

Ms R Nkambule & Mr X Mbonambi
Task Team Chairpersons
Department of Mineral Resources

Per email:
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9 October 2018

Dear Ms Nkambule & Mr Mbonambi

RE: TASK TEAM VISIT 1 OCTOBER 2018 RE MPUKUNYONI COMMUNITY AND TENDELE COAL MINING (PTY) LTD

1. We refer to the Task Team meeting that took place on 1 October 2018 and confirm that we have been instructed on behalf of the following local community organisations to address their concerns in respect of the manner in which the Task Team meeting was held and to suggest some ways forward:
 - 1.1. The Mfolozi Community Environmental Justice Organisation (MCEJO), a voluntary association of 3 516 members from the Mpukunyoni Community;
 - 1.2. The Mpukunyoni Community Property Association (MCPA);
 - 1.3. The Concerned Group from Myeki;
 - 1.4. The Siyaphakama, a women's group from Machibini and Esiyembeni;
 - 1.5. The Phondweni Concerned Group.
2. Firstly, it was understood by my clients that the Task Team was established to investigate the concerns and issues of the community living under extremely difficult circumstances as a result of the operations of Tendele Coal Mining (Pty) Ltd (Tendele). Unfortunately, on Friday 28 September, it was established that it was established that "all relevant stakeholders" including Tendele, the Traditional Leadership and other people in the employ of Tendele were invited, not only the affected communities.
3. Secondly, the meeting invitation was sent out at very late notice (Thursday 27 September 2018 for the meeting on 1 and 2 October 2018) and were requested to provide a list of "all the groups, committees and all community leadership structures that have been dealing with issues raised" for invitation to the meeting. We accordingly sent the following list of representatives from the following organisations and villages:

- 3.1. The Mfolozi Community Environmental Justice Organisation (MCEJO)
- 3.2. The Mpukunyoni Community Property Association (MCPA);
- 3.3. The Concerned Group from Myeki;
- 3.4. The Siyaphakama, a women's group from Machibini and Esiyembeni;
- 3.5. The Phondweni Concerned Group;
- 3.6. Machibini;
- 3.7. Esiyembeni;
- 3.8. Dubelenkunzi;
- 3.9. Ntandabantu;
- 3.10. Luhlanga;
- 3.11. Phondweni;
- 3.12. Malahleni;
- 3.13. KwaQubuka;
- 3.14. Myeki;
- 3.15. Inhlangano Yabefundisi;
- 3.16. Mahujini;
- 3.17. Inhlangano yabelaphi bendabuko;
- 3.18. Omama beketango; and
- 3.19. Inhlangano yentsha yakwaMpukunyoni.

Transport was requested to the venue but no response was received in this regard.

4. Thirdly, on arrival at the venue in Mfolozi, the agenda that was circulated for the meeting gave the floor to Tendele and included presentations by Tendele and items that raised *sub judice* issues pending the outcome of the Pietermaritzburg High Court application that MCEJO, the Global Environmental Trust and Sabelo Dladla instituted against Tendele, DMR and others. The agenda read as follows:
 - 4.1. Presentation by DMR on legislative framework
 - 4.2. Presentation by Tendele on:
 - 4.2.1. Status of compliance with all aspects of the mining rights
 - 4.2.2. Relocation plans
 - 4.2.3. Dust and water monitoring
 - 4.2.4. Status of court case brought by NGO's
 - 4.3. Community representatives to report on historic and proposed relocations
 - 4.4. Discussion on proposed relocations of the Ophondweni and Emalahleni communities.
5. Clearly Tendele had been involved in the preparation of the agenda and yet the 19 villages and community organisations that were listed to attend, had not been consulted at all. Consequently, and understandably, the community members responded angrily as the

agenda represented a complete disregard for the people who wanted their grievances to be addressed.

6. Before the meeting could begin, members of the community raised the following issues:-
 - 6.1. the choice of venue being so far from Somkhele and not big enough to accommodate everyone;
 - 6.2. the lack of transport that had been made available for them and the personal cost in attending the meeting;
 - 6.3. bias towards Tendele in the agenda; and
 - 6.4. the fact that Tendele had paid for the venue and the food.
7. Mayor Velangenkosi Gumede of Mtubatuba, in support of the Mpukunyoni community, conceded that the meeting had been badly planned and was in the wrong venue. He agreed with the community that it should be cancelled, which it duly was.
8. A few of my clients remained behind to discuss a follow-up meeting and made suggestions as to how a joint agenda should be drafted with the DMR Task Team, Mayor Gumede and municipal leaders. These suggestions are recorded here as follows:
 - 8.1. The DMR Task Team is urged not to work hand in hand with Tendele mine to organise future meetings but to liaise with the Mtubatuba municipality whose Mayor has confirmed he will assist in organising a venue and informing concerned parties.
 - 8.2. The initial meeting should be held with the Task Team, relevant government departments and representatives from all relevant community groups and villages in order to decide the agenda for the first Task Team meeting.
 - 8.3. The venue for the Task Team meeting should be in the Mpukunyoni community, such as the Somkhele sports ground where the meeting with Minister Mantashe took place on 22 September 2018.
 - 8.4. Transport must be arranged for all community members from all villages and organisations who wish to attend.
 - 8.5. The Task Team should include the Department of Environmental Affairs, Health, Cooperative Governance and Traditional Affairs, Water and Sanitation, Education and other relevant departments. A representative from the Ingonyama Trust Board must be invited.
 - 8.6. Prior to the Task Team meeting, it is proposed that Tendele provides the Task Team, our clients and other attendees with a copy of its Social and Labour Plan, Integrated report and SLP compliance reports for the years 2013-2018. Tendele must also provide documentation to prove:
 - 8.6.1. Employee numbers, specifically from the local communities;
 - 8.6.2. BEE benefits;

- 8.6.3. Community shareholdership by providing trust deeds, names of trustees and beneficiaries.
 - 8.7. At the first Task Team meetings, the Task Team must listen to the grievances of the community and make the necessary notes to compare to the SLP and audit report of Tendele. In order to allow for open disclosure without fear of intimidation or reprisal, no representatives from Tendele should attend.
 - 8.8. Site visits must be made to all affected communities. A small group of Tendele mine representatives should accompany the site visits to witness the impacts on affected sites/households.
 - 8.9. At no stage should the court application against Tendele be the subject of discussion at any of the Task Team meetings.
9. It has also come to our attention that the Task Team and DMR met with Tendele in Durban on 2 October 2018. Given that the meeting had been cancelled, kindly explain to us why the meeting continued without our clients being present and provide us with the minutes thereof.
 10. If the DMR is serious about addressing the concerns of the community, we trust that a follow-up Task Team meeting will be arranged as soon as possible and that future meetings can be planned in the manner outlined above. We look forward to hearing from you in this regard.
 11. Kindly note that the transportation for the members of the community to attend the meeting on 1 October 2018 required the hiring of three taxis at a negotiated rate of R850 each. We therefore request reimbursement in the amount of R2 550.00.
 12. All our clients' rights herein are reserved.

Yours faithfully



Kirsten Youens

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