Declaration by the Coalition on the MPRDA – 26 March 2015 Berea Johannesburg

We the mining communities here gathered reiterate our fundamental inalienable human rights and as such are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all our fundamental human freedoms and rights can be fully realized.

We affirm that Democracy is premised on the following:

That affected people must determine their own destinies. For us this means choosing for our-selves both our own developmental paths, and to participate in all decision making and manage or co-manage the utilisation of our resources if we so choose.

In all our struggles against colonialism and Apartheid we have struggled for these, and have insisted that no authority is greater than the will of the people. We have consistently told all the past rulers, that there can be **nothing about us, without us**.

MPRDA

Noting that the current mining laws as legislated in the MPRDA limits our democratic and inalienable right to self-determination, that amendments currently proposed to the Bill seeks to further reduce our right to self-determination and that in addition, many customary communities own their ancestral land although their ownership has not been formally recognized with title deeds of their mining and mineral rights, we reaffirm that it is the peoples, specifically occupiers of the land`s, fundamental right to decide if any extractives / mining can take place on their land or not.

We reiterate that it must be the directly impacted and affected local community, who must have the greatest weight in determining whether extractives happen on their land and not only outside interests. The values and principles of our shared humanity, our aspirations of collective prosperity and our legitimate concerns about future losses such as the erosion of our connection to ancestral lands, our heritage and livelihoods -govern our decision making.

We believe in self-reliance of communities and accordingly call on our democratic government to respect and support, with revenue from our taxes, the decisions made by communities for a non-fossil fuel and non-extractive driven path of development.

Our historical and recent experiences have taught us that whenever corporations and their allies seek to mine on our lands they will adopt “divide and rule” strategies which only serves to benefit them.

To resist these initiatives we commit to mobilise and build movements, coalitions and networks that will pool our resources and protect our integrity as people of the soil. These peoples formation will be governed by clear principles that leaders are accountable to a community and cannot take decisions outside a legitimate, representative community decision making bodies of all the affected people. When powerful groups seek to co-opt our leaders, who act on their own, we will disown them, and inform the world of their treachery. It follows that those decisions will not be binding on the community.

We note that the mining industry is cloaked in secrecy which runs contrary to our constitutional values and insist that both government and corporations have a duty to provide affected communities with transparent information and processes. We affirm that we will be guided by:

Informed knowledge. The government as our elected representatives must ensure that an independent capacity development fund is accessible to such communities to source diverse sources of knowledge, geoscience, legal, psycho-social etc. which will help communities to make informed decisions

Government departments responsible for various aspects of environmental protection must come to the communities immediately when an application for mining rights and water use licenses and the like are made to obtain directly our informed consent.

Similarly, the same must apply to any authority responsible for extractives in particular mining and land

We believe we are the owners of the land and not governments, and real reparations and compensation, which should be both individual and collective, must start with those living around the mines and who work in the mines who were relocated by mining activities,– as we feel the collective negative impacts of mining more directly than others.

We Believe that the MPRDA must include provisions that direct no less than 50% of Royalties and tax allocations from mining activities, for development of directly affected communities, to counteract the disproportionate losses suffered by mining communities and labour sending areas These disproportionate losses must be recognized in terms of gender, environmental, health, spiritual and land use losses, which are in violation of basic international and national human rights law.

We, as united communities, call on all other mining communities not to entertain any corporation that has a track record of violating labour, human and environmental rights anywhere in the world.

In addition, we will refuse to give consent to any company that does not have a transparent community driven process of negotiation which has at its core the principles of Free Prior and Informed Consent.

We call for the inclusion in the MPRDA of an independent, accessible, speedy and effective grievance or redress policy and mechanism to address community concerns throughout the mining /extractive processes.

We insist that the exclusion of mining affected communities in having a direct say in the governance of their lives is unconstitutional and we commit to ending this colonial project of dispossession in our lifetime.

The Mining Communities gathered here commit to undertake a democratic process of collecting demands from mining affected communities across South Africa to bring all their demands together in a Peoples Mining Charter that should be included in the MPRDA.

