

Mapungubwe Action Group take aim at mining firm

YOLANDI GROENEWALD | JOHANNESBURG, SOUTH AFRICA - Aug 05 2010 17:37

Environmentalists served an application to controversial mining house Coal of Africa, as well as the minister of mineral resources, Susan Shabangu, to stop activities at a proposed coalmine near Mapungubwe immediately. The application served on Limpopo Coal, the subsidiary of Coal of Africa, is an attempt by the environmentalists to limit what has already been described as irreversible environmental damage.

The Australian-owned company received a permit earlier this year for its Vele Colliery project next to the Mapungubwe National Park, where the world-famous 800-year-old gold rhino statuette was unearthed in 1933, raising concerns about the threat to a prime heritage spot and environmentally sensitive area.

The Mapungubwe Action Group, an umbrella group consisting out of the Endangered Wildlife Trust, the Association of Southern African Professional Archaeologists, Peace Parks Foundation, WWF, Birdlife of South Africa and the Wilderness Foundation of South Africa, is driving the court action.

Coal of Africa chairperson Riaan van der Merwe was unavailable for comment while Shabangu's spokesperson did not return the *M&G's* calls.

The action group has brought out the heavy hitters in their fight against the mine. It has appointed legal advisors from the Centre for Applied Legal Studies at Wits and has also secured top-notch advocate Wim Trengove's services.

The action group has lodged internal appeals against both the decision to grant the mining right and the decision to approve the environmental management programme, "These appeals are pending and the applicants have at this stage not yet received any answering papers," said Nick Hilterman, Mapungubwe Action Group chairperson. "In the meantime, construction on the mine site is proceeding at pace and we are worried about the environmental damage."

"We have launched the interdict application in an attempt to prevent further destruction of the area while the legal disputes are pending," he said. "The interdict application is thus an interim measure that seeks to prevent the mine from carrying on any mining or related operations at Vele."

He said the interdict application also seeks to question the commencement of mining or related operations in the absence of a water use license and on private nature reserves. It is due to be heard in the next month in the North Gauteng High Court.

The interdict comes amid comments environment minister Buyelwa Sonjica made to Reuters this week. "We are concerned about the illegal activities that the company embarked on when this matter was still under discussion," she said.

In addition, the Department of Environmental Affairs has cracked the whip at the mine in the past month and is preparing for a major operation in law enforcement compliance. Sonjica has rallied behind the environmental department, while her other department, Department of Water Affairs, is also resisting the mine's application for a water licence.

In reaction to Sonjica's comments, Coal of Africa issued a statement that all its activities undertaken at the Vele Colliery have been carried out lawfully.

"We have not undertaken any activities for which authorisation has not been given," said Simon Farrell, Coal's executive deputy chairperson from Australia. He said the company would oppose the

application vigorously.

The mining order rate, executed in March this year together with the approved environmental management, permit Coal to start development activities on site, Farrell argued

"The company is unaware of the alleged 'illegal activities' referred to and is therefore seeking an immediate meeting with the minister to identify and address any issues and concerns," said Farrell.

He said Coal had been served with two pre-compliance notices from the environmental department alleging various matters, including that the Vele Colliery has proceeded with the construction of the access road and storage facilities.

"But we have not undertaken any activities for which authority has not been granted," he said.

With the department's action, the interdict and the looming court battle of the Mapungubwe Action Group, the Australian mine group's argument will most certainly be tested in court.

"Coal of Africa interprets the new mining order right as overriding national environmental management legislation and regulations," said Johan Verhoef, Peace Parks Foundation chief. "Therefore they believe that Department of Water Affairs cannot refuse them a water licence. This will all be tested in court and the Vele court case could very well be a watershed case for mining rights in sensitive areas."

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