

PRECIOUS METAL

The impact of Anglo Platinum on poor communities in Limpopo, South Africa



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Graves have been relocated to make way for the mine at Ga-Pila village

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Contents

Executive summary	5
Introduction	7
SECTION 1	
The people, the company, the law	9
1.1 People in Limpopo and the mining villages	9
1.2 Anglo Platinum and Anglo American	11
SECTION 2	
Potgietersrus mine and surrounding villages	14
2.1 Ga-Pila – a ghost town	14
2.2 Ga-Puka – a village under siege	21
• compensation	23
• loss of land and water	23
• mine blasting	26
• replacement ‘farmland’	27
• genuine agreements?	28
• relocating schools	29
• dangers of protesting	30
2.3 Ga-Molekane – a contaminated village?	31
• the plight of Jack Manamela	32
2.4 Ga-Chaba – a slow death	34

SECTION 3

Different mine, same story 35

3.1 Twickenham mine 35

- effects of blasting 36

3.2 Modikwa mine 37

SECTION 4

Anglo Platinum and sustainable development 39

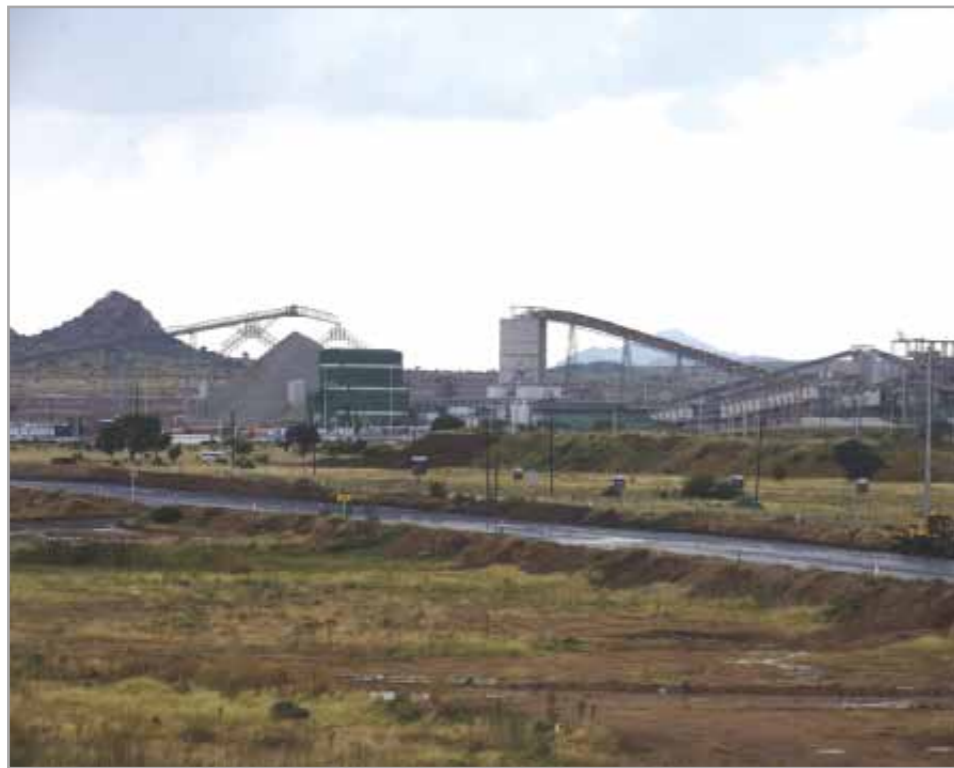
- Community development 40
- Anglo Platinum’s claims and ActionAid’s findings 41
- Rhetoric and reality 44

SECTION 5

Rights and responsibilities 48

Recommendations 50

Endnotes 54



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The newer extension of the PPL mine.

Thousands of poor people have lost agricultural land

Executive Summary

“We used to live in harmony, we had food and electricity. But the mine came and buried us alive. It’s like someone comes to live in your house and then kicks you out.”

Rose Dlabela, 56, Ga-Pila village, Limpopo, South Africa.

Rose is just one of thousands of people whose lives have been influenced by the world’s largest platinum producer, Anglo Platinum. This report sets out to analyse the impact the company is having on local communities in Limpopo in South Africa. Our main findings are that:

- **Thousands of poor people in rural areas have lost agricultural land – their main means of livelihood – due to mining activities undertaken by Anglo Platinum. They are generally offered little compensation and insufficient ways of making an alternative living. The result is not just increased hunger and poverty; it is also the destruction of a traditional way of life.**
- **Whole communities have lost access to clean drinking water. Independent water sampling analysis commissioned by ActionAid has discovered serious water pollution at four sites near Anglo Platinum’s mines, including two schools. Mining activities are the most likely cause of this pollution, which has made the water unfit for human consumption.**
- **Villagers have been removed from their homes in relocation agreements signed with associations that the company claims represent the community, but which have actually been established by the company itself.**



James Outway/Panos/ActionAid

Anglo Platinum mine.

- **Many communities are subject to constant intrusive mining activities, especially blasting, which is damaging their homes and environment.**
- **Community protests to improve services offered to villagers or to challenge Anglo Platinum over land take-overs have often been met with brutality by the police and legal action by the company.**
- **Anglo Platinum is continuing to expand its mining operations in densely populated rural areas, which will result in further imminent displacements.**

Anglo Platinum is making record profits - US\$1.75bn in 2007

Meanwhile, Anglo Platinum is making record earnings, amounting to US\$1.75 billion profit in 2007 alone. While the company claims to be socially responsible, it is spending less than 1% of its profits on local community development. The company also makes many claims in its public material about the positive local results it achieves, which ActionAid finds to be at odds with the reality on the ground.

ActionAid's findings suggest that some of these impacts may be in violation of human rights guaranteed by the South African constitution, and that public authorities in South Africa and the UK must do more to hold Anglo Platinum and its parent company Anglo American sufficiently accountable for the adverse effects of mining on people's lives.

In light of this, we press the South African government to urgently address these findings, conduct an investigation into the impact of Anglo Platinum's operations, and reject proposed draft amendments to the Mineral and Petroleum Resources Development Amendment Bill and the draft Mineral and Petroleum Resources Royalty Bill and revise them to ensure that local communities have greater rights to be consulted and give informed consent, environmental safeguards are retained and strengthened, and requirements are placed on mining companies to provide equity stakes and/or community royalties for historically disadvantaged groups for new concessions in mining areas.

We urge companies that use platinum to demand that it is produced with respect for human rights, and we also urge governments to support efforts at the UN Human Rights Council to develop global human rights standards for business, and mechanisms to monitor and enforce them.

Introduction

South Africa is currently experiencing a platinum boom. World demand for platinum is increasing, driven mainly by its use in catalytic converters in car exhausts and in the jewellery industry. A number of platinum mining companies, both multinational firms and South African black-owned empowerment companies, are working in the Bushveld Mineral Complex. The complex stretches for 400 kilometres from North West province across Limpopo province to Mpumalanga, and is host to 88% of the world's platinum and palladium reserves.

This report analyses the impact of one of those companies – the world's largest platinum producer, Anglo Platinum – on the rights of communities in Limpopo province. It finds that not

The Bushveld complex hosts 88% of the world's platinum and palladium reserves



James Outway/Panos/ActionAid

The newer extension of the PPL mine, near Ga-Puka.

only are many communities' livelihoods being destroyed, people are also struggling to access decent water supplies, housing and land. Fourteen years after the end of apartheid, a new wave of displacements is occurring in South Africa, as poor villagers are being forced to make way for the 'new gold' – platinum.

Research and interviews with villagers

This report is based on research and interviews with villagers, community activists, lawyers and local and central government officials, through visits to Limpopo province between October 2007 and February 2008. Interviews were held in 14 villages near three platinum mines, all managed by Anglo Platinum, one of them jointly managed with African Rainbow Minerals, a black economic empowerment consortium. The research was led by an independent development consultant and journalist commissioned by ActionAid.

ActionAid has made efforts to consult Anglo Platinum in the course of the research. The company responded to questions posed by ActionAid in November 2007 and March 2008. ActionAid also sought to meet the company in a face-to-face meeting in Johannesburg in February 2008, for which it provided Anglo Platinum with a set of further questions. This meeting was called off by Anglo Platinum at the last minute, although the company stated that it was prepared to meet with ActionAid "in due course".¹



James Outway/Farros/ActionAid

A boy herds goats in Ga-Molekane village, near the PPL mine.

Section 1

The people, the company, the law

"The problem is that one village might say yes and the three other villages might say no. Then there'd never be a mine there. We could wait for agreement, but we wouldn't get it."

Fathi Zikalala, of the South African government's Department of Minerals and Energy, explains why the consent of communities is not required before mining begins on their land.

1.1 People in Limpopo and the mining villages

The province of Limpopo in northeastern South Africa is the poorest in the country in terms of average income, which is just R6,497 (£463) per year, around half the national average. Two-thirds of the province's population live in poverty, while 40% live in 'ultra-poverty', defined as people living on incomes of less than R2,717 (£193) per year.²

Over half of Limpopo's population, and most of the villagers consulted in this report, speak SePedi and belong to the Bapedi ethnic group. They are traditionally almost completely dependent on farming to make a living, growing a variety of crops such as sorghum, maize, beans, peanuts, sunflowers and water melons. Farming takes place mainly on communal land, portions of which are allocated to individual families, and in garden plots at their homes.

Men traditionally plough the land while women plant, tend and harvest the crop and process the harvest primarily for the households' own consumption, although many farmers also manage to produce a surplus to sell in local markets. Women are particularly dependent on subsistence farming for their livelihood (see box 1, page 10).

Crop fields that lie fallow in the winter months are used as communal grazing land for livestock such as cattle, donkeys and goats. Villagers' water comes from local rivers or boreholes.

Two thirds of people in Limpopo live in poverty

People live against the slopes of the hills and mountains that dominate the landscape, while the river flood plains and valley floors are reserved for cultivation. Houses tend to be simple structures made of mud bricks or concrete blocks with tin or thatched roofs.

Social and basic services such as health care are minimal in the area. There are also very few jobs so local economic activity tends to involve those such as the small scale retail trade, car and bicycle repairs and beer brewing. Some villagers occasionally make money by renting a room to mineworkers. The major income aside from farming tends to come from government grants such as children's allowances or pensions.

Box 1: **women in mining communities**

The benefits and costs of mining – when they are measured at all – usually fail to distinguish between the impact on men and women. In general, benefits, if any, accrue to men in the form of employment and income. The costs fall most heavily on women. Companies entering into communities generally negotiate only with men, making women neither party to the negotiations, nor beneficiaries of compensation payments, employment and/or community development projects set up by the mine. Women therefore become more dependent on men who are more likely to be able to access and control these benefits. As a result, women are denied the means of acquiring status and wealth.

Women and especially female-headed households, of which there are many in Limpopo, derive their independence from men from their ability to farm and often to earn an income from selling their surplus. Loss of land due to mining means loss of income and means of independence. In turn, this can directly affect the nutrition status of children, and thus children's education.



Women of the Limpopo without farmland.

The benefits from mining generally accrue to men

Anglo Platinum controls 60% of known platinum reserves

James Outway/Panos/ActionAid



The PPL mine.

