.

The EAP must put up a notice on the site where mining will happen. In addition, the EAP must give a notice letter to:

- The owner or anyone who controls the land
- Anyone living and working on the land

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- People who own, live on or work on neighbouring land
- The municipal councillor and ratepayers organisations
- Any other party the government tells the EAP to notify

The EAP may also be required to put an advert in the newspaper.

If you are unsure of the process or the timelines, or if you are not certain why you are being consulted, you should always be able to ask the EAP. The EAP has to help you and to make sure you have all the information you need about the type of application, the way consultation will happen, what information is available and when comments have to be submitted. If the EAP does not provide you with this information, the consultation process was not properly followed and you will be able to challenge the outcome on this basis.

INTERESTED AND AFFECTED PEOPLE

The EAP must keep a list of all interested and affected people. Interested and affected people include everyone who has an interest in the mining (such as labourers, conservation organisations, government, businesses) and anyone who might be affected by the mining, directly or indirectly (such as neighbours, local communities, landowners and tenants/occupiers/residents).

It is important to ensure that your name and your contact information are on that list. Interested and affected people who are on the list are allowed to comment on all the documents that are sent to government about the project, including draft reports.

DECISION TO GRANT/ REFUSE AN ENVIRONMENTAL AUTHORISATION

Once a decision has been taken, the EAP must let all those who participated in the consultation process know what the decision was and whether the mining company has been awarded the environmental authorisation. The EAP must also tell you how to submit an appeal and by when an appeal must be submitted (see section 4 for more on appeals).

Consultation

What does consultation mean?

Mining companies are required to tell interested and affected people and communities about the proposed mining and to explain what the impact of that mining will be. In addition, companies must give interested and affected people an opportunity to ask questions and to tell the mine about any objections that they may have.

It is important to realise that consultation is not the same as consent. Mining companies do not need consent from the landowner, tenant or affected community to get a mining right or a prospecting right. What this means is that a mining company may still be given a right even when the landowner, tenant/occupier/resident or community do not want the land to be mined.

Consultation has to be done properly, however, and if you aren't consulted or aren't consulted properly, the applicant mining company should not be awarded the mining right. If you are not consulted at all or are not consulted properly, you should tell the DEA, DWA and DMR as soon as you can.

Who should be consulted?

Mining companies must consult:

- Landowners
- People who live on the land, including tenants, farmworkers, domestic workers and their families
- People who have a land claim over the land
- People who work on the land, including labourers, seasonal workers, farm managers, sharecroppers and any others who use the land, even temporarily
- Neighbouring communities
- Traditional authorities and individual holders of informal rights to communal land
- Social groups and institutions like schools, church groups and community based organisations
- Civil society organisations
- Local councillors
- Local municipality
- Any other person, community or organisation that wishes to be consulted

It is important to remember that the mining company must consult with ALL interested and affected parties and cannot choose who and who not to consult with. For example, a mining company cannot only consult with the traditional authority but not with the community – the mining company must consult with all affected parties.

How should consultation happen?

As you can see from the descriptions of the licencing processes, communities and other interested and affected people have a number of opportunities to be consulted. However, the way consultation is done by a mining company can be confusing. Some mining companies have also been known to deliberately confuse or mislead communities.

The purpose of consultation is for your community to tell the applicant mining company and the DMR what it thinks about the mining and to point out problems. It is an opportunity to:

- Say whether you think mining should happen at all and why.
- Say how mining should happen (for example, whether mining should be limited to normal working hours or carry on all night).
- Point out impacts that the mining company or the DMR may not be aware of.
- Tell the DMR if you weren't consulted properly by the mining company.
- Learn more and raise questions about the mining.
- Tell the mining company how you want the community to benefit from mining.

In order to be able to tell the mining company and DMR what you think, you need to know what the mining company is planning. The Constitutional Court said in the Bengwenyama case that mining companies must provide you with information about the proposed mining and what its impacts will be. The mining company must tell you whether the mining will pollute the water, air or soil and, if so, what will be done about this. The mining company must also provide information about the way mining will happen, for how long it will take place, whether it will be noisy and whether the mine will operate all day and night. The mining company must also say whether it will be necessary for any people to be

relocated, how this will be done, and how people will be compensated. Finally, the mining company must help you understand all the risks of the mining. You can read more about the *Bengwenyama* case in the *Community Casebook on Mining and the Environment*.

