



the federation for a sustainable environment

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THE FSE'S EXPLANATORY NOTE ON JOZI GOLD

The FSE recognises that the gold mining industry within the Witwatersrand gold fields, when underpinned by good governance and a respect for the community and environment in which they operate, can harness significant potential to transform the region's social and economic development. Employment opportunities, increased investment and access to revenues can drive economic growth and reduce poverty at local, regional and national levels. Historically, these opportunities were not realised and the negative legacy of more than 130 years of gold mining within the Witwatersrand detracts from and undermines the current potential benefits and opportunities that accompany them.¹

The documentary film, titled "*Jozi Gold*" tells the story of the legacy of gold mining within the Witwatersrand gold fields.² The FSE's and its activities are featured in the film.

The FSE and I wish to express our unfeigned gratitude to the sponsors, producers and directors of the documentary film for the confidence they have put in the:

- FSE
- Our work
- And a controversial and eccentric activist!

We furthermore wish to highlight the fact that the documentary film was produced over a period of 10 – 15 years and that some of the comments which are ascribed to me, were - according to my understanding at the time – factual. Time, however, ripens judgment.

To exemplify:

¹ Reference: South African Human Rights Commission. National Hearing on the Underlying Socio-Economic Challenges of Mining-Affected Communities in South Africa. 13-14 SEPTEMBER; 26 AND 28 SEPTEMBER; 3 NOVEMBER 2016.

² Reference: Jozi Gold. Background/Topic.

- I referred to the Witwatersrand gold fields containing 6 billion tons of pyrite. Instead, the statement should have been that the Witwatersrand gold fields contain 6 billion tons of iron pyrite **tailings**³.
- I referred to acid mine drainage as the greatest environmental threat next to global warming. The statement should have been “.....problems related to **mining waste** may be rated as second only to global warming ...in terms of ecological risk⁴.”
- I referred to the fact that acid mine drainage (AMD) results in impairment of cognitive functions, cancers, etc. The statement should have been: “**Long-term exposure to AMD polluted drinking water** may lead to increased rates of cancer, decreased cognitive function...”⁵

I furthermore wish to explain that my actions and comments were unrehearsed and spontaneous, and the humorous effects unintentional and without artifice.

With reference to the statements ascribed to other roleplayers in the documentary film, it is not the FSE’s or my prerogative to comment on their statements. It is, however, necessary to explain that the CEO’s of the mining companies featured in the documentary film had agreed to the interviews with the directors of the film in good faith, that is, with the intention to be fair, open, and honest, regardless of the outcome of the interaction.

The film suggests an adversarial relationship between the FSE, Gold Fields and Sibanye-Stillwater at the time. I wish to clarify the relationship now as one of co-operation, that is, co-operation, without being fettered or compromised, in:

- Environmental education, awareness raising of the legacy of gold mining in South Africa and information dissemination to mining affected communities
- Social programmes
- Independent surveys
- Community projects
- Preparing host communities for closure in order to avoid the perpetuation of legacies

These companies have furthermore taken ownership of the legacy impacts on the land within their mining rights and a willingness to rehabilitate the degraded land to a sustainable future land use.

The same cannot be said regarding all mining companies. To exemplify, the Mintails Group within the West Rand gold fields has left an unfunded environmental liability of more than R460 million following the liquidation of its Mintails Mining SA Proprietary Limited-,

³ Chevrel, S, Croukamp, L, Bourguignon, A & Cottard, F 2008, A Remote Sensing and GIS Based Integrated Approach for Risk Based Prioritization of Gold Tailings Facilities — Witwatersrand, South Africa, in A Fourie, M Tibbett, I Weiersbye & P Dye (eds), Proceedings of the Third International Seminar on Mine Closure, Australian Centre for Geomechanics, Perth, pp. 639–650.

⁴ European Environmental Bureau 2000, The Environmental Performance of the Mining Industry and the Action Necessary to Strengthen European Legislation in the Wake of the Tisza-Danube Pollution, EEB document no. 2000/016, Brussels. Manders, P, Godfrey, L & Hobbs, P 2009, Acid Mine Drainage in South Africa, CSIR Natural Resources and the Environment, <https://www.environment.co.za/documents/acid-mine-drainage-amd/AMD-Acid-Mine-Drainage-South-Africa-CSIRdraft.pdf>

⁵ Oelofse, SHH, Hobbs, PJ, Rascher, J & Cobbing, JE 2007, The pollution and destruction threat of gold mining waste on the Witwatersrand - A West Rand case study, CSIR Natural Resources and the Environment, https://www.researchgate.net/publication/241755329_The_pollution_and_destruction_threat_of_gold_mining_waste_on_the_Witwatersrand_-_A_West_Rand_case_study

Mintails Gold SA Proprietary Limited- and Mintails SA Randfontein Cluster Proprietary Limited operations. This has allowed for the externalisation of the costs and impacts to communities, the State, future generations and a mute environment as well as all manner of nefarious activities by organized-crime syndicates and agents unresponsive to the rule of law, including large scale asset stripping of the mine.⁶ The Blyvooruitzicht Gold Mining Company, the Grootvlei Mine and Central Rand Gold also come to mind.

The progress by the South African Government to address the legacy of the gold mining industry has been slow notwithstanding a significant number of policies, strategies, regulations, plans and laws. These exist in vain if not implemented.

We conclude with the words of Judge Spilg in his judgement in the Uzani Environmental Advocacy and BP Southern Africa (Pty) Ltd matter whereby the found that *“securing protection is no longer the exclusive preserve of ...an opaque administration or an under-capacitated and potentially inhibited law enforcement agency which cannot claim the number of successful convictions one would have expected despite clear evidence of historic degradation to our environment”* and that the National Environmental Management Act (NEMA) *“not only requires a transparent administration but recognised the contribution that can be made to the protection of the environment by a vigilant and committed public which has most to lose.”*

SUBMITTED BY:

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CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT.

11 June 2019.

⁶ Reference: Humby, T. School of Law, University of the Witwatersrand, South Africa. Facilitating dereliction? How the South African legal regulatory framework enables mining companies to circumvent closure duties.