1.2 Anglo Platinum and Anglo American

Anglo Platinum is the world's largest platinum producer, accounting for 40% of global supply and controlling 60% of known platinum reserves. Based in South Africa, it is the world's eighth largest mining company, operating seven mines, three smelters and two refineries in the country. Anglo Platinum is majority-owned (74.75%) by the UK-based Anglo American PLC, the world's second largest mining company whose other businesses include Anglo Coal, De Beers and AngloGold Ashanti.³

Both Anglo Platinum and Anglo American are currently making record financial profits:

- In February 2008, Anglo Platinum announced record earnings, recording profits of \$1.75 billion (£890 million) in 2007, which followed profits of \$1.76 billion (£895 million) in 2006.⁴
- Of Anglo Platinum's profits in 2006 and 2007, \$1.26 billion and \$1.29 billion were returned to Anglo American as the majority shareholder.⁵ Anglo American's total profits in 2007 were \$5.8 billion, surpassing its record profits of \$5.5 billion in 2006.⁶

These earnings partly result from the present boom in world commodity prices. In the first half of 2007, for example, Anglo Platinum saw a 45% increase in the price received for sales per ounce of platinum group metals (PGMs), compared to the first half of 2006.⁷ The company is engaged in a large mining expansion programme, increasing its annual production of platinum from 2.1 million ounces in 2001 to 2.9 million ounces in 2006, with further planned growth.⁸

Anglo American's chairman, Sir Mark Moody-Stuart, is a prominent champion of corporate social responsibility. He was the first chair of Business Action for Africa, and is also an ex-officio board member of the UN Global Compact – the UN's "global corporate citizenship initiative", which is designed to uphold core human rights – and chair of the Foundation for the Global Compact.⁹

Platinum facts

- South Africa is the world's largest supplier of the platinum group metals which comprise platinum, palladium, rhodium, ruthenium, iridium and osmium. Although gold is often regarded as South Africa's major mineral export, sales of platinum are greater. Of all the PGM consumed in Europe, 40% comes from South Africa.
- Platinum is a precious metal of grey-white colour noted for its resistance to corrosion and for its catalytic properties. Half of PGM demand is used in catalytic converters for vehicles, whereby platinum, palladium and rhodium act as catalysts to reduce levels of carbon monoxide, hydrocarbons and nitrous oxides to legislated levels; these are produced primarily in Britain, Germany and Italy, which are the major importers of PGM in the EU. Other important applications of PGM are in the electrical and electronics industries, the chemical industries, glass making and jewellery.
- Nearly 20% of world PGM consumption, and a quarter of platinum, is used for jewellery, most of which is exported to China and Japan. Sixty-one tonnes of platinum were made into jewellery in 2005.
- According to the UN's trade body, UNCTAD, around 20% of all the goods manufactured in the world contain PGM or are produced using them.
- The main physical market for PGM is the London Platinum and Palladium Market.

Box 2: **South Africa's permissive mining law**

This report concerns villagers who have been displaced from their land and in some instances from their homes by mining operations. On this matter South African law, embodied in the Mineral and Petroleum Resources Development Act of 2002, is very permissive towards mining companies.

Consultation

The law requires mining companies only to consult with the community and report back on the outcome of those consultations to the government department responsible for mining – the Department of Minerals and Energy (DME) – before a mining right is issued by the minister. The permission of the community is not required. The DME and the minister have no obligation to consult with the community affected and usually do not do so; they depend on the report given to them by the mining company, which the community has no right to see.

Once a mining right is awarded to a company, the law does not require it to obtain permission from the occupiers or the owners of the land. Rather, the law expressly authorises the company to commence laying infrastructure and undertake mining on the land. Neither does the DME require written lease agreements to be concluded between the mine and

the community; the negotiation and conclusion of a lease agreement is standard practice in relation to privately owned land (land owned by white people) but is the exception in relation to communal land (land generally used by black people).

The Mineral and Petroleum Resources Royalty Bill purports to vest guardianship of the country's mineral resources with the state. Mining and prospecting rights are, however, allocated to corporations who make applications for these rights free of charge.

Compensation

The law on compensation for farmers deprived of their land by mining allows for the DME to, "Request the parties concerned to endeavour to reach an agreement for the payment of compensation¹⁰ for such loss or damage". In practice, however, efforts by communities to enforce this provision have consistently been unsuccessful. In none of the cases mentioned in this report has the DME made any such requests to Anglo Platinum. Typically, compensation offered by mining companies will be presented as the only offer on the table and will reflect, at most, the agricultural value of the land, not a proportion of the value of precious metals or minerals in the ground.

Amendments

Proposed new draft amendments to the Mineral and Petroleum Resources Royalty Bill and the draft Mineral and Petroleum Royalty Bill are due before parliament this year.

Campaigners want the government to reject the proposed drafts, and table new ones to include rules to ensure:

- communities have greater rights to be fully consulted and give informed consent before mining concessions are granted
- the consultation process is supervised by the State or an independent, non-interested party delegated by the State and strictly governed by regulations
- environmental assessments and safeguards are retained and strengthened and remain under the control of the Department of Environmental Affairs
- mining companies' Black Economic Empowerment obligations include equity participation and/or community royalties for historically disadvantaged communities in mining areas.

*Campaigners
want amendments
to ensure informed
consent*

Section 2

Potgietersrus mine and surrounding villages

“It’s our ancestral land and we can’t just leave it. We’re born and have grown up here.”

Rose Dlabela, aged 56.

Anglo Platinum’s Potgietersrus Platinums Limited (PPL) mine is located in the northern limb of the Bushveld complex near the town of Mokopane. Established in 1991, the mine is hugely profitable to Anglo Platinum, and made a R1.56 billion (£102 million) before tax profit in 2007. In the three years from 2005-07, the mine’s operating profits have been R3.56 billion (£233 million).¹¹ Several villages in the area have, however, not been so lucky. In this section we will discuss the remarkably similar fortunes of four of the main villages, Ga-Pila, Ga-Puka, Ga-Molekane and Ga-Chaba.

2.1 Ga-Pila – a ghost town

Most of the 7,000 residents of Ga-Pila village were ‘resettled’ in 2003 to make way for the expansion of the PPL mine. They were offered R5,000 (£356) per family plus a replacement home in a new village that was built for them by Anglo Platinum, known as Sterkwater.

According to interviews with local villagers, this relocation was in practice a forced removal. Villagers were not offered the choice of being resettled or not. They also claim they were not fully informed of their rights, and were thus unable to negotiate the terms of the compensation or relocation. The consultations that were held by the mine were done with the directors of ‘section 21’ companies established by the mine for that purpose (see box 3). Anglo Platinum refused to talk directly to the broader community and still continues to do so.¹²

7,000 residents of Ga-Pila were resettled in 2003

R5,000 per family compensation was a tiny sum



Ga-Pila residents looking at mining waste.

Anglo Platinum’s compensation offer of R5,000 per family was a tiny sum in any case, but more importantly, it involved virtually a complete loss of livelihood.

The Ga-Pila community lost 1,800 hectares of agricultural land on the Sandsloot farm that it had occupied for generations. By contrast, the only land available for growing crops at Sterkwater is in the small plots that surround each house. There is some farming land at Sterkwater, but it is only for the use of section 21 company members, who comprise a minority in the village.¹³

Box 3: **section 21 companies: serving the community?**

A critical role in Anglo Platinum’s mining operations in Limpopo is played by section 21 companies, not-for-profit companies set up under South African company law by Anglo Platinum in the villages where it operates. Around the PPL mine, there are around 15 such companies comprising some 15 community members each.

Anglo Platinum regards section 21 companies as legitimate representatives of the communities in which it works and although it claims to consult more widely, such as with tribal authorities and some individual community members, it is largely through them that the company conducts its consultations with the “community”.

However, other community and development organisations exist in the villages – notably, development committees, which have been formed to challenge Anglo Platinum’s relocation strategy, and which can consist of hundreds of members. ActionAid’s research suggests that these are far more popular among villagers than the section 21 companies.¹⁴ Yet the company has consistently refused to consult directly with them.

Many villagers credibly regard the section 21 companies simply as proxies of the mines. There are a number of reasons for this:

Finances. Anglo Platinum paid legal advisors to set up and advise the section 21 companies, which have no independent income beyond what they receive from the mine. Indeed, salaries of company directors are paid by Anglo Platinum, according to information obtained by ActionAid. They range in the case of Ga-Sekhaolelo and Ga-Puka from R4,000 to R6,000 per month.¹⁵ Indeed, Anglo Platinum confirmed to ActionAid that they pay section 21 directors in Ga-Pila and Ga-Sekhaelo a stipend ranging from R410 to R300 to attend meetings. Clearly, there is a strong incentive for section 21 directors to serve the interests of Anglo Platinum. The largely pro-business newspaper, *Business Day*, has commented that, “the stipend [i.e. salary] makes them look like Anglo Plat employees, not community representatives”.¹⁶

Democracy. The articles of section 21 companies established by Anglo Platinum at the PPL mine do not provide for any form of democratic control or accountability over them. Their only members are the directors; villagers are not members and the majority have no right to vote or participate in the operation of the companies. This means that the directors can never be removed from office. The members of the Ga-Pila and Ga-Puka/Ga-Sekhaolelo section 21 companies were nominated in 1995 and 1998 respectively – none have since stood for re-election by the community.¹⁷ By contrast, the section 21 directors at the Modikwa mine are elected by the community – there are ten elected directors for each of the seven communities in the mine area.¹⁸

Accountability. There is little financial accountability between section 21 companies and the wider community. No financial reports are furnished to the community by section 21 companies at Ga-Puka, Ga-Sekhaolelo or Ga-Pila villages, for example. Although the mine provides money to section 21 companies ostensibly for the benefit of the community, the broader community has no control over the way the money is spent.

Secrecy. Villagers simply do not know of many of the dealings that section 21 members have with the mines, including agreements made with the mine supposedly on behalf of the whole community. Most worryingly, according to our research, some relocation agreements, requiring communities to be moved from their homes, have never been seen by the community in question.

At Anglo American’s annual general meeting in London in April 2007, the lawyer representing some of the villagers affected by mining, Richard Spoor, challenged Sir Mark Moody-Stuart and Anglo Platinum’s then chief executive, Ralph Havenstein, on the unrepresentative nature of section 21 companies. They acknowledged there was a problem which had to be addressed and committed Anglo Platinum to engage with all stakeholders (but failed to commit to promoting relocations only with the prior and

Villagers regard section 21 companies as proxies of the mine

informed consent of the communities). However, nearly a year on, Anglo Platinum still refuses to deal directly with the development committees challenging the company’s relocation strategy.

Report of the United Nations Special Rapporteur

The UN’s Special Rapporteur on adequate housing, Miloon Kothari, conducted a mission to South Africa in April 2007. His report concluded:

“The Special Rapporteur...visited large development projects (for instance, in Limpopo province, the [sic] Anglo Platinum’s PPL mining project) and had the opportunity to meet communities affected by mining operations. In these meetings and others during the visit, the Special Rapporteur noted that there appears to be insufficient meaningful consultation between government officials and affected individuals and communities. Residents spoke with frustration about the lack of information on resettlement and relocation and of participation in resettlement planning and implementation.... Programmes aimed at delivering housing and creating sustainable human settlements will only succeed where they are directly informed by the people who they affect, and where they are responsive and targeted to the specific needs of a given community.”¹⁹

Not all the families at Ga-Pila were relocated. Twenty-eight families, made up of around 150 people, refused Anglo Platinum’s relocation offer and still remain in the village. Soon after the resettlement of the other villagers, these families had their water and electricity cut off, and since then have continued to live without water, electricity and other basic services, even though they are guaranteed under the South African constitution.

Several villagers at Ga-Pila have told ActionAid that Anglo Platinum bears a responsibility for the cut off of the water supply. They claim a pump was dismantled and destroyed in the relocation, and boreholes cut off from the community.²⁰ Linah Rafapa, an elderly woman in the village, said: “By cutting the electricity and the water, the mine is forcing us to relocate. The water was cut by the mine.”²¹

When asked why the local municipality did not reconnect the water supply, another villager, Lizbeth Mogmale, said: “The municipality helped the mine to relocate people to Sterkwater by not reconnecting. The two boreholes were fenced off. There were four reservoirs but waste was dumped over the reservoirs. The mine did that.”²²

Villagers believe their essential services were cut off to punish them for refusing to relocate and to set an example to others not to challenge the company. Another Ga-Pila resident, Rose Dlabela, a 56-year-old former farmer, told ActionAid: “They never gave us a reason or told us they were going to do it. A mine official later told us that they were cutting the electricity to force us out. He very clearly told us that.”²³

It is notable that, not 200 metres from some of the remaining houses in the village, there are several other dwellings that been constructed by the local municipality since 2003 – these all have functioning water and electricity.

When ActionAid asked if Anglo Platinum staff were involved in cutting off water and electricity supplies during relocations in Ga-Pila, fencing off boreholes, and dumping waste into local reservoirs there, the company stated:

“Anglo Platinum does not have the authority to cut the water or electricity supply to the old Ga-Pila, these services are provided by the municipality as per their legal mandate.”²⁴



James Outway/Panos/ActionAid

Elizabeth Mogale demonstrates the village’s water source since the borehole was purposefully broken. Ga-Pila village.

In October 2007, the remaining community at Ga-Pila received its first supplies of water for four years, delivered by the municipality in large containers. However, villagers say these supplies are intermittent and sometimes insufficient. So villagers still collect water from the local stream, which they suspect is heavily contaminated by effluent from mining activities.