If the mining company refuses to give you this information, it has not properly consulted you. If the mining company gives you false information, this is a criminal offence.

You should ask the mining company for the following information when it wants to consult you:

- A copy of the environmental management programme or plan and the environmental impact assessment report
- A copy of the prospecting or mine works programme which will tell you when, how and where the mining will take place
- A copy of the social and labour plan
- A copy of the prospecting right or mining right application
- A copy of the water use licence application
- A copy of the environmental authorisation application
- All scientific reports that the mining company may have that show what the impacts of mining will be
- Any social impact assessment
- A copy of the list of interested and affected parties
- A copy of any consultation reports

If a company refuses to give you this information, you should tell the relevant government department and the Regional Manager of the DMR. You may also request the information through the Promotion of Access to Information Act. The South African History Archive has a guide on how to use this Act. Their contact details can be found on page 27.

The Constitutional Court also said that when consulting a community, the mining company must ensure that the community knows about the mining (merely posting a notice is not enough) and that it must enter into negotiations with the landowner or lawful occupier in good faith. This means that the mining company must try and reach an agreement with you about how mining and its impacts on your community will be managed. The mining company cannot ignore the concerns or demands of the community.

When will you be consulted?

Communities have a number of opportunities to be consulted and should use them all to get as much information as possible and to raise all objections and concerns:

1. The DMR publishes its section 10 notice. The DMR does not call a public meeting but rather expects comments to be sent to it, in writing. If you do send comments in writing, you should keep a copy of these, as well as a copy of the proof that it was sent (such as a fax slip). If you are unable to send in comments in writing, you should phone the DMR or give your comments in person. Comments must be submitted within 30 days of the notice date.
2. Next, the mining company is required to consult with you on its mining right or prospecting right application and on the environmental impact assessment. These are actually two separate opportunities to be consulted, but in practice mining companies often only consult once for

both of these permissions. Usually mining companies hire a consultant who calls a public meeting by putting up notices near the proposed mining area. If you can, you should phone the consultant and ask for documents before the public meeting. Public meetings are often a good opportunity to ask questions about the mining and to demand more information or more meetings. If you have not received any information or seen any documentation about the proposed mining before the meeting, this is a good reason to demand a follow-up meeting, once you have received the information or documentation and had time to consider and get advice on this.

3. When applying for a water use licence, a mining company must consult with you about its water use activities.
4. When applying for an environmental authorisation, the mining company has to consult with you again. Usually the EAP or a consultant will put up notices calling a public meeting. Consultants may ask you to register as an interested and affected party by sending them your contact information. You are entitled to comment on both the draft environmental impact assessment and the final report. If you comment on the final report, those comments must be sent directly to the responsible authority (either DEA or the provincial environmental authority).
5. A landowner or tenants (and other occupiers) have another opportunity to be consulted after the right has been granted and before the mining begins. This consultation will be about how the mine will access the land and how the landowner or occupier will be compensated.

Important documents

Before mining or prospecting can start, the mining company has to properly and scientifically investigate what the impact of the mining will be on the environment. The environment includes the social environment and so the mining company must also look at how the mine will impact your community. The mining company is required to assess what the environment is like before the mining starts and to predict how mining will change and pollute that environment. The mining company must list all the steps it will take to prevent or repair any damage it may cause. Often mining companies have to prepare a number of documents and reports. This section of the guide briefly introduces you to each of those documents so that you know what information to ask for:

