



Media statement by the Bench Marks Foundation

Market compensation for relocated communities 'entirely inadequate'

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FOR IMMEDIATE RELEASE

Depending on the market as a mechanism to compensate relocated communities for the loss of their land is "entirely inadequate", a report by the Bench Marks Foundation, "Life before and during mining", says.

The report, published yesterday, is a study of the 14-year impact of relocation on three villages in the Sekhukhuneland area of the Limpopo Province, whose members were moved to a new village, Magobading in 2002. The report includes a study of legislation relating to land, among which is the Constitution.

It recommends that the so-called "property clause" of the Constitution be clarified so as to protect customary communities from "predatory actions by corporations".

"South African law enshrines expropriation and market based compensation for land. The amount of the compensation and the time and manner of payment must be just and equitable."

However, says the report, "it is interesting to note that there is not a single instance in which the state has found in favour of any community opposed to relocation. This implies that in every instance the state considers the interests of the mining company as coinciding with the 'public interest'."

BM accuses Anglo Platinum of failing to compensate mine-relocated communities even in terms of market related compensation.

"The standard practice by mining companies is to send in property evaluators to determine the value of the land and other property of the communities to be relocated. The property evaluators use standard urban and suburban criteria for the evaluation of communal property. Such criteria are entirely irrelevant.

"The members of the community are also not informed as to the value of the mineral resource under their land, which surely is the reason for the intended expropriation. Surely, such a valuable resource as platinum group metals, for example, would greatly increase the value of the land if strict market principles were applied and the affected community should be compensated accordingly."

BM therefore recommends that the value of the mineral resource under the land be included in the calculation of the compensation.

It also recommends that compensation not be limited to "standing crops" but be calculated on the anticipated crops for a generation of seasons based on the life expectancy of the affected farmer.

The study spends some time examining the link between land and the communities that occupy it.

"The land is the foundation of the household, the family, extended family and ultimately the world view of the community. Without it everything falls apart.

"The current generation does not merely occupy and manage the land, sustaining themselves from it, but their link to it traces back to the common ancestor, to the Supreme Being, from the founding ancestor through the current generation to the unborn and the future.

“The land was thus essential to the survival of every member of the community. Land had to be kept and passed down to the next generation in good condition.”

The study concludes that, under pressure from Anglo Platinum and the government, the communities relocated to Magobading “broke the chain and jeopardised the future of their children”.

Another serious grievance by the relocated villagers is their claim that they have not been given title deeds for the land in the new township of Magobading.

“This makes them feel insecure as the land on which their houses are located does not belong to them. They also do not have land for cultivation and herding their livestock, and their yards are too small for kraals to keep livestock.”

The report therefore recommends that Anglo Platinum secures and hands over the title deeds to the relocated community.

In another recommendation relating to land, BM notes that community members say they have not received land for cultivation and grazing at Magobading, as they had been promised. As a result of the loss of land for such purposes, formerly self-sustaining communities have lost their capacity to sustain themselves.

One interviewee said: “We used to stay in Botshabelo until we were relocated here in 2003. Where we used to live, it was good, because our plots were big. We had cattle and goats, kraals and chicken coops. We used to farm and it was always raining. We were able to reap different kinds of vegetables and maize.”

Another injury inflicted on the community relates to fauna and flora.

“In Magobading, the community no longer has access to either land or that which could be harvested from the veld. Those with the knowledge of traditional medicinal plants are now losing that knowledge, a loss not only to them but to the entire country,” the report says.

ENDS

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

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