Independent water sampling analysis commissioned by ActionAid confirms they are right to be worried. A sample taken from a seep made by the community for their drinking water next to the river in Ga-Pila found the water to be unfit for human consumption, containing high concentrations of total dissolved salts, sulphur and nitrate. The report found it could safely be deduced that the cause of contamination was mining activities (see box 4).²⁵

The report found the water was unfit for human consumption

Box 4: **Anglo Platinum and water pollution**

In late 2007, ActionAid commissioned an independent water expert to conduct samples and analysis of river and drinking water in the vicinity of some Anglo Platinum mines and the new villages. These samples were submitted for analysis in November 2007 to a South African National Accreditation System (SANAS) accredited laboratory.

The report found that water was unfit for human consumption at five sites out of the ten sampled, with the most likely cause being mining activities at four of these sites. In particular:

- Water samples were taken at three sites in Ga-Molekane village, near the PPL mine – a primary and secondary school and a community drinking water tap. At all three sites, the water was found to be unfit for human consumption, containing high levels of total dissolved salts and nitrate. Although the possible cause could be raw sewage seeping into the groundwater recharge zone, the report noted that the most probable cause was mining activities.
- A water sample taken at Ga-Pila village, in a seep made by the community for their drinking water next to the river, also found the water to be unfit for human consumption, containing high concentrations of total dissolved salts, sulphate and nitrate. The report found that it could be safely deduced that the cause of contamination was mining activities.

The report concludes: “Contrary to the claims made by Anglo Platinum on their webpage, this report shows that high levels of nitrate detected at a primary school in one of the villages originate from blasting and other activities at the neighbouring platinum mine. This finding raises serious concerns regarding health risks, including cancer and methemoglobinemia, to which these children are exposed as a result of the high levels of nitrate in their drinking water.”

Water samples taken at some other sites near Anglo Platinum mines – for example at the river Maotsi near the Twickenham mine and at another point in the same river near Magobading village (see page 36), found that water quality was characteristic of an average river in a rural area with some industrial activity.

In a response to ActionAid’s questions in November 2007, Anglo Platinum confirmed that it regularly tests the water quality around its mines.

The company’s 2007 sustainable development report states that, “Ground and surface water is monitored at all mines and plants, both up and downstream of operations, as well as inside and outside mining areas.”

However, when pressed further in March 2008 about details of the water testing Anglo Platinum undertakes near its mine sites, they stated only that it tested water at Mogalekwena each month and to date only one incident of E.coli was picked up and immediately dealt with. They also state water testing at Motlhotlo [sic] “is the responsibility of the municipality as per their legal mandate” and that to date there have been no contamination issues there.

The houses of the relocated villagers in Ga-Pila were also destroyed, “so that they couldn’t ever come back,” Rose Dlabela said. Lizbeth said: “The following day after relocation, the bulldozers came to destroy the walls. The equipment that did this came from the mine.”

Ga-Pila now resembles a ghost town, with the remaining dwellings standing amidst piles of bricks and stones from former houses. Having lost a hectare of land growing maize meal, beans and sweet potatoes, Rose told ActionAid: “We have no farmland now. We have to buy everything. We have no work. We have less food now and we struggle. We used to live in harmony, we had food and electricity. But the mine came and buried us alive. It’s like someone comes to live in your house and then kicks you out.”²⁶

Another resident farmer, Rose Thlotse, a 45-year-old mother of six, told ActionAid: “We want to live in the rural areas, not go to Sterkwater because we want to plough, and it’s our ancestral land, and we can’t just leave it. We’re born and grown up here.”²⁷ Rose used to grow maize meal, sweet potatoes and pumpkins, which was enough for the family. Now, she says, her family regularly goes hungry and she is forced to cut down the number of meals per day, sometimes to one meal of maize porridge and wild spinach. They have a less balanced diet than before, and are much more reliant on maize, eating far less fruit and vegetables.²⁸

Rose Thlotse showed ActionAid what remains of the Sandsloot farm on which the PPL’s open cast pit is located, around a kilometre long and wide. She and the community are no longer able to plough here since the land has been fenced off by the mine. It is also bordered by a giant waste mountain. This area remains perfectly good agricultural land but is now lying idle. “When we tried to plough the land, we were arrested for trespassing on mine property,” Rose said.

Abel Mogale, a 65-year-old with two hectares of land producing potatoes, beans and maize, said: “I was ploughing, but the police came and stopped us. I had hired a tractor which cost a lot of money. They told us we must not plough here or we’ll be put in jail.” Ever since, Abel, who used to sell a considerable amount of food, has relied for his survival on a small pension and contributions from other family members.²⁹

The mine’s right to conduct operations on the Sandsloot farm derives from a mining right issued to it by the Department of Minerals and Energy. But the lease agreement allowing the company to occupy the farm, and indeed the relocation agreement to move the villagers from Ga-Pila to Sterkwater, have never been seen by the community. Villagers did not know by what right the company was able to occupy the Sandsloot farm, relocate the villagers and destroy much of the village. ActionAid’s information is that at the time of the relocation the community believed that Anglo Platinum had a right granted by the state to carry out mining operations in Ga-Pila village and that they had no choice other than to relocate (see box 5).³⁰



A demolished house near Ga-Puka.

Anglo Platinum confirmed it regularly tests water around its mines

Box 5: Department of Minerals and Energy (DME)

The South African government is widely seen by the communities in the mine areas considered in this report as siding with the companies, doing little to support them and uphold their rights.

A senior official at the Department of Minerals and Energy – Ms Futhi Zikalala, the chief director of mining and mineral policy – explained to ActionAid that a key aspect of the government’s mineral policy was the requirement on companies to consult with the communities, a key change from the years of apartheid, when little or no consultation took place. Yet when asked why the consent of communities was not required for mining to begin on their land, the official said:

“The problem is that one village might say yes and the three other villages might say no. Then there’d never be a mine there. We’re waiting for an agreement but we wouldn’t get it. But they do have to consult. People should be informed about the activity that will take place in their areas.”³¹

Clearly, the implication is that the communities should not be able to stop a mine being developed if that had already been agreed by the company and government.

Ms Zikalala also praised the fact that companies were required to produce a plan outlining how they will contribute to local economic development – the Social and Labour Plan (SLP) that is included in all mining applications. The DME approves the SLPs but they are never made public. ActionAid asked why not. The official said: “This is an arrangement we have with the companies. We cannot disclose the information on companies to third parties.”³²

In fact, ActionAid’s understanding is that there is an obligation on the part of government to make the SLPs public – under various acts concerning public information including the Freedom of Information Act, for example.

It is of particular concern that the SLPs are not made public since they are what the company largely relies on to justify its working in a particular area. Moreover, the local municipalities often rely on the companies’ SLPs to promote local economic development, since there are often few other investments. The fact that local communities are not even aware of what is in these plans hardly bodes well for promoting their own development. The DME’s contention that these are not and should not be made public is an apparent attempt to protect the mining companies from further scrutiny.

Ms Zikalala also said that her department, through its nine regional offices around the country, is conducting investigations every day to ensure that mining companies are compliant with the law. “The DME will act against any company abusing the human rights of the community. The slightest indication that there’s a problem we would take action,” she said.³³

She asserted that all mines are inspected regularly. If this is so, it raises a crucial point – either the DME has failed to spot the serious abuses raised in this report or it has decided to turn a blind eye to them.

Either way, ActionAid and local partners believe that the DME’s inaction is unacceptable.

*"One village might say yes, and three others might say no."
Dept of Minerals*



One of the demolished houses in Ga-Puka from where many people have been relocated. The mine wants to use the land as a dump.

2.2 Ga-Puka – a village under siege

“Anglo Platinum has been working purposefully and deliberately to turn Mohlohlo [ie the Ga-Puka and Ga-Sekhaolelo villages] into a ghetto by cutting off the communities’ access to the resources that sustain them, including land for food production, water, grazing, roads and schooling. It has created conditions that are difficult, dangerous and unhealthy in an effort to force people to relocate. This must stop.”

Statement and demands of the Ga-Puka and Ga-Sekhaolelo Development Committees, 7 June 2007.³⁴

Nearly 1,000 families, around 10,000 residents, of two further villages – Ga-Puka and Ga-Sekhaolelo (known collectively as Mohlohlo) – are currently being relocated to two new villages to make way for expansion of the PPL mine. Anglo Platinum has authorisation from the DME, a relocation agreement signed by a section 21 company, and states that “phased physical relocation” began in June 2007 and is expected to be completed by April 2008.³⁵ This timetable is, however, very unlikely to be met since many in the remaining community in Mohlohlo contest the terms of the relocation in what may soon develop into a more tense conflict. The major issues are:

- concerns over the amount offered in compensation for relocation
- considerable agricultural and grazing land used by the remaining communities has already been destroyed or fenced off by Anglo Platinum
- some of the water supplies used by communities have been cut off by the mine
- there is only a limited amount of farming land available in the relocation villages
- communities have been placed under huge pressure to relocate. Agreements signed by individuals with the company on the relocation have not, according to ActionAid’s research, sought the “free, prior and informed consent” of villagers



Ga-Puka village.

- community protests have often been met by beatings and arrests by the police
- blasting takes place very close to residential homes, forcing temporary evacuation to protect villagers from possible injury.



James Outway/Paros/ActionAid

Anglo Platinum fenced off 3,600 ha of cultivated land

Land for grazing in Ga-Molekane village is scarce.

Box 6: **the Mohlohlo relocation agreement**

This agreement was signed in July 2005 between the PPL mine and section 21 companies in Ga-Puka and Ga-Sekhaolelo. It contains some extraordinary features.

First, it makes clear that section 21 companies, “Were established... for the purposes of... relocation... to give vacant possession and occupation of the lease areas to PPL.” Thus they can hardly be considered representatives of the community.

Second, the document goes on to say that, as a result of the agreement, “It shall be the obligation of the section 21 companies and the communities to give PPL vacant occupation and possession of the lease areas.” The distinction made between section 21 companies and the communities is revealing.

Third, it also commits section 21 companies to, “Institute and prosecute to finality eviction proceedings...at its cost against any occupiers or possessors of the lease areas, including but not limited to members of the communities, who refuse to vacate the lease areas.” Thus the mine has made section 21 companies, its own creation, responsible for carrying out relocations.

At the end of the documents, the parties give their physical addresses. The address of section 21 companies is “c/o Bhadrish Daya Attorneys” – the same law firm used by Anglo Platinum. It is hard to avoid the conclusion

that the relocation agreement is in reality agreed between Anglo Platinum and itself.

Lawyers for some of the Mohlohlo villagers also argue that the relocation agreement between the mine and Mohlohlo section 21 companies is null and void, given that the companies are not democratic entities and therefore do not represent the community. They argue that, “PPL is engaged in a forced relocation that is taking place outside of the framework of the law and outside of any valid and binding agreement with the community or individual residents.” A high court case is currently pending.

Compensation

Each family in the two villages is being offered R20,000 (£1,426) as compensation for relocation, R12,000 now and R8,000 once the last villager moves. The overall sum – set by the company without negotiation with the community – is four times that offered to Ga-Pila residents for their relocation four years earlier, perhaps a tacit recognition by Anglo Platinum that the R5,000 offered then was extraordinarily low. For many poor villagers, R20,000 is a considerable sum. For example, a social survey of Mohlohlo commissioned by Anglo Platinum in 2002 found that over two-thirds of all residents earned R1,000 or less a month.³⁶

However, many villagers regard the compensation sum as small for the loss of livelihood it may entail, especially given that they are likely to lose farmland, and become uprooted from their homes and traditional way of life.

Some extra compensation is being provided by the company for other losses, such as fruit trees and for the size of the house. ActionAid has seen several of these agreements, signed with individual householders. On average, the total amount of extra compensation is around R5,000 per household – again, a relatively small amount.³⁷

Overall, the compensation sum also remains extraordinarily low in comparison to the finances available to Anglo Platinum. If one thousand families receive R25,000 each in total, the cost to the company is just R25 million – a tiny fraction of the \$1.75 billion profits made in 2007 alone.

The fact that villagers get all the money they are due only once the last person leaves the village is seen as a strategy by the company to divide the community and set those who have already moved against those who are refusing.