- **Environmental assessment** – mining companies are required to properly assess what the environment is like before mining begins. The mining company must also try to predict what impact mining will have on the environment, including what impact it will have on communities who live near the mine. If a mining company is required to do an environmental assessment in or near your community, you will have the opportunity to comment on this assessment. You might be provided with different kinds of documents:
 - ✦ **Basic assessment report** – this report is usually prepared for small activities which will only have limited impacts. The basic assessment report must describe the proposed mining or prospecting and its impacts. It must say what will be done to protect the environment. It must include a report describing the consultation with interested and affected parties.
 - ✦ **Scoping report and environmental impact reports** – these are generally used for bigger activities with more serious impacts. The scoping report has to properly describe the activity and alternatives. Importantly, the scoping report must describe what the impacts might be and how these impacts will be studied in the environmental impact report. Mining companies have to prepare a scoping report and an environmental impact report as part of the process of compiling an environmental management programme.
 - ✦ **Environmental management programme or plan** – before a mining company can start mining or prospecting it must have an authorised environmental management plan (prospecting) or an authorised environmental management programme (mining). This document tells you how mining/prospecting must be conducted and what must be done to manage the social and environmental impacts of mining/prospecting.
 - ✦ **Prospecting works programme or mine works programme** – this document contains all the information about how and where the mining will happen. The works programme tells you whether mining will happen 24 hours a day, and whether it will be on a part of the land or on the whole of the licence area. It will also tell you how much money the mine has provided for environmental rehabilitation and for its social and labour plan.

- + **Specialist reports** – in addition to an application form, mining companies are usually required to provide government with copies of the scientific reports they have relied on. These usually include groundwater and surface water reports, biodiversity reports, noise reports, heritage impact assessments, air quality reports and social impact reports. You are entitled to see these reports and to raise questions or concerns about the information contained in them or the way it was gathered.
- + **Social and labour plan** – this plan tells you how many people will be working for the mine, and how the mining company is going to train its employees and develop skills in the area where it operates. The mining company must also describe how it will contribute to and benefit the community in the area where it is mining. The social and labour plan might include social projects or plans to build schools or other infrastructure in the community.

If you are not certain whether you have been given the right documents, or if you are unsure whether a document has the right information in it, you should contact the EAP and ask him or her to explain to you:

- exactly what documents are available; and
- what those documents should and do say.

All of these documents are usually prepared in English. If people in your community do not understand or read English, you should demand that the mining company translates the documents. At the very least, the mining company should translate the executive summaries of the documents. While the law does not say that mining companies must translate all their documents, if the community cannot understand the information it has been given, the mining company cannot claim to have informed the community as it is required to do.

Often these documents are highly technical and use complex scientific language. Sometimes communities may require the assistance of an expert to help them understand and comment on the documents. If you require assistance, you should contact one of the organisations on page 26.

Protecting your community and its rights

Communities are meant to be consulted when mining companies apply for a mining right or a prospecting right, but often consultation is not enough to protect the rights and interests of communities affected by mining.

Some communities might want to stop mining altogether. Others might want to ensure that the community benefits from mining. Communities may want to be sure that mining won't damage the environment or cause the community harm. There are many reasons why a community should mobilise in response to mining and there are many different ways that communities can do this.

This section lists some measures communities can take to protect their rights. There are others (for example, protest action or taking mining companies to court) that are not described here, that communities should also consider.

Social action

Community organisation and networking

It is often difficult for individual community members to raise all the concerns a community might have about mining. It also might be difficult for one person to keep track of all the processes and applications. This is why it is important to encourage as many community members as possible to register as interested and affected people, to attend meetings and to demand information about the mine and its impacts. Often it is much easier to do these things as a group. Bringing community members together as a voluntary group or organisation is an important part of dealing with mining in communities.

Bringing together a group of concerned community members can have a number of benefits:

- Members of the groups can support each other and share the work of reading documents and attending meetings.
- Groups might be more effective at spreading the news about the mining company to all the other members of the community.
- It is easier and safer to mobilise the community or to confront the mining company when you are acting as a group.
- Mining companies and government might be more willing to meet you and discuss your concerns if they think you are part of a larger group or community-based organisation and not just one lonely voice.

Demand to be consulted

Mining companies do not have a choice about whether to consult affected communities or who to consult. Despite this, mining companies often do not consult communities or they only consult a few

members of a community. If a mining company does not consult with you and your community, you should demand to be consulted. You can do this by phoning or writing to the mining company and insisting that a meeting is called. You can also write to the Regional Manager and the RMDEC and tell them that the mining company has not consulted you and request them to order the mining company to do so.

