

Locals suffer mine dump's dire effects

Activists want government to crack down on Mintails for failure to rehabilitate North Sands

Sheree Bega

Looming like a ghostly white mountain over Krugersdorp and Randfontein on the West Rand, the North Sands dump was at one point reputed to be the highest human-made sand dump in the world, storing the waste from historic gold mining.

Over the years, most of its hazardous bulk has blown away because of the lack of dust management. "It was reported that traces of the sand from North Sands and the dumps that surround it have reached as far as Tasmania, Australia," said Mariette Liefferink, the chief executive of the non-profit Federation for a Sustainable Environment.

"That shows you how this fine particulate matter can travel long distances."

The dust particles from these types of mines are known to be harmful to people.

Late last month, the abandoned dump became a brutal crime scene: eight women were gang raped there, allegedly by a group of illegal artisanal miners, while they were filming a music video.

For Liefferink, who has spent 20 years fighting for the clean-up of Gauteng's polluted goldfields, the horrific incident is a symptom of a much bigger problem: the failure of the government to enforce a series of non-compliances against Mintails South Africa, the company under whose mining right area the North Sands dump falls. She believes that failure to effectively close up and safely manage these mines has led to this situation.

Mintails South Africa was part of the Mintails group of companies, a gold mining and tailings processing company listed on the Australian Stock Exchange. It touted itself as a mining rehabilitation venture but instead left a trail of ecological destruction across Krugersdorp and Randfontein over the years. In 2018, its local operations were liquidated.

According to Liefferink, there is a "direct link" between the gang rape incident and the failure by the department of mineral resources and energy to enforce non-compliances against the directors of the Mintails group of companies and their alleged failure in duty of care "to make these areas safe; to make adequate financial provision for environmental liabilities; and to safely close the mine".

"It's all to do with Mintails," she said. "They were allowed to liquidate, no action was taken against the directors, notwithstanding the fact that the parliamentary portfolio committee recommended that the directors should be held accountable."

"From 2018, until today, there's still no access control, there's no management measures of all their pits, all their dumps, all the dams,



and there continues to be a systemic non-enforcement by the department regarding the non-compliances. That is the problem and that has allowed for this illegal mining to flourish," she said. The department did not respond to the *Mail & Guardian*.

A 2018 report by the parliamentary portfolio committee on mineral resources and Mintails described how it had barely saved the R20-million that it was supposed to set aside under the law to pay for environmental rehabilitation. Its total shortfall was R460-million.

"It is clear that some mining companies are still operating without adequate financial provision for repairing damage caused to the environment by mining activities, if they suddenly close," the committee noted.

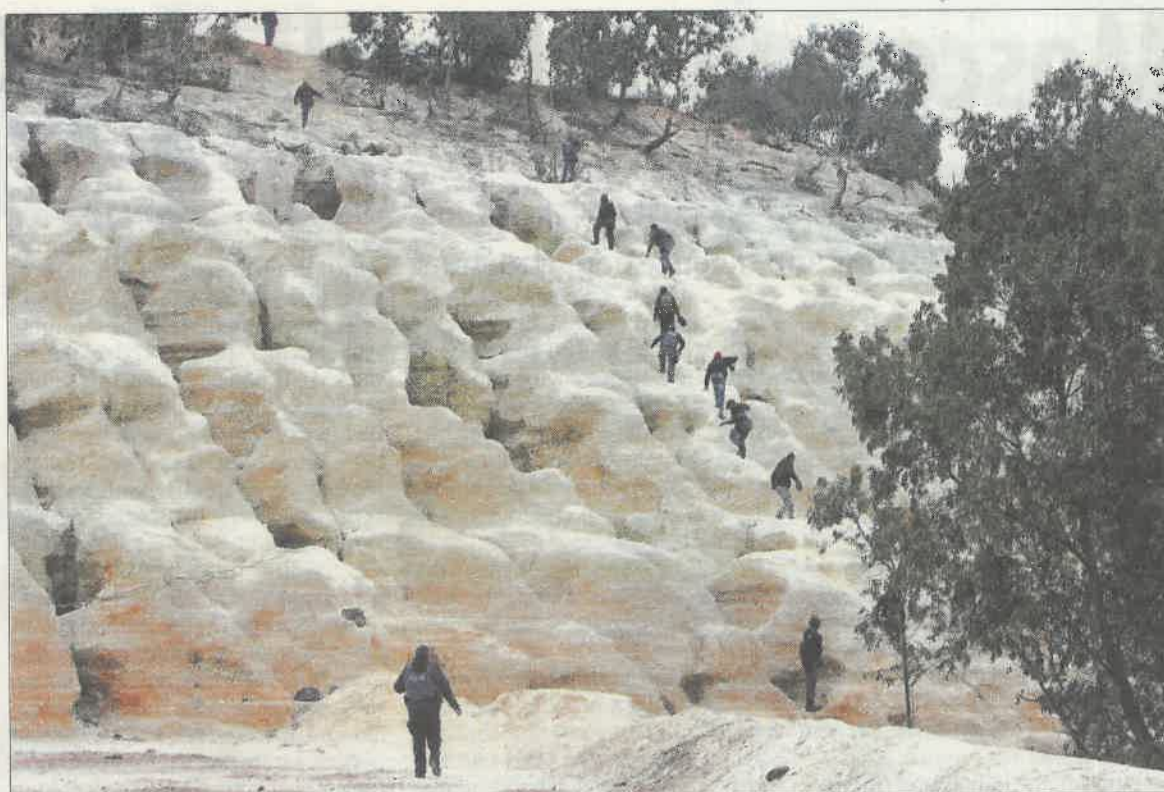
The mineral resources department, the committee said, had allowed Mintails to operate from 2012 to 2018, despite the fact that it had never approved the environmental management plans of the mine and had never issued the company with a mining right under the law.