This declaration has been endorsed by the following organisations and communities:

Mining Affected Communities United in Action - MACUA KZN / Fuleni

Women Affected by Mining United in Action- WAMUA KZN /Fuleni

WAMUA MNS- Mpumalanga

 WAMUA Witbank - Mpumalanga

WAMUA Carolina - Mpumalanga

Highveld Environmental Justice Network Mpumalanga

Middelburg Environmental Justice Network Mpumalanga

Ekurhuleni Environmental Organisation - EEO Springs -Gauteng

Voice of the Poor Concerned Residents Soweto - Gauteng

Khulumani Support Group Vaal - Gauteng

MACUA Gauteng

MACUA Northwest

BUA Mining Affected Communities Northwest

MACUA Limpopo

MACUA Limpopo

Southern Africa Green Revolutionary Council - SAGRC Mpumalanga

MACUA Mokopane - Limpopo

Monametse Limpopo

Kopanong Formation Committee Mokopane - Limpopo

Shubert Park Residents Committee Gauteng

Jubilee SA Free State

Gold and Uranium Belt Impact Censoring Organisation - GUBICO Free State

MACUA Kuruman -Northern Cape

WAMUA Kuruman -Northern Cape

MWA Mpumalanga

KWE Mpumalanga

Vaal Environmental Justice Alliance - VEJA Vaal -Gauteng

VEJA Free State

Sasolburg Air quality Sasolburg - Gauteng

Southern Cape Land Committee - SCLC Graaf Reinet -

SCLC Willowmore Western Cape

SCLC Beaufort West – Western Cape

Sikala Sonke Marikana - Northwest

Bakgatla North West

Bapo ba mogale Northwest

WLC Northwest

Bafokeng Land Buyers Northwest

Sekhukhune Limpopo

Bagatla Northwest

COBACO Northwest

PCCF Northwest

Twickenham Mine Northwest

Ingali Community South vaal

Land Access Movement Of South Africa - LAMOSA Gauteng

Bathlabile Limpopo

Madadeni Mpumalanga

Mtubatuba KZN

Riverlea Gauteng

Madibeng Northwest

Rustenburg Northwest

Xolobeni Eastern Cape

UFHQ Gauteng

This declaration is also supported by the following organisations:

* Mining Affected Communities United in Action (MACUA) – Meshack Mbangula
* Women Affected by Mining United in Action (WAMUA) – Caroline Ntaopane: 073 246 0081
* Mining and Environmental Justice Community Network (MEJCON-SA) – Mashile Phalane: 0723367853
* Vaal Environmental Justice Alliance (VEJA) – Samson Mokoena: 084 291 8510
* ActionAid South Africa (AASA) – Christopher Rutledge: 0827843333
* Benchmarks Foundation (BMF) – Hassen Lorgat: 0823626180
* GroundWorks – Bobby Peek: bobby@groundwork.org.za
* National Union of Metal Workers of South Africa (NUMSA): Woody Aroun: 021 461 2923
* Oxfam: Johnlyn Tromp: 083 865 3015
* Federation for a Sustainable Environment (FSE) – Mariette Lieferlink: 073 231 4893
* Southern African Catholic Bishops Conference, Justice and Peace Commission. (SACBC-J&PC) – Father Stan Muyebe: smuyebe@sacbc.org.za
* United Front (UF) – Mazibuko Jara: 083 987 9633
* International Alliance on Natural Resources in Africa – IANRA : Anne Mayher 011 056 97 47
* Right to Know (R2K)
* Amnesty International

Legal Advisors:

* Legal Resources Centre (LRC) – Henk Smith: 083 266 1770
* Lawyers for Human Rights (LHR) - Osmond Mngomezulu: 073 868 8316
* Centre For Applied Legal Studies (CALS) – Louis Snyman: 011-717-8629
* Centre for Environmental Rights (CER) – Marthán Theart: 021 447 1647