Design your own consultation process

Mining companies often consult communities in a way that suits the mining company. You can demand to be consulted in a way that suits your community.

Your communities can come together to agree on how it wants to be consulted. For example, if community members work far away from their homes and come back on the weekends, you may want to demand that consultation happens on a Saturday. Your community may want the different issues (such as jobs, environment, water impacts and so forth) to be dealt with in a certain order or in a certain way. Your community may prefer big public meetings or smaller focus group meetings. Your community may demand that there are no meetings but rather that the mine goes door to door.

Once your community has agreed on how it wants to be consulted, it can demand that this is the process the mining company must follow if it wants to consult you. Tell the DMR about the consultation process your community has agreed on and explain why your community wants to be consulted in a particular way.

Legal action

Ask for information and inform your community

Mining companies have to provide communities with information about the mining and its impacts on the environment and your community. Although a mining company might tell you that it won't create dust or that it won't pollute the water, you should still ask for copies of the environmental management plan or programme to find out what the company's obligations actually are.

Often mining companies come into communities with lots of promises about job creation and community benefits. The only way to be sure that the mine is going to keep these promises is to see what its licences, its environmental management programmes and its social and labour plans say.

You can write to or phone the mining company and demand that information is given to you in an accessible form and in the language spoken by the majority of your community. While the law does not say that mining companies must translate all their documents, your community cannot be properly informed if it cannot understand the information. If the mining company won't translate all its documents, ask for the summaries to be translated and for consultants to be appointed who speak the language spoken in your community.

If the mining company refuses to provide documents to your community, it cannot claim to have consulted the community and you should immediately tell the DMR that you have not been consulted properly.

PAIA

You can ask for information using the Promotion of Access to Information Act (PAIA) from any government department or private company.

The South African History Archive has a detailed guide on when and how PAIA should be used to get information. See page 27.

While PAIA might be helpful in getting some information, it is very important to remember that interested and affected people and communities are entitled to get copies of the following documents without submitting a PAIA request:

- The environmental management plan or programme
- The social and labour plan
- The mining right or prospecting right
- The water use licence
- The environmental authorisation

The mining company must provide these documents to you.

When you get access to information, share the information as widely as you can.

Appeals

If the government decides to award a mining company a licence, right or authorisation, you can appeal that decision. This means that the Minister or MEC will be required to assess the decision to award the licence and may decide that the licence should not have been awarded. Appeals tend to be complicated and sometimes costly, so, if you are thinking about appealing a decision, ask for assistance or support from a law clinic or other experts.

It is important to remember some of the timeframes if you want to submit an appeal.

You have **30 days** to send the Minister of Mineral Resources an appeal once you hear about a mining or prospecting right being awarded. If you want to appeal an environmental authorisation, you must send the Minister of Water and Environmental Affairs (or the MEC) a notice of intention to appeal within **20 days** and an appeal **30 days** later.

An appeal of a water use licence suspends the licence, which means the mining company has to stop using the water (and often, therefore, its whole mining operation) until the appeal is decided. An appeal of a water use licence must be sent to the Water Tribunal within **30 days** of your finding out that the licence was issued. Currently the Water Tribunal is not functioning so you should send your appeal to the Minister of Water and Environmental Affairs too.

If the relevant Minister or MEC does not agree with the objections you raise in your appeal, the appeal will be refused. If you are unhappy with this decision, you can go to the High Court and have the judge review the Minister or MEC's decision to refuse the appeal. The court can instruct the Minister or MEC to consider the matter again. If you want to go to court, you must do so within six months of the

decision on the appeal. You should approach a law clinic for advice and assistance if you want the court to review the decision (see the contact information on page 26). As preparing for court can take a long time, you should contact a law clinic as soon as you can once you find out the appeal has been refused.

Alert the DMR, DEA and DWA

If a mining company is not complying with the law, the Departments of Mineral Resources, Environmental Affairs and Water Affairs have the power to investigate and stop the company from continuing or starting mining.

Contact details for each of the Departments can be found on page 25.

