



the federation for a sustainable environment

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COMMENTS ON:

THE ROYAL BAFOKENG RESOURCES PLATINUM (PTY) LTD / IMPALA
PLATINUM LIMITED
UNINCORPORATED JOINT VENTURE
CLOSURE OF THE DOORNSPRUIT AND ROODEKRAALSPRUIT PROSPECTING
RIGHT

THE ROYAL BAFOKENG RESOURCES PLATINUM (PTY) LTD / IMPALA
PLATINUM LIMITED
UNINCORPORATED JOINT VENTURE
CLOSURE OF THE KLIPGATKOP PROSPECTING RIGHT

The following comments are submitted on behalf of the Federation for Sustainable Environment (FSE). The FSE is a federation of community based civil society organisations committed to the realisation of the constitutional right to an environment that is not harmful to health or well-being, and to having the environment sustainably managed and protected for future generations. Their mission is specifically focussed on addressing the adverse impacts of mining and industrial activities on the lives and livelihoods of vulnerable and disadvantaged communities who live and work near South Africa's mines and industries.

We respectfully request permission to submit our comments one day after the time for comment prescribed.

From a reading of the above-mentioned Background Information Documents (BAR), we infer that:

- 14 exploration drill holes and 8 exploration drill holes were drilled in terms of the Doornspruit and Roodekraalspruit and Klipgatkop Prospecting Rights respectively;
- The applications for closure are in terms of section 43(3) of the Mineral and Petroleum Resources Development Act (28 of 2002);

- The applications for closure are motivated by the fact that Impala faces tremendous economic and financial challenges;
- The potential impacts of the closure applications on flora and fauna and land-use are minimal and the socio-economic and visual impacts were also assessed as minimal.
- No additional mitigation or monitoring is deemed necessary for the above-mentioned impacts.

We were unsuccessful in accessing the copies of the full reports of the above-mentioned applications on the SLR website this morning, that is, the 13th of August, 2019 hence our comments are grounded upon the summaries of the Basic Assessment and Environmental Management Programme and Closure Plan and are generic.

Firstly, according to the South African Human Rights Commission's (SAHRC) findings and directives pursuant to its *National Hearing on the Underlying Socio-Economic Challenges of Mining Affected Communities in South Africa*, the Applicant should solicit the community's consent, and *"the community shall decide whether to grant its consent in terms of the community's customary law and practices, provide that such process shall be transparent, democratic and participatory."*

From a reading of the Comments and Response Reports we noticed that comments of only 3 or 4 community members are recorded. We infer from the comments of the community members that there was inadequate closure preparation (which should have commenced at the start of the prospecting operations) and that the perceptions and expectation of the community members were not adequately managed during the prospecting operations. To exemplify:

- *What happens after the prospecting right has been closed?*
- *What led to the abandoning of this project?*
- *No one gave us feedback regarding what they found there. Is the information obtained by Impala during the PR surveys freely available?*
- *Is it possible for any company to open a shaft if the depth of the resource is not an issue to them?*
- *Who gave Impala the right to prospect and drill holes in our properties?*
- *According to the Rehabilitation process, who accepted the Rehabilitation process on behalf of my family (Mafoko's)?*
- *If Impala accept that they have wronged us, when will they reimburse the Mafoko family?*

It begs the question whether the public participation process was conducted along formulaic lines or allowed for broad based public participation. The FSE has observed that Environmental Assessment Practitioners (EAPs) often apply the same stakeholder group template for every project and only engage with representatives from each group. This mechanistic approach disallows serendipitous input from the community. In terms of the principles of the National Environmental Management Act (107 of 1998), the participation of vulnerable, disadvantaged and marginalised members of mining affected communities must be encouraged as well as the participation by women and the youth.

Broad based public engagement with communities and broad support are essential since:

- It will help the Applicant to access local knowledge such as biophysical knowledge of climate, fauna and flora and historical land-use patterns;
- It will establish the legitimate key role players in the community;
- It will enhance community participation in identifying post-project options and ultimately taking ownership of post closure initiatives.
- The mining affected communities will have to live with the legacy.

Secondly, from our understanding of the 2014 EIA Regulations (Appendix 5), a closure plan must include-

(a) details of -

(i) the EAP who prepared the closure plan; and

(ii) the expertise of that EAP;

(b) closure objectives;

(c) proposed mechanisms for monitoring compliance with and performance assessment against the closure plan and reporting thereon;

*(d) measures **to rehabilitate the environment** affected by the undertaking of any listed activity or specified activity and associated closure **to its natural or predetermined state or to a land use which conforms to the generally accepted principle of sustainable development**, including a handover report, where applicable;*

(e) information on any proposed avoidance, management and mitigation measures that will be taken to address the environmental impacts resulting from the undertaking of the closure activity.

With reference to the closure objectives that need to be achieved, such objectives must include, from a generic perspective, the following:

- Immediate harm to human health and safety must be eliminated;
- Groundwater must be fit for current and future domestic and other uses consistent with agreed current and future land use;
- Surface water must be fit for current and future basic human needs and aquatic ecosystems requirements;
- Risk of harm to non-aquatic organisms must be eliminated; and
- Soil (property) must be fit for use consistent with current and future land use.

It is hoped that the above-mentioned legal requirements were complied with in the preparation of the closure plan and will be complied with in the execution of the closure plan.

Thirdly, in terms of “*National Environmental Management Act (107/1998): Regulations pertaining to the Financial Provision for Prospecting, Exploration, Mining or Production Operations*”, the Applicant must make financial provision for:

“5 (c) remediation and management of latent or residual environmental impacts which may become known in future, including the pumping and treatment of polluted or extraneous water.”

Even though the impacts were assessed as low and no mitigation and monitoring measures are proposed, we recommend that the Applicant follows the precautionary approach and make sufficient financial provision for any potential residual and latent impacts.

Fourthly, it is imperative that regional mine closure strategies for the North West Province be developed and implemented in order to prevent or minimise adverse long-term socio-economic and environmental impacts, and to create a self-sustaining natural ecosystem or alternate land use.

SUBMITTED BY:

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CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT

13 August 2019.