Loss of land and water

“A large percentage of the community depends on subsistence farming as a source of food... The communities depend on subsistence farming for their survival.”

Anglo Platinum social survey of Mohlohlo, 2002.³⁸

Although Anglo Platinum obviously recognises the dependence of the community on subsistence farming, it has now fenced off 3,600 hectares of cultivated land on the Zwartfontein and Overysel farms. The company secured mining rights and the lease over a portion of these farms in 1993. In an agreement signed with the local chieftainess, the tradition authority in the area, the mine paid R850,000 and rental of R5,000 per farm (which would increase by 10% per year).³⁹ The land on the Zwartfontein farm was used by the community for growing maize, beans, lemons, melons, peanuts, sunflower and an assortment of other fruit and vegetables. All of the villagers’ farming land has now been taken into the mine area.

Many villagers regard the compensation sum as small for the loss of livelihood it may entail

Frans Kumera lost a farming plot of around six hectares on which he grew various fruits and green beans. He used to sell around 150 bags of maize meal per year at R380 per bag, earning him R57,000 (£4,065), a large amount for the area. At 57 with three children to keep, Frans now survives on handouts. "Now I have no income. My family supports me. My brother gives me money from Pretoria," he said.⁴⁰

As mining activities have advanced, the community's water supply has also been severely disrupted. Two boreholes previously supplying villagers with water are now within the fenced-off mining area. Ga-Puka villagers told ActionAid that this piped water supply was stopped by Anglo Platinum in early 2007, without informing the community.⁴¹ ActionAid established in an interview with a director of the local municipality that the mine did indeed stop the supply of water.⁴² After the water supply was disrupted, the mine delivered some free supplies, but villagers said these were never enough and they never knew when the deliveries would occur.⁴³

ActionAid's understanding is that these actions may be in contravention of human rights legislation in South Africa. The rights to sufficient food and water are guaranteed under the South African constitution.

Now there is no longer any tapped water in Ga-Puka at all. Some water is available from government-built boreholes, but in quantities that are insufficient for community needs. Villagers also used to go to the local river, the Mohlosane, to collect water, but this is now also on land enclosed by the company. "The main aim is to make us thirsty, so we go to Armoede," community activist Stephen Mothoa said, referring to one of the new villages where the villagers will be relocated.⁴⁴

The limited amount of water previously distributed by the company has now stopped. Consequently, many villagers need to buy water, at R15-20 (£1.06-1.42) for a 200-litre drum. The amount of money each family spends on water varies widely, depending on how much can be afforded. Stephen himself spends R300 (£21.39) a week on water for 15 people. Another villager, Violet, spends around R100 (£7.13) per week on water for three people. Her only income is a R800 (£57.06) monthly pension; half goes on water, the other on food.⁴⁵

*"Now I have no income. My brother gives me money."
Fran Kumera*



James Outway/Paros/ActionAid

Pholotsi River in Ga-Pila. The river is allegedly contaminated.

*"We don't eat or drink because of the mine."
Betty Mpela*

"We're in a very serious position. We don't eat or drink because of the mine. Ever since they came here, they said they'd do everything for us. But they've taken our land, we're no longer ploughing, we're confronted by starvation. They're playing with us and telling us we must sign up to R20,000 compensation," said Betty Mpela, a villager from Ga-Puka, aged 70.⁴⁶

Box 7: **Anglo Platinum on the Mohlohlo relocation**⁴⁷

In addition to Anglo Platinum's claims noted elsewhere in this section, the company states that:

"The relocation of the Motlhotlo [sic] villages of Ga-Puka and Ga-Sekhaolelo near Anglo Platinum's mine is a R657 million project involving the resettlement of the two communities in new brick houses in serviced villages at the location selected by the communities themselves. The move, necessitated by the expansion of operations at the mine, is the culmination of years of consultation and negotiation involving the communities, tribal authorities and local and provincial government."

"Each family will receive a new house the same size as their existing residence and will in addition receive a R20,000 settlement allowance... They are moving to new architecturally designed homes they have seen being built from the foundation stage. Each family has signed off on the house plans and been part of regular inspection during the construction of their homes through to final sign off on their completed homes... The new villages have hi tec schools, shops, crèches, a clinic, several churches and business and recreational facilities."

It also states that, "Tribal authority and community compensation amounts are substantial." These include land rental to the Mapela Tribal Authority of a R850,000 down-payment in 1993 and current annual payments of R58,000; "R10 million committed by Anglo Platinum to the Mapela Community Development Trust," which is controlled by the traditional authorities of the Mapela tribe (which includes the Mohlohlo communities), "R50 million committed by Anglo Platinum to the Ga-Puka and Ga-Sekhaolelo communities from a community benefit fund established out of an annuity stream representing 0.75% of on-mine cash costs for the life of the mine. A SMME [Small, Medium and Micro Enterprise] Business Development Fund has been established with an initial capital of R3 million earmarked for the Mapela community."

Anglo Platinum also claims that, "A number of socio-economic development projects and programmes have been initiated." In particular, "the mine expansion project has so far created 5,240 construction jobs, of which 1,890 have gone to community members. Local people were trained in building skills and employed in the construction of the new villages."

"One of the guiding principles [of company policy on relocation] is that the communities should have better living conditions after resettlement than they had before."



Cracks have appeared on some of the houses in Ga-Pila village.

Mine blasting

Of particular concern is that the company conducts regular blasting in close proximity to the village. This process uses explosives to blast ore out of the ground before it is crushed and milled, causing an immense noise and the ground nearby to shake. In Ga-Puka the blasting typically takes place every other week, within 500 metres of homes.

Villagers have to evacuate their houses during blasting – indeed, they are paid by the mine to do so, receiving R300 (£21.39) per person each time. ActionAid believes the practice of paying residents to evacuate their homes is unacceptable as it exploits poor people as well as exposing their homes to harm.

There is also little doubt that the seismic shocks produced by blasting have created or at least exacerbated the cracks evident in the walls of numerous villagers’ homes.⁴⁸ Recently, ActionAid heard that one Ga-Puka resident was injured by flying glass from a window that shattered during a blast. Rock and debris from the blasting regularly fall within the residential area.

Two walls in Samuel Matiba’s house are now held together by wire, and would otherwise fall apart due to a large crack apparently caused by blasting. He said that Anglo Platinum is building a replacement house for him in one of the relocation villages, Rooibokfontein, but it is too small for his family.

“My house cracked from dynamite from the mine,” he said. “After seeing the cracks, I started to build another building that I’ve not yet finished to get a better shelter. I was approached by the mine people, but they said that I shouldn’t make a roof because I was due to leave. I asked – ‘where should I sleep?’ There’s nowhere I can sleep now. I’m sharing one room with my wife and children, because of the mine. They won’t give me any money. I’m worried my house might fall in.”⁴⁹

ActionAid’s information is that Anglo Platinum has set aside some money to repair houses damaged by blasting, but that this does not always occur.⁵⁰ The company’s blasting takes place in accordance with the law, which specifies the maximum seismic shock that buildings may be subjected to by blasting. The problem is that this standard is designed for properly-built and engineered brick and mortar structures, whereas in Ga-Puka most houses are built of mud and stone or of low quality homemade cement building blocks, and are thus much more vulnerable to damage from blasting.

*"I'm worried my house might fall in."
Samuel Matiba*

ActionAid found the claims were highly misleading

Replacement ‘farmland’

The two Mhlohlo communities are being moved to two new villages built by Anglo Platinum – the Ga-Puka community is being relocated to Rooibokfontein and the Ga-Sekhaolelo community is being relocated to Armoede. Despite Anglo Platinum’s claims, ActionAid’s research indicates that there is likely to be far less farmland available in the new villages than in the current ones.

Anglo Platinum has stated:

“The communities will...be provided with alternative agricultural land more than twice the area they previously occupied. Three additional farms have been acquired and these, together with land from the state, make available a total of 8,800 hectares for ploughing, grazing and resettlement. This compared to a total land area of the Ga-Puka and Ga-Sekhaolelo villages of some 3,700 hectares, of which only some 1,700 hectares was available for agricultural purposes.”⁵¹

ActionAid undertook to verify these claims and found that they are highly misleading. The relocation agreement between the mine and the two section 21 companies in Ga-Puka and Ga-Sekhaolelo, which was signed in July 2005, includes details of these 8,800 hectares of “alternative agricultural land”. They are presented in the table below, alongside our comments.⁵²

Land being provided by PPL mine and the state to the Mhlohlo section 21 companies under the July 2005 relocation agreement⁵³

LAND	AREA	ACTIONAID COMMENT
(a) Armoede farm – portion 1 (owned by state)	685 ha	This is the site of the relocated village of Ga-Sekhaolelo. Crops are grown in household plots only; no other farming land is available on this portion.
(b) Armoede farm – remaining extent (owned by PPL)	1,230 ha	This land is currently uncultivated, but appears to contain mainly potential farming land.
(c) Rooibokfontein (owned by state)	1,876 ha	This is the site of the relocated village of Ga-Puka. Crops are grown in household plots only; no other farming land being available.
(d) De Hoogedoorns farm (owned by PPL)	2,399 ha	This farm is more than 40 kilometres by road to the relocated villages of Armoede and Rooibokfontein. This “farm” is mainly mountainous. The potential farming areas appear currently uncultivated; they appear to amount to a few hectares only.
(e) Mooihoek farm (owned by PPL)	2,611 ha	This farm is more than 40 kilometres by road to the relocated villages of Armoede and Rooibokfontein. Currently uncultivated, but does appear to contain a large amount of potential farming land.
TOTAL	8,801 ha	

This table indicates that:

- **the land available to relocated Mohlohlo communities will be the plots around their houses in Armoede and Rooibokfontein, the largest of which are 50m x 50m, and a further 1,230 hectares at site (b), Armoede farm. This land is the only extra farming land capable of being used.**
- **sites (d) and (e) are so far away from the relocation villages that they are of little practical use.**

But the situation is even worse than this, since all this land is being provided to section 21 companies only, not the broad community. In reality, the broad community is only guaranteed the use of agricultural land in individual household plots in Armoede and Rooibokfontein – much less land than they previously had and a far cry from the 8,800 hectares claimed by Anglo Platinum.

Anglo Platinum's plans fly in the face of the social survey of Mohlohlo which they commissioned in 2002. This stated: "A desire was expressed by the communities to have communal land available for project based agricultural activities such as vegetable/food gardens and/or a poultry project. Such projects would particularly be geared towards women as means [sic] of assistance in meeting household needs... Adults and pensioner group members indicated that they need compensation from the mine and to be provided with enough agricultural land at the new site to produce on a large scale."⁵⁴ Yet, according to the community, there is no communal land available for them and insufficient land to produce "on a large scale".

It should be noted that the social survey also stated that the "communities are generally satisfied that the resettlement farms (Armoede and Rooibokfontein) are considered comparable or better than their current location in terms of the following: arable land; soil condition; grazing area." This conclusion is somewhat mysterious to ActionAid; it probably reflects perceptions of the land in individual plots, rather than actual areas of farming land, or it could reflect mainly the perceptions of section 21 members.⁵⁵

Genuine agreements?

The company states that: "Anglo Platinum has signed agreements with community representatives and each and every homeowner (957) on an individual home owner's agreement. The agreement includes the homeowner's approval to relocate to the new villages built on the farms Armoede and Rooibokfontein."⁵⁶

It is true that documents have been signed by individuals authorising their relocation. But the term 'agreement' implies a process of negotiation and informed consent, whereas with the Mohlohlo relocations – and indeed with other relocation agreements outlined in this report – villagers say they were presented with a document to sign with compensation rates unilaterally determined by the mine. It is easy to see why villagers, many of whom are illiterate, would sign. Some feared they would be left without a home and basic services if they did not relocate.⁵⁷ The Mohlohlo Development Committees have pointed out that, "many people are so desperately poor that they will accept a crust of bread if that is what it takes to keep their families alive. This makes them vulnerable to being cheated and exploited."⁵⁸ Richard Spoor, a lawyer representing over a hundred Mohlohlo villagers, argued:

"Since many community members were told that they had no choice but to be relocated and that signing the agreement was the only way that they would receive a house at the new location, the documents are contracts of adhesion and duress. Many community members signed the documents believing that they

The farm land is far away from the relocated villages

Neither the learners, parents or public have been given a hearing

faced no other alternative to homelessness and destitution when forcibly relocated, so lacked the necessary free will."⁵⁹

When it became clear in mid-2007 that there was strong opposition by some in the community to the relocation, a task team was established under the guidance of the Premier of Limpopo to try to resolve the issues. The team comprised representatives of section 21 companies, the Mohlohlo Development Committee, the South African Council of Churches, and officials from other government departments. (In this way, Anglo Platinum, through the section 21 companies and thus indirectly, was required to consult with the MDC for the first time).