Environmental Crimes Hotline

If a mining company is not complying with its licences or environmental laws, you can report it to the Department of Environmental Affairs' toll-free hotline on 0800 205 005. Once a matter is reported to the hotline (which can be done without giving your name or contact details), either it will be investigated by the Environmental Management Inspectorate (also called the Green Scorpions) or referred to another department (such as the DMR).

You will be provided with a reference number for your call. Keep a copy of that reference number for any follow up on the matter.

Report environmental crimes

When a mining company begins mining without a required permit, authorisation or licence, it is committing a criminal offence. The mining company may also be committing a criminal offence if it has not done everything it promised to do in the environmental management programme or in the social and labour plan. If the mining company lies to the Departments when it makes an application (for example, if the company claims to have consulted you when in fact it didn't), this also is a criminal offence.

There are criminal offences created by the MPRDA, NEMA and the NWA. There are also criminal offences listed in the laws governing air quality, biodiversity, protected areas and others.

If you would like to find out more about what kinds of activities are crimes and about laying a criminal charge against a mining company, see the Centre for Environmental Rights' guide called "*When mines break environmental laws: How to use criminal prosecution to enforce environmental rights*".

What else can you do?

- Contact an organisation that can help you better understand the law or the impacts of mining. See the contact numbers on page 25.
- Where appropriate, speak to the media.
- Write to or phone your local councillor and request that they take action.

Important contact information

Government departments

Minister of Mineral Resources

Ms Susan Shabangu, MP

70 Meintje Street, Trevenna Campus
Sunnyside, 0007

Tel: 012 444 3000 (switchboard)

Personal Assistant: Ms Glenda Moloi

Tel: 012 444 3995

Fax: 012 444 3145

Email: Glenda.moloi@dmr.gov.za

Minister of Water and Environmental Affairs

Pretoria

Ms Bomo Edna Molewa

Private Bag X313, Pretoria, 0001

Tel: 012 336 8733

Fax: 012 336 7817

Cape Town

Private Bag X9052, Cape Town, 8000

Tel: 021 464 1500

Fax: 021 465 3362

Personal Assistant: Ms Gail Raganya

Tel: 012 336 8728

Fax: 012 336 7817

Email: raganyag@dwa.gov.za

Department of Environmental Affairs

Tel: 012 310 3911 (switchboard)