In its report, which listed a raft of recommendations for the department, the portfolio committee noted how when a mine goes into business rescue, there is a "huge regulatory gap" regarding the financial provision of environmental rehabilitation, as well as a lack of standardisation by the department on how to relax environmental obligations of a mine during the business rescue stage.

It noted how parliament made changes to the mining law in 2002 "to ensure that in mining, as elsewhere, the polluter must pay. The new laws have not proven effective in avoiding this situation where the state and the taxpayer still end up paying for the environmental harm caused by mining."



Criminal enterprise: Illegal miners – called zama zamas – take advantage of the West Rand's unsecured mines. Photo: Delwyn Verasamy



Down in the dumps: Police carry out a raid on illegal miners in Krugersdorp (above). As well as leaving behind dangerous unsecured mining shafts, a liquidated mining company's abandoned mining infrastructure (below) can also provide a prime target for looting if there is no longer a security service to protect the property.

Photos: Fani Mahuntsi/Gallo Images & Delwyn Verasamy



According to Liefferink, the failure of the department to hold the directors accountable means "more mines will follow suit when they have financial difficulties", she said, noting the "disconnect" between the Companies Act, the Insolvency Act and the Mineral and Petroleum Resources Development Act.

"If a mine company goes into liquidation, there is no need for the liquidators or the business rescue practitioner to implement a closure plan or to do rehabilitation or to top up rehabilitation funds. The law does not make provision for that, so that is a very serious gap," she said, adding how in 2018 hundreds of artisanal

miners stripped a R3-billion Mintails plant in Krugersdorp within days, when the liquidators stopped the security services.

James Lorimer, the Democratic Alliance spokesperson on mineral resources and energy, who was part of the portfolio committee's visit of Mintails operations in 2018, said: "It appears that nothing has been done, and the department has more or less admitted it. This is not primarily a mining, or a department problem, it's a policing problem, more than anything."

While derelict and ownerless mines are part of the problem, "if you were to seal every single mineshaft in Gauteng tomorrow, and rehabilitate every one, it doesn't mean that illegal mining will stop. This is because when you put these huge concrete blocks over the entrance to a mine shaft, the guys will dig around it."

"Firstly, even existing laws need to be properly enforced, so the police need to do their job. It does seem that you need additional legislation, because there's no real crime called illegal mining."

"There's a whole raft of other things, like possession of unwrought gold, but that's difficult because the police say that if they seize one of these bags, which is obviously gold-bearing material, they have to send it to the lab and it's a six-month wait. By the time anything comes back, the guy is gone. So we do need to look at the legislation again," Lorimer said.

The department, he said, needs to do its job properly.

"It needs to monitor these things properly, which it's not doing either because of incapacity or they're just not interested."

Now, the North Sands dump and other Mintails dumps in the area are due to be re-mined and ultimately removed. Hethen Hera, the spokesperson for mid-tier gold producer Pan African Resources, said it had successfully completed a definitive feasibility study of the tailings storage facilities that form part of Mintails South Africa's assets, including North Sands dump, which will be re-mined.

The firm has until 30 August to announce the transaction, which has to be presented to its board. "We're basically cleaning up legacy scars on the landscape, apart from getting the gold out, which is beneficial to shareholders and stakeholders," he said.

"As part of the process it will lead to a better environment, because as you're removing the dumps, you leave behind a footprint and that is easier to rehabilitate and that's what we've done previously at our operations in Barberton and Evander."

Pan African Resources, he said, would rehabilitate as it mined, and that part of its rehabilitation work will involve closing up old workings and old shafts.

"As you close up and prevent access you sort of eradicate that problem of illegal mining," he said.