This task team agreed that the relocation should continue, which, Anglo Platinum argued, provided legitimacy for proceeding with the relocation.⁶⁰ Yet ActionAid's concern about this process is information that the task team members were paid by the mine – which is likely to have unfairly influenced their cooperation with company strategy – and also that the process was unaccountable, in that proper minutes of the meetings were not always kept and alleged agreements were sometimes not put in writing.⁶¹

Relocating schools

The mine authorities state they have already relocated four schools to the resettlement villages at Armoede and Rooibokfontein. Yet many children still live in Ga-Puka and Ga-Sekhaolelo. The relocation of the schools has been undertaken by the mine in consultation with section 21 companies and the principals but not the wider community, in ActionAid's understanding.⁶² Lawyer Richard Spoor states:

"This step has been done without consultation with the parents or the community. It is clear that this is something engineered by Anglo Platinum and their proxies, the section 21 companies, without any mandate and no authority in order to push ahead with the relocation against the will of the community. It is our respectful submission that this step is completely unlawful...Neither the learners, parents nor the public have been given a hearing, no reasons for the move have been furnished by the MEC [member of the executive council of the Limpopo Province Premier's office] and no opportunity has been provided for parents and community members to make representations."⁶³

Children are now bussed 15 kilometres to the new schools in vehicles provided by Anglo Platinum but villagers fear that if they refuse to relocate, the company will cut off the bus service.

When Anglo Platinum was asked to confirm whether they consulted parents and governors before relocating schools from Mohlohlo to Armoede and Rooibokfontein, they stated:

"Throughout the negotiation and consultation with the householder owners, the Department of Education in Limpopo and parents were also consulted to align the building of schools in the new residential area with their strategy."⁶⁴

The overall pressure on communities to relocate is reinforced by the physical geography of the mine's encroachment on the villages. In one part of Ga-Puka village, near the main mine plant, mining activities occur around 200 metres from the houses. Ga-Puka is now ringed by a giant wall of mining waste several storeys high and hundreds of metres long – a consequence of a mining process that produces 7-12 tonnes of ore to produce one ounce of platinum.

And for every tonne of ore mined, on average 10 tonnes of waste rock – known as overburden – must be moved to get to the ore body. In 2006, the PPL mine produced 235,000 ounces of platinum, meaning that an estimated nine million tonnes of waste were produced that year alone.

Dangers of protesting

"I was shot by the police and had to live with the bullet for three months."

Villager Salome Notoane, 65.

Anglo Platinum's relocation plans have been delayed by widespread community opposition. Overt protest is, however, a risky business, since it is often met with beatings and arrests by police, according to various newspaper reports and testimonies from villagers and local activists.

There are numerous recent examples, although there is no suggestion that Anglo Platinum condones police brutality or violence:

- In January 2007, community members in Ga-Puka conducted a peaceful protest to prevent Anglo Platinum erecting a fence around their fields, in order to continue ploughing the land. In response, the police, supported by bulldozers, used force to break them up. The *Sunday Independent* newspaper reported that, "fifteen women this week faced down bulldozers in their fields in a protest against being removed from their lands...amid claims they had been beaten to make way for the bulldozers from the Anglo Platinum mining company." The women, mostly elderly farmers, were taken in for questioning by the police, "after the mine's management laid a complaint of intimidation against them," the paper reported.⁶⁵
- In February 2007, children in Ga-Puka began dancing and singing in the streets following a broadcast on national television of a critical programme on the proposed resettlement. The chair of the section 21 company lodged a complaint about this with the police, who the following day arrested five children aged 11-17. They appeared in court a few days later charged with malicious damage to property. No independent investigation was carried out by the police before making the arrests; as is normal, they relied solely on the complainant. The mother of one of the children, Caroline Ramotsela, had herself been beaten and detained in January for standing in front of the bulldozers.⁶⁶
- In May 2007, a serious incident occurred after community members barricaded a road to prevent the mine proceeding with the resettlement. To disperse demonstrators, the police opened fire with rubber bullets, injuring over 30 people according to eyewitnesses. Lucy Makena, a 24-year-old, was shot and underwent reconstructive surgery after sustaining a bullet wound to her thigh.

A 65-year-old woman, Salome Notoane, was shot in the face by a rubber bullet and also had to undergo surgery. Salome told ActionAid: "I was shot by the police and lived with the bullet for three months. During that day we knew the mine wanted to relocate people. The young people started barricading the road. The following day, a bulldozer came to push the rocks out of the way. The young people told them that they must stop and tried to stop them. Then the police arrived and started shooting immediately. I was sitting right under this tree. The police were after one man involved in blocking the road and were shooting at him. A police officer shot me out of the car window, first on the hand then on the cheek." Salome waited three months for her operation in Pretoria, and her surgery costs were eventually paid by Anglo Platinum.⁶⁷

*"The police arrived and started shooting immediately."
Salome Notoane*

*"Anglo Platinum criminalises resistance in order to crush them."
Richard Spoor*

There are several reasons why the communities have taken to protesting against Anglo Platinum:

- they have no-one to negotiate with – Anglo Platinum deals only with section 21 companies
- local government is seen as opposed to them and as simply authorising whatever the company proposes
- almost no South African law firms have been willing to provide legal representation.

Richard Spoor, one lawyer who is defending some in the community, states that Anglo Platinum has, "no respect for the principles of law. It's easy to litigate against the poor, as the company does, but litigating uphill is almost impossible. Anglo Platinum criminalises the resistance of the community in order to crush them."⁶⁸

2.3 Ga-Molekane – a contaminated village?

Ga-Molekane is the largest village in the area, home to around 20,000 people. From a hill in the middle of the village, the extent of mine activity can be seen: a panorama extending for two kilometres or so, from the main mine across towards a huge waste dump several storeys high, then further across towards the slimes dam (a kilometre-long grey sludge lake filled with waste from the mine), built just 200 metres from some of Ga-Molekane's houses. It is here that 200 or so hectares of farming land were fenced off by the company in October 2004.

This land – part of the Vaalkop farm – grew maize, water melons and beans, among other vegetables, and hosted the main road to the neighbouring villages of Mohlohlo, now cut off by the mine. The land acquired by the mine also cut off access to some of the village's boreholes and thus to their water supply. As already noted, the law in South Africa does not require the community to give consent to using its land for mining purposes; thus Anglo Platinum's activities were authorised by the Department of Minerals and Energy after consultation with section 21 companies.

Miriam Makgoba and her son Samuel live at the end of Ga-Molekane village near the slimes dam. None of the villagers know if the dam contains poisonous chemicals or not, but they suspect it does. "When it rains we can't use the rain water because of the dust that is in the air from the mine," Samuel said. "We think it might be unsafe. We only use the public water in the streets. But we think this is also dirty because of the slimes dam. It needs to be tested. It may be contaminated. Maybe we're sick now – who knows? Maybe we'll die in ten years."⁶⁹

Lindwe Nkutha/ActionAid



Slimes dam

The plight of Jack Manamela

On 26 February 2008, an ActionAid research team witnessed a dozen Anglo Platinum construction staff erecting a fence on part of the Vaalkop farm near the main PPL plant. Jack Manamela, a farmer aged 80, was also there, witnessing the fencing off of land that he says he owns and has ploughed since 1975. He told ActionAid he has been given no compensation, has signed no written agreement, nor been given any advance warning that the land was to be fenced off.

The last time he was able to plough the land was in 2006, while late last year the company began to clear the land. His plot, around 1.5 hectares in size, used to produce around 24 bags of maize meal, which could be sold for R200 each. With four children and a wife to support, Jack now has only his pension, which brings him R1,600 a month, to survive. ActionAid spoke to the *induna*, or head-woman, of Ga-Molekane village, who also said she knew nothing of the land take-over.

An independent water sampling analysis commissioned by ActionAid was undertaken at three sites in Ga-Molekane village – the Podile primary school, the Langalibele secondary school, and a community drinking water tap. At all three sites, the water was found to be unfit for human consumption (see box 4, page 18). Although the possible causes could be sewage seeping into the groundwater recharge zone, the independent analysis found that the most probable cause was mining activities.⁷⁰ One of the sampling sites, the community tap, stands no more than 150 metres from the edge of the slimes dam. Villagers drink from it routinely. The sign at the fenced-off area of former farmland next to the slimes dam warns people not to enter or drink the water there.

Evidence as to whether the water is causing significant illness is mixed. Several villagers told ActionAid of frequent stomach complaints. Betty Malokela, for example, who has three children at Podile primary school, said that her family, who take their water from the community tap, had in the last few months started to suffer from more stomach problems.⁷¹



Slimes dam

Lindiwe Ntshini/ActionAid

*At all three sites,
the water was found
to be unfit for human
consumption*

*“There are
frequent complaints
of diarrhoea and
stomach aches
among the 375
students in the
school.”
Kenneth Chapepe*

James Outway/Panos/ActionAid



A boy fishes in Ga-Molekane village, near the PPL mine.

The principal of Langalibele school, Kenneth Chapepe, told ActionAid that there are frequent complaints of diarrhoea and stomach aches among the 375 students in the school. “It’s fairly regular. Some learners and the teachers complain of runny stomachs and indigestion, including myself,” he said.⁷² Another teacher at the school, Joseph Ramogale, said that, “We don’t wash our cars with [the water] since it leaves a layer of white dust over the car. It looks like salt.” He added: “But we do drink it.”⁷³

However, a senior nurse at the nearby health clinic said she had seen no increase in the number of people complaining of stomach aches or other water-related illnesses. And at Podile primary school, home to 731 students aged 5-11, principal Daisy Lekoane told ActionAid that the water tastes very salty, but that she was not aware of any major problems with stomach aches or diarrhoea.⁷⁴

Whatever short-term effects the contaminated water may be having, ActionAid is extremely concerned about the possible long-term effects. Several villagers in Ga-Molekane told ActionAid that they have long wanted the water quality to be tested but had not approached the company or local municipality to do this, since they no longer believed that either would do it accurately, such is their distrust of the authorities in the area. One community activist, Phillipos Dolo, from Jubilee South, an ActionAid partner, said that they had previously asked the company what chemicals were in the slimes dam and that it had referred them to the government’s Department of Minerals and Energy, from whom they had yet to receive a reply.⁷⁵

One board member of Anglo American, Dr Mamphela Ramphele, visited Ga-Molekane and other villages in the area earlier in 2007. Yet ActionAid has been unable to find any mention of Ga-Molekane in Anglo Platinum’s public material, despite the considerable impact on the village of its mining activities.

2.4 Ga-Chaba – a slow death?

At the nearby village of Ga-Chaba, hundreds of hectares of community farming and animal grazing land was also fenced off in early 2006 by Anglo Platinum, also as part of the PPL mine's expansion plans. The community used to grow maize meal, water melons, pumpkins and other fruit and vegetables in sufficient quantities to feed their families. Now, around 300 households have a much smaller area of land available, just a few hectares, on which to grow all their food. The remaining land is also less productive than the land acquired by the company, villagers say.

Sixty-five-year-old Hendrik Prakgadi told ActionAid: "The whole village now has much less land to grow food on. There's no other jobs and people survive on government grants. Since the land was fenced off, more and more people are getting ill since there is less food."⁷⁶ He said many people in the village now go hungry regularly, but that if people become ill, the nearest health clinic is 50 kilometres away, and costs a prohibitive R28 for a return trip.

Villagers in Ga-Chaba are now being forced to buy much more food than before the company's land acquisition. The land used to produce 30-40 bags of maize meal weighing 80 kilogrammes each – now very little maize meal is being grown, and villagers are forced to buy 80 kilogramme bags in local markets, costing R360 each. The collective cost to the village is huge – instead of producing food for free, payments now amount to around R12,600. Another cost is the loss of livestock, as many villagers who used the communal land for grazing have now had to sell their animals as well, further undermining their livelihoods.