Hotline: 086 111 2468

Website: www.environment.gov.za

Department of Water Affairs

Tel: 012 336 8387

Fax: 012 336 8664

Website: www.dwaf.gov.za

Department of Mineral Resources

Tel: 012 444 3000

Website: www.dmr.gov.za

Limpopo Regional Office, Polokwane

Tel: 015 287 4700

Website: www.dmr.gov.za

Mpumalanga Regional Office, Emalahleni

Tel: 013 653 0500

Website: www.dmr.gov.za

Gauteng Regional Office, Johannesburg

Tel: 011 358 9700

Website: www.dmr.gov.za

Northwest Regional Office, Klerksdorp

Tel: 018 487 9830

Website: www.dmr.gov.za

KwaZulu-Natal Regional Office, Durban

Tel: 031 335 9600

Website: www.dmr.gov.za

Eastern Cape Regional Office, Port Elizabeth

Tel: 041 396 3900

Website: www.dmr.gov.za

Provincial Offices of Environment

Gauteng Province Agriculture and Rural Development

Tel: 011 355 1900

Website: www.gdard.gpp.gov.za/Pages/default.aspx

Free State Department of Economic Development, Tourism and Environmental Affairs

Tel: 051 400 9589

Website: www.detea.fs.gov.za

Western Cape Department of Environmental Affairs and Development Planning

Tel: 021 483 4091

Website: www.westerncape.gov.za/your_gov/406

KwaZulu-Natal Department of Agriculture and Environmental Affairs

Tel: 033 355 9100

Website: www.kzndae.gov.za/EnvironmentalServices.aspx

Limpopo Department of Economic Development, Environment and Tourism

Tel: 015 293 8300

Website: www.ledet.gov.za

**Mpumalanga Department of Economic
Development, Environment and Tourism**

Tel: 013 766 4004

Website: www.mpumalanga.gov.za/dedet

**Northern Cape Department of
Environment and Nature Conservation**

Tel: 053 807 7300

Website: www.denc.ncpg.gov.za

**Northwest Department of Economic
Development, Environment, Conservation
and Tourism**

Tel: 018 387 7700

Website: www.nwpg.gov.za/Economic%20Dev.%20&%20Tourism/Management.asp

**Eastern Cape Department of Economic
Development and Environmental Affairs**

Tel: 043 605 7000

Website: www.dedea.gov.za/Lists/Environmental%20Management/AllItems.aspx

Law clinics

Centre for Applied Legal Studies

DJ du Plessis Building, West Campus, University of
the Witwatersrand, Braamfontein, Johannesburg

Tel: 011 717 8600

Fax: 011 717 1702

Email: Duduzile.Mlambo@wits.ac.za

Website: http://www.wits.ac.za/academic/clm/law/cals/11159/cals_home.html

Centre for Environmental Rights

223 Lower Main Road, Observatory, 7925
Cape Town, South Africa

Tel: 021 447 1647

Fax: 086 730 9098

Email: info@cer.org.za

Website: www.cer.org.za

Lawyers for Human Rights

Cape Town Office

4th floor Poyntons Building
24 Burg Street, Stellenbosch

Tel: 021 424 8561

Fax: 021 424 7135

Website: www.lhr.org.za

Durban Office and Law Clinic

Room S104, Diakonia Centre, 20 Diakonia Avenue
(formerly St. Andrews Street), Durban, 4001

Tel: 031 301 0531

Fax: 031 301 0538

Johannesburg Office and Law Clinic

4th Floor Heerengracht Building,
87 De Korte Street corner Melle Street,
Braamfontein

Tel: 011 339 1960

Fax: 011 339 2665

Musina Office

18 Watson Avenue, Musina, 0900

Tel: 015 534 2203

Fax: 015 534 3437

Pretoria Office and Law Clinic

Kutlwano Democracy Centre, 357 Visagie Street,
Pretoria 0002

Tel: 012 320 2943

Fax: 012 320 2949 / 012 320 7681

Upington Office

Room 110 & 111, Rivercity Centre,
Corner Scott and Hill Streets, Upington

Tel: 054 331 2200

Fax: 054 331 2220

Legal Resources Centre

National/ Johannesburg Office

15th and 16th Floor, Bram Fischer Towers
20 Albert Street, Marshalltown
Tel: 011 836 9831
Fax: 011 834 4273
Website: www.lrc.org.za

Cape Town Office

3rd Floor, Greenmarket Place,
54 Shortmarket Street, Cape Town, 8001
Tel: 021 481 3000
Fax: 021 423 0935

Durban Office

N240 Diakonia Centre, 20 Diakonia Avenue
Durban, 4001
Tel: 031 301 7572
Fax: 031 304 2823

Grahamstown Office

116 High Street, Grahamstown, 6139
Tel: 046 622 9230
Fax: 046 622 3933

NGOs

Endangered Wildlife Trust

Building K2, Pinelands Office Park
Ardeer Road, Modderfontein, Gauteng, 1645
Tel: 011 372 3600/1/2/3
Fax: 011 608 4682
Email: ewt@ewt.org.za
Website: www.ewt.org.za

Earthlife Africa

87 De Korte Street, 5th Floor Hereengracht Building
Braamfontein, Johannesburg
Tel: 011 339 3662
Fax: 011 339 3270
Website: www.earthlife.org.za

South African History Archive

Constitution Hill, within the Nursery Section
of the Women's Jail, on 1 Kotze Street
Braamfontein, Johannesburg
Tel: 011 718 2560
Fax: 086 500 1600
Website: www.saha.org.za

Benchmark Foundation

6th Floor, Khotso House, 62 Marshall Street
Marshalltown, Johannesburg
Tel: 011 832 1743/2
Fax: 011 832 1750
Email: info@bench-marks.org.za
Website: <http://www.bench-marks.org.za/>

WWF SA

Head Office

1st Floor, Bridge House, Boundary Terraces
Mariendahl Lane, Newlands, Cape Town
Tel: 021 657 6600
Fax: 086 535 9433
Website: www.wwf.org.za

