



## Media statement by the Bench Marks Foundation

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### Mining charter – Shared ownership or elite colour swap?

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#### FOR IMMEDIATE RELEASE

The Chamber of Mines in South Africa's view that 'once empowered, always empowered' has been met with strong opposition by communities and civil society organisations during the Bench Marks Foundation's annual meeting in Johannesburg this week.

The general consensus was that ownership patterns within mines are still reserved for "connected" groups and individuals, and not the poor.

In addition, communities are not empowered, nor have they ever been or will be but suffer against the multinational companies that exploit their lands.

Panel discussions raised questions relating to whether there really is genuine shared ownership in mining and what the real impact is of mining on the community, environment and local economic development.

Henk Smith, a senior attorney at the Legal Resources Centre said that the government wants to address shared ownership by regulating social licences to mines through Social and Labour Plans (SLPs) and through BEE. But the problem is that these two policies in its current state are totally unhelpful. They do not address rural development or the legacy issues that exist in mining.

"A generation is going to die because of the way mining was done in the country and continues to be done".

Richard Spoor, a South African activist and human rights attorney, said that the people of South Africa are angry with the mines and those who are not protecting them, their environments and cultures. But their focus and dissatisfaction should be directed at the government and the laws that are seriously flawed.

He said that South Africans are poorer because of mining - not better - as for every one rand that is earned, another is lost. In his experience working with people throughout the country, Spoor said that South Africa is probably no richer as a result of mining and the costs to human life are immeasurable.

In addition, Spoor said that the historic effects of mining can be clearly seen on a map of South Africa where those areas that are mostly impoverished, are generally those where mining takes place.

As part of the discussions, The Bench Marks Foundation raised the issue relating to human rights violations which is overlooked by mines and the government – that of relocations as a result of mining. Communities are not consulted nor are their cultures taken into account.

Says John Capel, Executive Director of the Bench Marks Foundation: "Section 31(1) of South Africa's Constitution, which talks about people belonging to cultural, religious and linguistic communities confirms that people may not be denied the right, with other members of that community to enjoy their cultural practice, their religion or the right to use their language. But the relocations destroy all that is sacred to a community and all their cultural norms".

Dineo Ndlanzi, a radio contributor, facilitator and registered traditional health practitioner echoed Capel's statement: "Relocations leave us with households that don't have cultural identities. We are rootless. Everything

that makes us who we are, our land, our rituals and our graves, are stripped from us. We are made to be who everyone else wants us to be”.

Conference delegates also raised the practice of mines using tribal leaders to push their agenda. This practice excludes communities and their rights.

“The Mineral and Petroleum Resources Development Act and the Social Labour Plans do not take into account the cultural heritage issues,” says Capel.

“The use of local tribesman undermines democracy. The question going forward is how can we fix this?

“In addition, it’s important that the South African Heritage Resources Agency, the South African Human Rights Commission and the Department of Mineral Resources work with communities to ensure that their rights are taken into account.

“We - communities, civil societies and government agencies - need to work together to figure out how the laws can be changed to take into account the real needs of the communities.

“How can we take them seriously if they continue to exclude community participation and mines aren’t held accountable for their actions?”

The annual meeting concludes on 20 October with a toxic tour through Soweto which will show the true effects of mining on the community.

The Bench Marks Foundation monitors multinational corporations operation in Southern Africa and the rest of the African continent to ensure that they meet minimum social, environmental and economic standards and promotes an ethical and critical voice on what constitutes corporate social responsibility.

For more information on the Bench Marks Foundation and to access to all research reports, go to [www.bench-marks.org.za](http://www.bench-marks.org.za).

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**About Bench Marks Foundation:**

Bench Marks Foundation is an independent non-governmental organisation mandated by churches to monitor the practices of multi-national corporations to

- ensure they respect human rights;
- protect the environment;
- ensure that profit-making is not done at the expense of other interest groups; and
- ensure that those most negatively impacted upon are heard, protected and accommodated within the business plans of the corporations.

The Foundation was launched by the Rt Rev Dr Jo Seoka who chairs the organisation and by member churches of the SACC in 2001.

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