In February 2006 the mine started mining preparations at Ga-Chaba, erecting high-security fences, removing topsoil and beginning excavations, which involved demarcating arable land as part of the mine area, and subjecting it to strict access controls. This was done without consulting the Ga-Chaba community as a whole; the company dealt only with section 21 members. Villagers told ActionAid that the local chieftainess, the traditional authority in the area, has personally received compensation of R5,000 per hectare per year, but that the people who actually farm the land have seen none of this, while no money has been spent on the village either. Hendrik said that Anglo Platinum officials never visit the village. "We've tried calling the company and ask them to visit us but nothing has happened."⁷⁷

Villagers believe that, by taking over the majority of their farming land, Anglo Platinum is gradually forcing them out.⁷⁸ But the Ga-Chaba villagers have not been offered the option of being resettled elsewhere.

At the same time, another mining company, Lonmin, is also carrying out prospecting missions right in the middle of Ga-Chaba village. So far, five missions have been conducted; the community is paid R5,000 for each one. The village appears to be being squeezed from all sides and its demise seems only a matter of time. Like other villages visited by ActionAid, Ga-Chaba has been virtually encircled by mining activity. On the other side of the village from where the land was taken, mining machines inflict a constant noise, a rushing sound that can be heard up to around three-quarters of a kilometre away. The activity here can go on 24 hours day and night, but villagers say Anglo Platinum has never asked their permission to carry out such constant work.

Now very little maize meal is being grown, and villagers are forced to buy 80kg bags in local markets ... the collective cost to the village is huge.

People in five villages have been relocated to make way for the construction of two mineshafts and a storage area for mining waste

Section 3

Different mine, same story

"There was no agreement, they just told us what they were giving. They were just doing what they decided to do. There was no negotiation."

Villager Jerry Tshelakgolo.

3.1 Twickenham mine

Twickenham mine is located on the eastern limb of the Bushveld complex, near the town of Burgersfort in Limpopo. Anglo Platinum states that in 2007, it produced 8,800 ounces of platinum (a smaller amount than PPL since it is a more recent operation), and made a small loss.⁷⁹ A R5.9 billion (£387 million) expansion project was approved by Anglo Platinum in the first quarter of 2008.⁸⁰

People in five villages have been relocated to make way for the construction of two mineshafts and a storage area for mining waste, known as a tailings dam. Removals from the villages of Maotsi, Makobakombe, Dikganong and Botshabelo took place in 2003, while the villagers of Monametse were moved in 2005. Dikganong and Botshabelo were completely emptied, but some people still live in the other three villages.

Anglo Platinum states that, "A total of 114 households agreed to the resettlement and individual agreements were signed by the head of each household." The company "Paid for new houses for each of the households and all relocation costs," including R5,000 per household and additional compensation for mealie fields, fruit trees and boreholes. It claims that, "In many cases the total compensation paid was between R10,000 and R20,000 per household."⁸¹

Jerry Tshelakgolo was relocated from his home village of Dikganong to the new village of Magobading, losing two hectares of land that grew sorghum, beans and maize.

He now lives in Magobading without any farming land. ActionAid research confirmed that the only land available for growing crops in Magobading is in small household plots. There is a small amount of grazing land for animals around the village, but no fields to farm.⁸²

Now that the villagers of Magobading no longer grow their own food, they of course have to buy it. Most families used to spend some money on food when living in their former villages, but the amount has now shot up. ActionAid has estimated how much extra is now being spent on food, based on figures given to us by villagers. The average amount now spent on food per family per month is estimated to be around R1,000 (£71); this compares to around R500 (£35) a month before the relocation. This means that the average food bill for a family is around R6,000 (£428) more each year after relocation.

Neither are there significant prospects for creating alternative livelihoods. There are few jobs in the new villages or surrounding areas and no unemployment benefit is paid by the state. The overwhelming majority of men over 18 are unemployed – no-one knows the figure, but it is likely to be the large majority. The only other income for people is a small amount for pensioners – who usually receive R750 (£53.49) per month from the state – and for children – R170 (£12.12) per child and R500 (£35.66) for orphans.

According to Anglo Platinum, “Communication with the community regarding the relocation to Magobading/Mecklenburg started in 2001. The community elected their own representatives, and were represented by an independent legal advisor. All affected tribal authorities and the Department of Land Affairs were involved from the start of the process. The Greater Tubatse Municipality was involved through ward councillors.”⁸³

Yet Jerry told ActionAid: “There was no agreement, they just told us what they were giving. They were just doing what they decided to do – there was no negotiation. There was no agreement with the villagers collectively – just agreements with individuals.”⁸⁴

All ten of the houses in Jerry’s village were destroyed in 2003 while the grave of his father, who died six months before the relocation, was exhumed and also moved. Several other village grave sites in the mining lease areas have been ‘relocated’ along with the living – even in death, some villagers say, the mining companies have authority over people.

Effects of blasting

On one side of Dikganong lies the village of Makobakombe, over the other side of which is the mine, just a few hundred metres away. One hundred and ten families used to live here before being relocated to Magobading; now only seven, who refused to be relocated, remain. Their lives are nightmarish.

“They blast at night. Sometimes at midnight. Sometimes afternoon. They don’t inform us. The house shakes,” said Esther, who lives in a brick house with her 75-year-old mother and four-year-old daughter. Her house has cracks in every room and she is worried it will collapse. “I’m afraid of the shaking of the ground and scared. We live in fear.”⁸⁵

When asked if they blasted at night, Anglo Platinum stated: “Both of the Hackney Shafts at Twickenham Mine blast once in the afternoon (approximately 18h00) and once in the morning (approximately 05h30). The shafts definitely do not blast at night as there is nightshift underground.”⁸⁶

In another home, Hendrik Mamba explained that, “The cracks began when they started blasting in 2004. The windows are shaking and the ground. They blast even when I’m asleep – at 3am. Almost every day. It is extremely loud.”⁸⁷ Cracks over an inch wide in several walls in the home are clearly visible; they are big enough to see clearly through to the inside of the house. Unlike in Ga-Puka village, no money is offered to villagers to evacuate their homes when blasting takes place. ActionAid’s understanding is that Anglo

The average food bill for a family is now around R6,000 (£428) more each year



House with cracks. Ga-Molekane.



Ga-Molekane village.

Platinum’s blasting is within the law, but this has not stopped villagers witnessing its severe ill effects.

The remaining villagers of Makobakombe also face another problem – although their water supplies are adequate, they have had no electricity since relocation took place. After repeated requests, the local municipality has promised to reconnect the electricity, but this has not yet occurred.

Esther and Hendrik are now both desperate to move to Magobading where they believe they may get a better house and no longer live with the blasting. In contrast to steadfast community opposition to relocation elsewhere, the Makbakombe community desperately wants to move – the mine has made their lives intolerable. Yet they have been told that there are no houses for them at Magobading. Villagers explained that the reason they did not originally move was their belief that the company had previously said it would site the shaft in a different location to where it was finally put.⁸⁸

The situation is similar in Serafa village, on the other side of Dikganong from Makobakombe. There are 100 households in this village, comprising around 600 people. Many villagers here are also desperate to be relocated because of the blasting, yet they have also not been offered this option.

The house of Frans and Dorcas has visible cracks in the walls. “When we report the cracks, they say they were already there. But our cracks are getting wider and wider,” Frans said. “Sometimes, the blasting throws stones and even rocks into the village. Once, a rock the size of a football landed near here.”⁸⁹

Even the newer homes built by the government in Serafa are not immune to the immense blasts. Selina Mantiseng lives with her four-month-old baby and three others in a four-room brick house built two years ago. It has cracks in every room and her bedroom is considered too dangerous to go in at all. “I’ve asked for help all the time,” Selina said. “I have met someone at the mine, the Social Development Manager, and they sent people here. But they haven’t done anything. I told them I was afraid of my house. I was only offered a tent by the municipality. I’m still waiting for their response.”⁹⁰

3.2 The Modikwa mine

The Modikwa mine, located near the Twickenham mine, is a 50/50 joint venture between Anglo Platinum and African Rainbow Minerals, a black economic empowerment consortium. The mine made R442 million (£29 million) for Anglo Platinum in 2007, and produced 115,000 ounces of platinum.⁹¹

Since 2001, local communities and Anglo Platinum have been locked in a battle over the rights to use farmland near the mine. The company has secured mining rights to 14,313 hectares of land around the mine on portions of five farms – Driekop, Maandagshoek, Hendriksplaats, Onverwacht and Winterveld.⁹² But the community continues to claim “ploughing rights” over the land it has traditionally used for crop-growing and animal grazing. Lawyers for some members of the community cite the Land Rights Act of 1996, which states that, “No person may be deprived of any informal right to land without his or her consent.”⁹³ The situation appears to be one of clashing legislation that needs to be resolved in the courts, the problem is that Anglo Platinum is pushing ahead as though it were acting unequivocally within the law.

The land was acquired by the company in 2001 and the community has not been able to use it since. In one village alone, Mphahlana, ActionAid heard that around 360 households, all of whom used the communal farming and grazing land, were deprived of their source of livelihood, and given little compensation.⁹⁴

Now, lawyers acting for villagers in Maandagshoek allege that the company has “unlawfully damaged and destroyed arable lands, fences, crops and infrastructure on tribal lands,” and “persist in making provocative forays onto tribal land and that in doing so they demonstrate a complete disregard and contempt for the community’s land rights and for the due process of the law.”⁹⁵

The company’s use of this land, especially on the Maandagshoek and Onverwacht farms, has inspired various community protests and widespread opposition. In response to the company’s assertion that it has the right to use Onverwacht farm, community spokesperson Emmanuel Makgoga told ActionAid: “This is nonsense. The people living there used it. We don’t know how they acquired it, who they talked to, how much they paid.”⁹⁶

One protest that turned especially violent occurred in June 2006 when around 150 villagers from the Maandagshoek community held demonstrations at Onverwacht farm against the company’s plans to begin drilling operations there. Protests began on 8 June but, villagers say, the police agreed with them to return the following day to discuss the issue with mine officials. However, the company lodged a criminal complaint against some of the protesters, which stated that: “The mine obtained an interim interdict against three members of the faction who had threatened to violently disrupt the exploration.”⁹⁷

On 9 June a police superintendent returned to the farm with a list of names provided to them to be arrested. One of them was Emmanuel Makgoga who told ActionAid: “The community said that you must arrest all of us if you are going to arrest one of us. The police refused. They started to shoot people with live bullets, rubber bullets. They started beating people.”⁹⁸

Another protester that day was Morgan Makomoto, who said that police shot several people, including a woman carrying a baby. According to media reports, one person sustained a bullet wound in the arm from live ammunition and eight had rubber bullet wounds.⁹⁹

Business Day newspaper reported on 13 June 2006: “As many as 10 people, including a one-year-old baby, were injured on Friday when police opened fire on hundreds of demonstrators.”¹⁰⁰ Eyewitnesses said that around 20 people were injured. Ten community leaders were arrested and are currently facing charges.

We don’t know how they acquired it, who they talked to, how much they paid.”
Emmanuel Makgoga

Anglo Platinum statement

“An unfortunate incident occurred on 9 June 2006 when the South African Police Services used ‘bird shot’ to disperse people from Sehlaku village [also known as Maandagshoek], who were again threatening to disrupt exploration. Four members of the community were injured and taken to hospital. A number of arrests were made... These injuries were sustained as a result of crowd scattering and not from the shots fired by the police, as was first believed and reported in the media... Anglo Platinum does not and did not encourage such forceful action taken by the parties involved on its property and regrets the incident in light of the mine’s relationship with the surrounding community.”

Hundreds of farming households have been or will soon be deprived of their basic livelihoods and food security

Section 4

Anglo Platinum and sustainable development

“Anglo Platinum continues to play a very meaningful role in contributing to the betterment of society around all operations.”

Anglo Platinum website¹⁰¹

There is little doubt that platinum mining has contributed significantly to the development of the South African economy in terms of export revenues and taxes, and that Anglo Platinum, as the largest platinum producer, plays a key role in this. The company reports that in the last three years (2005-07), it has paid taxes and royalties to the South African government totalling R8.8 billion (£578 million).¹⁰²

However, what of the costs at the local level, around the mines? Are local people paying the price for the benefits accruing to South Africa’s national economy?

Anglo Platinum emphasises the positive impacts its mining operations bring to the local economy, especially in terms of increased employment and income.¹⁰³ ActionAid’s assessment is that Anglo Platinum’s claim to be promoting sustainable development in all its operations is challenged by the evidence in this report.

