

ENVIRONMENTAL MISMANAGEMENT

FSE on the war path

By Nelendhre Moodley

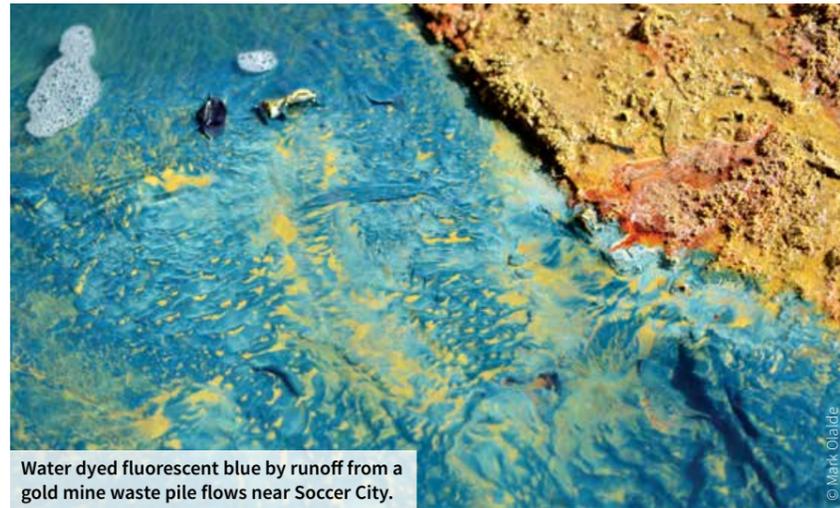
United Nations Secretary-General Ban Ki-moon best explained environmental mismanagement when he said: “We are using resources as if we had two planets, not one. There can be no ‘plan B’ because there is no ‘planet B’”

According to Mariette Liefierink, CEO of the Federation for a Sustainable Environment (FSE), it is often economics and the dangle of job creation that trumps environmental issues in South Africa. It is also the reason that mining licences are awarded in protected areas such as in the Mabola Protected Environment near Wakkerstroom, Mpumalanga.

Added to this, government has been slow in addressing environment-related challenges, including acid mine drainage (AMD) and mine closure.

“In the past, not much thought had been given to mine closure with the result that at the end of the life of mine, insufficient funds were allocated to ensure sustainable post-closure land use, quality of life and livelihood opportunities. As a result, some mining companies have tried to shirk their responsibility by applying for liquidation. In this regard, the Department of Mineral Resources (DMR) has been reticent in tackling mine closure challenges,” explains Liefierink.

Gold miner Mintails’s application for liquidation is a case in point and illustrates the route some mining companies are willing



Water dyed fluorescent blue by runoff from a gold mine waste pile flows near Soccer City.

to take in order to avoid footing the bill for mine closure.

According to Liefierink, the FSE has since 2006 repeatedly called upon the National Nuclear Regulator, the Department of Water and Sanitation as well as the DMR to enforce Mintails’s alleged environmental infractions and contraventions.

“Recent court papers indicate that even though Mintails had entered into an agreement with the DMR to fund its rehabilitation obligations over the life of mine, the DMR, knowing that Mintails had financial challenges, allowed the miner to continue to operate between 2012 and 2018 without a mining right, proper environmental plans in place and financial provisions. In fact, in terms of the report by

the Parliamentary Portfolio Committee on Mineral Resources, Mintails had an unfunded environmental liability of R460-million when it was liquidated in October 2018,” explains Liefierink, citing the November 2018 report.

She adds: “On 19 April 2018, the FSE with the assistance of the Legal Resource Centre presented factual evidence of Mintails’s environmental contraventions to the Government Task Team. Regrettably, business continued as usual. We have now arrived at a situation whereby Mintails’s environmental liabilities will be externalised to the state, neighbouring mines, a mute environment, financially beleaguered local municipalities, the local communities and future generations. The FSE with its legal team is currently pursuing this matter further.”

While the Mintails debacle has been disastrous for the environment and the community residing in the area, a positive outcome has been the intervention by the Parliamentary Portfolio Committee. It has instructed the DMR to take action against the gold miner’s shareholders and directors

and identify clearly and specifically the gaps between mining, insolvency and company law that have led to this ongoing situation, where the polluter does not pay – the state ends up doing so.

This will prevent similar mine closure situations from occurring in the future.

Not so long ago the Blyvooruitzicht gold mine near Carletonville and the Aurora gold mine both went into business rescue and liquidation with insufficient funds for rehabilitation.

“To date there has been not one mine closure certificate that has been issued for the Witwatersrand gold fields. A mine closure application requires the inclusion of a risk assessment, including risk of harm to human health and safety, future water use and soil degradation, among others. Once a mine closure certificate is issued, government becomes liable. Currently there are more than 6 000 ownerless and abandoned mines that are wreaking havoc on the environment and on the lives of the communities that occupy the land.”

POLICY EXISTS IN VAIN IF NOT IMPLEMENTED

To avoid situations like that of Mintails taking place, Liefierink calls on government to act with speed in finalising the national mine closure strategy and to provide industry and civil society with progress reports and updates on the anticipated timelines for the release of the mine closure strategy as well as a list of all the mines that are under care and maintenance.

As a consequence of sustained advocacy, lobbying and whistle-blowing by civil society, in particular the FSE, government has taken some steps in addressing the adverse impacts of the legacy of gold mining within the Witwatersrand gold fields, notes Liefierink.



“Mining is a short-term activity that depletes a non-renewable resource.”
– Liefierink



This has resulted in, among others, the development of the position papers *Remediation Criteria and Requirements* and *Plan for the Remediation of Contaminated Land for the rehabilitation of radioactive contaminated land* by the National Nuclear Regulator in 2015.

While this is a step in the right direction, it has yet to translate into action.

According to Liefierink, the Witwatersrand Mining Basin, which has been mined for more than a century, is the world’s largest gold and uranium mining basin.

For more than 130 years in total, over 120 mines have extracted 43 500t of gold and 73 000t of uranium. This has resulted in the establishment of more than 270 tailings storage facilities (TSFs) in the Witwatersrand, most of which are unlined and not vegetated, resulting in dust hazards and soil and water degradation.

“Owing to the fact that our gold ore co-occurs with uranium, the land in the Witwatersrand gold fields contains elevated levels of radioactivity. This affects some 400 000 people located on 380 mine residue areas,” she explains.

Given this situation, again is it important that government speedily finalises and promulgates a policy associated with rehabilitation of radioactive contaminated land, she says.

“Mining is a short-term activity that depletes a non-renewable resource. We need to protect the environment for future economic activities,” concludes Liefierink. ■



Acid mine drainage is treated in the West Rand.



Heavy metal left behind by polluted mine water in Krugersdorp.