Gauteng Office

Ground Floor, Presidents Place, 1 Hood Avenue
Rosebank, Johannesburg
Tel: 011 447 1213
Fax: 011 447 0365
Website: www.wwf.org.za

Conservation SA

Kirstenbosch Biodiversity Centre
Private Bag X7, Claremont, 7735
Tel: 021 799 8655
Fax: 021 762 6838
Website: http://www.conservation.org/global/ci_south_africa/Pages/conservation-south-africa.aspx

BirdLife South Africa

Lewis House, 239 Barkston Drive
Blairgowrie, 2194, South Africa
Tel: 011 789 1122
Fax: 011 789 5188
Email: info@birdlife.org.za
Website: <http://www.birdlife.org.za/>

Jubilee South Africa

National Chairperson: MP Giyose
Tel: 046 624 2557
Cell: 082 350 0361
Email: mp.g@telkomsa.net

Federation for a Sustainable Environment

Tel: 011 787 7965
Email: mariettel@iburst.co.za
Website: www.fse.org.za

South African Human Right Commission

Head Office

Braampark Forum 3
33 Hoofd Street, Braamfontein
Tel: 011 877 3600
Email: info@sahrc.org.za
Website: www.sahrc.org.za

Eastern Cape Office

4th Floor Oxford house, 86 Oxford Street
East London, 5200
Tel: 043 722 7828/21/25
Fax: 043 722 7830
Email: ymvovo@sahrc.org.za
Website: www.sahrc.org.za

Gauteng Office

2nd Floor, Braampark Forum 3
33 Hoofd Street, Braamfontein
Tel: 011 877 3750
Fax: 011 403 0668
Email: nvkwaza@sahrc.org.za
Website: www.sahrc.org.za

Free State Office

50 East Burger Street
1st Floor TAB building, Bloemfontein
Tel: 051 447 1130
Fax: 051 447 1128
Email: bpitso@sahrc.org.za
Website: www.sahrc.org.za

KwaZulu-Natal Office

First Floor, 136 Margaret Mncadi, Durban
Tel: 031 304 7323/4/5
Fax: 031 304 7323
Email: ldlamini@sahrc.org.za
Website: www.sahrc.org.za

Limpopo Office

First Floor, Office 102, Library Garden Square,
Corner of Schoeman and Grobler Streets, Polokwane
Tel: 015 291 3500
Fax: 015 291 3505
Email: mngobeni@sahrc.org.za
Website: www.sahrc.org.za

Mpumalanga Office

4th Floor Carltext Building
32 Bell Street, Nelspruit
Tel: 013 752 8292/5870
Fax: 013 752 6890
Email: cngwenyama@sahrc.org.za
Website: www.sahrc.org.za

Northern Cape Office

Scot Road, Ancorley Building, Upington
Tel: 054 332 3993/4
Fax: 054 332 7750
Email: mmuntingh@sahrc.org.za
Website: www.sahrc.org.za

North West Office

170 Kloppe Street, Rustenburg
Tel: 014 592 0694
Fax: 014 594 1069
Email: pmochadibane@sahrc.org.za
Website: www.sahrc.org.za

Western Cape Office

7th Floor ABSA building
132 Adderley Street, Cape Town
Tel: 021 426 2277
Fax: 021 426 2875
Email: ssalie@sahrc.org.za
Website: www.sahrc.org.za

International Alliance on Natural Resources in Africa (IANRA)

27 Clieveden Avenue
Auckland Park, 2092
Johannesburg, South Africa
Tel: 011 833 1060
Email: annemayher@ianra.org
Website: www.ianra.org

Action Aid

108 Fox Street Metropolitan Building
8th Floor, Johannesburg, 2000
South Africa
Tel: 011 731 4566
Fax: 011 011 492 0667
Email: Sheila.Cochrane@actionaid.org
Website: www.actionaid.org/southafrica

CENTRE FOR ENVIRONMENTAL RIGHTS NPC

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Cape Town, South Africa
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www.cer.org.za

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Advancing Environmental Rights in South Africa

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