Most importantly, hundreds of farming households, affecting thousands of people, have been or will soon be deprived of their basic livelihoods and food security, with few alternatives provided. The effect has been to increase hunger and, in some cases, destitution.

Other local costs should also be borne in mind. The reduction of farming activity in the areas affected by mining is a cost to the local economy, affecting not just farmers and their immediate families, but others who also depend on farming such as local tractor hiring businesses, for example, and others involved in buying or selling farm inputs and outputs. These costs must be seen alongside any local benefits to provide a full picture.

Moreover, the term “relocation” is quite misleading. Anglo Platinum is really engaged in a programme that involves reshaping thousands of people’s lives, but is doing so without much basic infrastructure in place to support it – such as providing extensive re-training options, alternative food security opportunities or increased financial safety nets.

As a development organisation, ActionAid is well aware that the process of changing household socio-economic structures to the degree that Anglo Platinum has in its relocations requires very careful management. In our view, the most critical factor is systematic consultation with all the communities affected – yet this has simply not occurred.

A mining company is plainly not in a position to manage these processes properly. ActionAid regards it as unacceptable that local municipalities have allowed the company to engage in such behaviour without proper supervision and accountability.

Community development

In its public material, Anglo Platinum highlights its voluntary community development expenditure, stating on its website that it has an extensive programme of “community and stakeholder engagement” and that it conducts “socio-economic assessments” at all its operations. Its “corporate social investment activities” focus on five areas:

- supporting infrastructure
- education
- health and welfare
- community capacity-building
- small, medium and micro enterprise development.¹⁰⁴

The most critical factor is systematic consultation with all the communities affected – yet this has simply not occurred



James Outway/Panos/ActionAid

Sterkwater, where many people have been re-located from Ga Pila village.

Anglo Platinum’s claims and ActionAid’s findings

ActionAid, however, has four key concerns about Anglo Platinum’s claims regarding its community development projects.

- First, company figures state that Anglo Platinum’s spending on community development amounted to R50 million (£3.3 million) in 2006 and R126 million (£8.3 million) in 2007 – across all its operations in South Africa.¹⁰⁵ This spending is minuscule in comparison to the local communities’ loss of livelihoods and is nowhere near enough to compensate for the broader effects of the company’s operations.

These amounts are similarly small compared to the profits made by the company – community development spending amounted to just 0.37% of the \$1.76 billion profit in 2006 and 0.93% of the \$1.75 billion profit in 2007. In a communication to ActionAid, Anglo Platinum stated that the Modikwa mine spent R14.3 million (£1 million) on community development projects in the four years from 2002-5 and budgeted to spend R10 million (£0.66 million) in 2007.¹⁰⁶ Yet Anglo Platinum’s operating profit from the mine for 2007 was R442 million (£29 million) – over forty times greater than the level of community development spending for that year.

- Second, the company provides little information on which local community and civil society groups receive support from Anglo Platinum. Yet ActionAid’s research suggests that it is likely that it includes spending on section 21 companies for salaries and legal advice. Anglo Platinum has not responded to ActionAid’s questions in this regard but if this is the case, this would be both misleading and unjustifiable as section 21 companies often work against the interests of the broader community. As already noted, they are part of Anglo Platinum’s strategy of co-option in the community to push through its corporate plans.
- Third, community development projects are routinely designed and implemented without any input from the broader community. As noted, the company only tends to consult with section 21 members. For example, at Sterkwater, Anglo Platinum is financing the building of a community hall, its flagship community development project in the village. Yet the building has gone ahead without any consultation with villagers except with the section 21 company. Few villagers know what the hall is intended for and there is widespread opposition to it. Villagers say they would have liked a say in whether this was really the best use of the company’s funds in a village with major problems with basic services and infrastructure.¹⁰⁷

Anglo Platinum’s spending on community development is minuscule in comparison to the local communities’ loss of livelihoods

Box 9: **absence of the community in community development**

On its website, Anglo Platinum recognises a number of possible “negative impacts” of mining operations, such as cracked houses, loss of agricultural land and lack of employment. It states that, “We address these issues through the social and labour plans for each operation.”¹⁰⁸

However, these plans, which companies are required to produce at each operation and are approved by government, are not made public. The communities, far from being involved in their design and implementation, say they have never seen them and there is no way of knowing how these critical socio-economic issues are addressed (see box 5, page 20). ActionAid asked Anglo Platinum in November 2007 to see the social and labour plans for each of its operations. The company replied: "It [sic] is not a public document yet as it will only be submitted by the DME in the next few months."¹⁰⁹

African Rainbow Minerals, Anglo Platinum's joint venture partner at the Modikwa mine states: "The communities are... the direct beneficiaries of millions of Rands spent annually by the mine on socio-economic development within the communities. The money is spent on projects that the communities themselves choose... The mine has financed various socio-economic development projects, in excess of R10 million since its inception."¹¹⁰

However, the response to this assertion by the Maandagshoek Development Committee is stark: "This is plain nonsense as we have seen no benefits at Maandagshoek."¹¹¹

The company's community development spending has never been subject to independent or public scrutiny.

- Fourth, the quality of the company's community development projects is evidently sometimes poor, as ActionAid has witnessed. The company's community development spending has never been subject to independent or public scrutiny, as far as ActionAid is aware.

Box 9: **supporting education?**

Anglo Platinum emphasises its support for education on its website, mentioning its financial support to a number of schools through its schools project. In 2007, the company states that it allocated R17.1 million (£1.1 million) of community development spending to education projects.¹¹²

Sehlaku secondary school

Charles Thobegane is the principal of Marole secondary school in Sehlaku village near the Modikwa mine. The school has four buildings, one of which was built by Anglo Platinum. Until 2005, Anglo Platinum used to conduct blasting operations at its Bapedi shaft site, which is no more than 250 metres from the school.

"They used to blast even when the children were here, at any time they wanted. We felt the ground shaking," Charles said. Three of the four buildings, including the one built by Anglo Platinum only three years ago, now suffer from cracks in their walls, some of them several inches wide



James Outway/Panos/ActionAid

Principal Charles Thobegane of Marole secondary school in Maandagshoek. The school is in a dangerous state of disrepair.



Marole secondary school in Maandagshoek.

and looking as if they could collapse at any moment. "People's lives are at risk here," Charles added.

ActionAid witnessed a full classroom of teaching taking place in another block. Again, one of the walls also had a gaping hole several inches wide. "They're risking their lives," Charles said. He had no doubt that blasting had exacerbated the cracking from already badly-constructed buildings.

The block built by Anglo Platinum, Charles said, "is poor quality, with a bad foundation, poor brickwork, with gaps between the bricks. You can see inside, right through the wall." Yet in a recent communication to Action-Aid, Anglo Platinum stated that its financing of this school block was one of its "accomplished projects."¹¹³

Charles explained that Anglo Platinum had given nothing else to the school. "I've tried for four years in succession to ask them for more but they have never given us anything. We have serious financial constraints but they've only given us two boxes of paper."

Charles also said: "The problem is that the community is in conflict with the mine and while this goes on they won't help us. They've told me that as long as we [Anglo Platinum] are in conflict with the community how can you expect us to help you?"



Marole secondary school in Maandagshoek.

One of the walls of the classroom had a gaping hole several inches wide

Langalibalele secondary school

Only a few hundred metres from the slimes dam in Ga-Molekane village stands Langalibalele secondary school. It hosts a sign at its entrance bearing the logo of Anglo Platinum and stating: “supported by PPL”.

Kenneth Chepape, principal of the school, told ActionAid what degree of support Anglo Platinum has given him. He said that the company has financed half the cost of the fencing around the school and has given some funds to help with the water supply. It has also occasionally supplied the school with study guides, helped organise workshops and recently paid for building ten toilets.¹¹⁴

Kenneth said that these contributions were very small in financial terms and not what the school was asking for. “We need more, real facilities,” he said. “We need a library and computer equipment, for example. We ask them but normally they don’t even bother to respond. They don’t provide any cash to us.”

Of 440 children in the school, one child had received a bursary from the company to study engineering, he said. When asked about the company logo on the school sign, Kenneth said: “This is just a way of advertising the company.” When asked about Anglo Platinum’s claim to be sponsoring hundreds of children in the area, Kenneth said he knew nothing about this.¹¹⁵



Langalibalele secondary school, Ga-Molekane

James Outway/Panos/ActionAid

There have been “extensive consultations” only with section 21 companies, not with the broader community or community organisations

Rhetoric and reality

ActionAid has uncovered several contradictions between specific claims made by Anglo Platinum and the reality of its operations. The following claims raise important questions about the accuracy of the company’s public reporting.

1. “The relocation [of the Ga-Puka and Ga-Sekhaolelo communities] is the result of extensive consultations with the communities, tribal authorities and local and provincial government over the past few years.”¹¹⁶

This is misleading. There have been “extensive consultations” only with section 21 companies, not with the broader community or community organisations, whom Anglo Platinum has long refused to meet.

2. The section 21 companies in Mohlohlo were “established by the community to manage the resettlement”.¹¹⁷

This is misleading. The section 21 companies have in reality been sponsored and established by Anglo Platinum, which pays its salaries, legal costs and associated costs. As noted above, the Mohlohlo relocation agreement makes clear that section 21 companies “were established...for the purposes of...relocation...to give vacant possession and occupation of the lease areas to PPL.”¹¹⁸

3. “The resettlements [from Ga-Puka and Ga-Sekhaolelo] became necessary as mining activities encroached on the communities and Anglo Platinum was concerned about the safety of residents.”¹¹⁹

This is misleading, implying that the company has been acting in the best interests of the community. The resettlements only “became necessary” once Anglo Platinum had decided to move the communities, invariably against many of their wishes.

4. Anglo Platinum consistently claims that alternative farming land is being provided to villagers after relocation.

For example:

- “In relation to the Potgietersrus Platinum Mine... there is a significant enhancement of the land being made available to the community.”¹²⁰
- “[In the new villages] communities...are provided with alternative land on which to grow crops or graze their cattle.”¹²¹
- “The alternative land provided by Anglo Platinum – 8,800 ha to replace 3,700 ha – meant that [for the people ‘resettled’ from Ga-Puka and Ga-Sekhaolelo] there was more than enough land for agricultural purposes.”¹²²

The reality is that there is very little alternative agricultural land in the new villages and that, far from being ‘enhanced’, farming land taken from villagers has not even been replaced adequately. In particular, communal land has mainly disappeared.

- At Magobading, the only land available for growing crops is in the small household plots; there is a small amount of grazing land for animals around the village, but no fields to farm.¹²³
- At Sterkwater, the only land available for growing crops is also in small household plots. There is some farming land at one side of the farm area, but that is for the use only of the section 21 company members, who comprise a minority in the village.¹²⁴
- At Armoede and Rooibokfontein, our analysis shows that the land available will be the plots around peoples houses and a section of the Armoede farm measuring 1,230 ha. However, all this land is being provided to the section 21 companies only, not the broad community. In reality, therefore, non-section 21 company members are only guaranteed the use of agricultural land in their individual household plots in Armoede and Rooibokfontein – a far cry from the 8,800 hectares claimed by Anglo Platinum.



Isaac Pila, a sub-chief from Ga-Pila village outside his house in Sterkwater where many people have been re-settled.

James Outway/Panos/ActionAid

Anglo Platinum's claims that all the new villages will have sufficient farmland implies that traditional livelihoods will continue. Since they will not, the company is denying the extent of its impact in the area. Although it is hard to calculate precisely, we estimate in total some 17,500 villagers could be adversely affected by these land issues.

5. "In regard to the community of Magobading, the residents were resettled with improved housing and compensation after a lengthy consultation. So they were not 'forced off their land'."¹²⁵

Villagers were presented with 'a fait accompli'

This is misleading. As with Anglo Platinum's commentary on past relocations, it implies the process was voluntary. Yet consultation with regards to relocation took place with section 21 companies only, and villagers were presented with a fait accompli. They were never asked if they wanted to move or not; much less did they give what ActionAid would consider their prior and informed consent. They were also indeed "forced off their land" since in the relocated village of Magobading there is no longer any land to farm.

6. "The communities [at Modikwa mine]...own 8.5% of Modikwa Platinum Mine, which is a new but substantial operation currently building up to targeted production levels. They fully support the mining venture."¹²⁶

First, it is untrue to state that the communities near Modikwa "fully" support the mining venture. A large number of villagers are opposed to the terms of the mining operation, as ActionAid's research has found.

Second, the 8.5% interest in the Modikwa mine is held by two section 21 companies – unlike the section 21 companies in Mhlohlo, these are at least elected. However, the key point is that, as Anglo Platinum has informed ActionAid, the Modikwa mine shareholders "have ...not yet received any dividends to date as the mine has not reached full ramp-up and loans have not yet been repaid".¹²⁷ Thus the 8.5% equity holding is regarded with some mystery by villagers in the community near the mine with whom ActionAid has spoken. They receive no money from the mine and do not expect to in the future.¹²⁸

7. "Anglo Platinum has ensured that its corporate social investment policy and strategy formulation is heavily influenced and directed by input from all relevant stakeholders, namely government, community-based organisations, labour unions and other business partners, pursuing the same goal."¹²⁹

This is untrue. There are a number of representative community organisations in all the mine areas, notably the community development committees at Mhlohlo and Maandagshoek, whom Anglo Platinum has consistently refused to consult. ActionAid's research indicates that these community organisations are more representative of the broader community than the section 21 companies with whom Anglo Platinum solely deals.

8. Anglo Platinum tries to depict opposition to its activities as very small. It states that "among the host communities there are only a few individuals who are unhappy... These individuals purport to act on behalf of communities where it is not certain whether or not such "communities" exist, where no mandate exists to act on behalf of the said "community" and where self interest is pursued."¹³⁰

Box 11: **little opposition to Anglo Platinum?**

On 8 October 2007, the local court in Mecklenburg, a town near the Twickenham and Modikwa mines, heard five cases against villagers brought by Anglo Platinum. ActionAid witnessed three bus-loads of villagers being brought in to support those in court, together with local people from the new village of Magobading. At least 250 people were there, including a group of dancing and singing protesters outside the court, chanting "our struggle will continue".

Inside the court, ActionAid witnessed around 30 women lined up in front of a judge accused of trespassing on farming land in Maandagshoek previously used by them. A packed courtroom of 100 people also watched Isaac Kgoete, a traditional chief in Maandagshoek who lives in Seklahu village, also accused of trespassing onto 'company' land. The cases were all adjourned.

Also, "the truth is that [lawyer, Richard] Spoor represents a few individuals in communities often comprising thousands."¹³¹ "[Regarding Modikwa] Spoor represents a tiny minority in this community."¹³² "[Regarding Magobading] Spoor's clients [are] a militant group of about 20 in a village of hundreds..."¹³³

Richard Spoor represents community based organisations and individuals. Anglo Platinum makes consistent claims that only a minority of villagers oppose its plans; no poll has ever been taken, so at the very least it is not in a position to make this claim. Our research, and that of ActionAid's local partners such as Jubilee South Africa suggests there is little support for Anglo Platinum's operations in the villages affected by mining, except from members of section 21 companies, who are paid by Anglo Platinum.

Local people's attitude to Anglo Platinum, as shown to ActionAid and our partners on the ground, is a mixture of fear and contempt. Fear that the company will push through its plans to relocate people, or, for others, that a similar fate will soon await them, and contempt that people's livelihoods have been so easily taken from them, with the complicity of the local authorities, and without any proper means of redress.

9. Anglo Platinum consistently claims that the relocations of the Ga-Puka and Ga-Sekhaolelo communities are being "conducted in line with World Bank resettlement guidelines to ensure that the communities are better off after resettlement than they were before."¹³⁴

ActionAid believes that Anglo Platinum is violating various of the Bank's resettlement guidelines. The Bank's guidelines on "involuntary resettlement"¹³⁵ state that, "displaced persons should be meaningfully consulted," and "offered opportunities to participate in planning, implementing and monitoring resettlement". Resettlement planning should draw on "relevant community based organisations," so that it, "takes their views into account in project design". Also, "agricultural sites" should be provided which are, "at least equivalent to the advantages of the old site," and that "whenever replacement land is offered, resettlers are provided with land for which a combination of productive potential, locational advantages and other factors is at least equivalent to the advantages of the land taken." It would appear that none of these criteria have been met.

Anglo Platinum is violating various of the World Bank's resettlement guidelines

Section 5

Rights and responsibilities

ActionAid is concerned that Anglo Platinum's activities may be contrary to South Africa's constitution and other laws. The evidence presented in previous sections points to possible violations of the following:

Right to food

'Everyone has the right to have access to...sufficient food.'

The evidence presented in this report suggests that large numbers of villagers are being deprived of their traditional access to sufficient food. Closely related to this is, of course, access to land. South Africa's Mineral Act of 2002, and recent draft amendments, appear to contradict other South African laws concerning whether the consent of land rights holders is needed before mining companies can use that land. Although the Minerals Act requires only consultation with the community to be undertaken by the mining company, section 25 of the Constitution and the Interim Protection of Informal Land Rights Act stipulate that no informal land rights holder may be deprived of his land without his/her consent.¹³⁶

Right to water

'Everyone has the right to have access to...sufficient water.'

The water sampling analysis commissioned by ActionAid, showing evidence of serious water pollution at four different sites, and likely attributable to Anglo Platinum's mining activities, raises important concerns about the company's impact on the right to water.

Anglo Platinum's effective seizure of community water boreholes through fencing off land to be used for mining activities has also been noted. Local municipalities, working

No informal land rights holder may be deprived of his land without his/her consent

The impact of platinum mining from the mines described in this report hardly promotes the "social upliftment" of communities

under the government's Department of Water Affairs, have a specific obligation to provide water to citizens and cutting off that water appears to be a violation of that right, under the Water Services Act of 1997. This states: "Every water service authority has a duty to all consumers or potential consumers in its area of jurisdiction to progressively ensure efficient, affordable, economic and sustainable access to water services."¹³⁷

Right to housing

'Everyone has the right to have access to adequate housing'

Villagers' rights to adequate housing is threatened by current blasting operations at PPL and Twickenham mines. The report of the UN's Special Rapporteur on adequate housing, Miloon Kothari, after his mission to South Africa, concluded that South Africa was one of the few countries which had made a constitutional commitment to the right to adequate housing. Yet, "few mechanisms are in place to ensure that well intentioned policies are implemented... Despite the legislative framework that bolsters and complements the right of access to adequate housing, it appears that evictions are taking place regularly throughout South Africa."¹³⁸

Right to a healthy environment

'Everyone has the right...to an environment that is not harmful to their health or well-being'

The occurrence of blasting near residential homes – resulting in the prevalence of cracking in walls – is of particular relevance here, along with the evidence on water pollution from mining activities noted above.

Responsibility to promote sustainable development

'...Recognising the need to promote local and rural development and the social upliftment of communities affected by mining'

(Mineral and Petroleum Resources Development Act, 2002, Preamble).

"Any prospecting or mining operation must be conducted in accordance with generally accepted principles of sustainable development by integrating social, economic and environmental factors into the planning and implementation of prospecting and mining projects in order to ensure that exploitation of mineral resources serves present and future generations."¹³⁹

ActionAid contends that the impact of platinum mining from the mines described in this report hardly promotes the "social upliftment" of communities nor is it consistent with "accepted principles of sustainable development".

Addressing and remedying these rights violations is an urgent priority for the communities discussed in this report. Because Anglo Platinum is group business of a large multinational corporation, action is needed by a range of actors with a duty to hold Anglo Platinum to account to ensure adequate redress for the people that have been affected by its mining activities in Limpopo.

Recommendations

The South African government should:

- Take immediate action to ensure that all villages in the Bushveld complex have access to adequate supplies of clean drinking water. Holding Anglo Platinum liable for the costs involved in remedying water pollution (as provided in Sections 38 and 41 of the Mineral and Petroleum Resources Development Act) should tests confirm that mining activities are responsible for such pollution.
- Instruct the Department of Minerals and Energy to investigate allegations in this report and reappraise Anglo Platinum's operations in the Bushveld complex. This should include an evaluation of the company's compliance with the environmental and social requirements of the Mineral and Petroleum Resources Development Act and the environmental management plan submitted under this Act.
- Carry out an investigation into police activities at incidents at recent protests in the Bushveld complex, and make the findings public.
- Instruct the Registrar of Companies to audit the Section 21 companies that were formed to represent community interests in the Bushveld complex, to ensure that basic requirements such as regular meetings of members and open election of directors are being followed.

Parliament should:

Revise the Mineral and Petroleum Resources Development Amendment Bill and the draft Mineral and Petroleum Resources Royalty Bill to ensure that:

- Local communities have greater rights to be fully consulted and give informed consent before mining concessions are awarded.
- The consultation process is supervised by the State or an independent, non-interested party delegated by the State and strictly governed by regulations.
- Communities have access to technical advice and support to negotiate fair agreements and compensation, plus legal aid and access to courts.
- Environmental safeguards and regulations are retained and strengthened and remain under the jurisdiction of the Department of Environmental Affairs; and
- Mining companies' Black Economic Empowerment obligations include equity participation and/or community royalties for historically disadvantaged communities in mining areas.

The South African Human Rights Commission should:

- Conduct an investigation into the alleged violations of economic, social and cultural rights highlighted in this report - in particular the rights to food and water.

Anglo Platinum should:

- Comprehensively review and reform its consultation and negotiation processes to ensure all members of local communities are fairly represented
- Increase its reparations to fully compensate for direct and indirect losses, immediate and long term impacts; and afford equity stakes in all of its mining operations to the historically disadvantaged communities surrounding the mines.
- Make its environmental management and social and labour plans publicly available and subject its community development projects to independent audits.
- Encourage local authorities and police to respect and uphold the civil and political rights of villagers and openly condemn and reject any actions that contravene their rights.
- Ensure human rights standards are respected throughout its operations.

Anglo American should:

As the majority owner of Anglo Platinum, the board of Anglo American should:

- Take steps to ensure that Anglo Platinum complies with the measures recommended above.
- Review governance structures and internal policies and procedures to ensure its group businesses, such as Anglo Platinum, respect human rights.

The UK Government should:

- Review and improve mechanisms for holding parent companies accountable for human rights violations by their subsidiaries and group businesses overseas, including through the provision of better access to justice for affected persons in UK courts.

The UN and member states should:

- Support initiatives at the UN Human Rights Council to develop global human rights standards for business and mechanisms to monitor and enforce them.

Consumers of platinum should:

- Ask Anglo Platinum and other companies to guarantee that the platinum they supply is extracted in a manner which respects the human rights of all stakeholders.

About this report

This report is a joint publication between ActionAid and the Netherland institute for Southern Africa (NiZA).

- The report forms part of ActionAid HungerFREE campaign – a global campaign run by ActionAid. Hunger results from the unequal distribution of food, and the lack of access to and control over resources.
- It is over ten years since governments committed to halve world hunger by 2015. Yet hunger is increasing in most parts of the world. We aim to force governments to deliver on their commitment to halve hunger by 2015 – by ensuring the right to food and enforcing their obligation to end deaths by starvation.

HungerFREE urges governments to:

- Introduce and implement laws that ensure the right to food and basic social protection
- Enact and enforce laws that guarantee all women the right to own and control land
- Ensure that corporations are held accountable for violations of the right to food and water and other key economic, social and cultural rights.

NiZA's PPP Programme

While Southern Africa is rich in natural resources (oil, gas, minerals and timber), the majority of the people suffer from the exploitation of their treasures, instead of sharing from the benefits. The Peace, Principles and Participation initiative (PPP) of the Netherland institute for Southern Africa, started in 2005, aims to contribute to the closure of this gap by building capacity and networks of organisations that work on the consequences of natural resource extraction in Southern Africa. Jointly, working simultaneously in north and south, a network of trade unions, environmental organisations, human rights groups and others strives to monitor and influence the behaviour and decision making processes of governments, international institutions, industries and consumers.

Fatal transactions

The international fatal transaction campaign is a watchdog of those companies that fuel African conflict and human rights abuses, and of governments that let them do so. By publicly discussing worst and best practices of company behaviour in the south, the campaign points consumers, companies and policymakers in north and south to their responsibility, and is a partner in dialogue about the alternatives.¹⁴⁰

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ActionAid is an international anti-poverty agency working in over 40 countries, taking sides with poor people to end poverty and injustice together.

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