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NPO

14 July 2010

Attn:

Lawrence Mushwana, Chair
Pregs Govender, Vice-Chair
South African Human Rights Commission
29 Princess of Wales Terrace
Parktown
Johannesburg
Tel: 011 484 8300

cc. Yuri Ramkissoo
Senior Researcher for Environment and Deputy Director

Dear Commissioner Mushwana and Commissioner Govender,

Given the mandate of the South African Human Rights Commission(SAHRC) to address human rights violations, Earthlife Africa Johannesburg, with the endorsement of the organisations listed below, would appreciate your response to the gross violations of human rights currently being committed by the company Aurora Empowerment Systems. Specifically:

- the mineworkers at Aurora have not been paid since February 2010 – a violation of their right to fair labour practices (section 23 of the South African Bill of Rights);
- toxic mine water has been allowed to flow, untreated, from the mine into the Blesbokspruit since February 2010 – a violation of South African citizens' right to an environment that is not harmful to their health or well-being and their right to have the environment protected through measures that prevent pollution and ecological degradation (section 24 of the South Africa Bill of Rights).

In respect of the issue of the toxic mine water, we commend the mineworkers who have bravely continued to keep the pumps going in an effort to reduce the discharge of toxic water – at great risk to their own health and well-being.

In January, members of the community near the mine in Grootvlei began to suffer from the smell of hydrogen sulphide produced by the toxic water. Three mine workers have also died. It is reasonable to assume that the mining company's actions has contributed to the suffering of these community members, given the unhealthy living and working conditions related to the release of the toxic water, and the mineworkers' impoverishment exacerbating any existing health conditions.

The SAHRC may be unaware of the serious environmental implications of huge volumes of untreated toxic mine water going into the Blesbokspruit. This water contains high levels of sulphates and heavy metals such as iron, manganese and radioactive uranium. The Blesbokspruit feeds the Vaal River system, from which Rand Water gets its water. It therefore poses a risk to the water supply of everyone living in the Johannesburg region.

Risk of the West Rand environmental disaster happening on the East Rand

Proof that toxic mine water is a hazard to our environment is found on the West Rand. The Tweelopiespruit, the stream that flows into the water supplies of the Crocodile River and Hartbeespoort Dam, has been receiving acid mine water from Rand Uranium's property for years and increasingly in the past few months. The stream is now a stream of acid, with a layer of toxic heavy metals on its bed. The only life it supports are micro-organisms adapted to live in these harsh conditions. Hippos living in a dam fed by the stream may have damaged eyes as a result of the pollution. See the photos below. Borehole water on the West Rand has also been polluted by acid mine water and there may be a high incidence of cancer amongst people who have relied on such water as their primary water supply. A health study is being undertaken to investigate this further. Underground, the acid mine drainage on the West Rand threatens the Cradle of Humankind caves, and has caused sinkholes in many areas.

If no action is taken to adequately treat the toxic mine water pouring out of the Grootvlei mine, the Blesbokspruit, which already cannot sustain fish, will become lifeless, like the Tweelopiespruit, and the Vaal River system will be irreversibly polluted. The long-term effects of such pollution will be felt by our children and grandchildren.



Tweelopiespruit, Krugersdorp Game Reserve (top left). Hippos in the dam into which the Tweelopiespruit flows (top right). Metallic crust at bottom of the stream (bottom left). (June 2010)

SAHRC needs to take a stand

We urge the SAHRC to join with other civil society organisations and concerned citizens to hold Aurora and the Department of Water Affairs accountable for their part in the acid mine drainage crisis, and to participate in finding a solution to the problem.

There are ways to control acid mine drainage and rehabilitate areas affected by it. However, it seems that the mining companies and government are reluctant to invest in these measures on the scale that is needed. This is despite the fact that there are clear polluter pays responsibilities in the National Environmental Management Act, 1998; and responsibilities for rehabilitating damage caused to the environment in the Minerals and Petroleum Resources Development Act, 2002. As the current situation was predicted in 1996, we can only assume that the lack of such investment is due to a lack of political will and greed.

Action by the SAHRC can help to inspire effective action to address the environmental injustices of unsustainable mining, which represent gross violations of human rights, and show companies that they must live up to the standards set by South Africa's environmental laws and its Constitution.

As a first step, we would appreciate a response to this letter and a clear outline of the action that SAHRC may have already taken, or will take, to pursue this matter further. In the short-term, we would like to see reparation for the Aurora mineworkers. And an effective pumping and treatment process put in place at Grootvlei mine. A long-term plan to rehabilitate the affected wetland area, the Marievale Bird Sanctuary, will also be needed. There are creative ways in which mining companies, the government and civil society groups can work together to implement such projects. Given the scale of the problem, international agencies may also need to be called in to assist.

This letter is motivated by our commitment to environmental justice. It is also sent in a spirit of hope that the government and mining companies will move beyond their current defensive positions and take effective action in an open and transparent way.

If any SAHRC commissioners would like to know more about the acid mine drainage issue, we would be happy assist with an information-sharing workshop. In the meantime, further information can be found on the following websites: www.fse.org.za (Federation for a Sustainable Environment); www.earthlife.org.za (Earthlife Africa, search on Acid Mine Drainage)

Your sincerely,

Rachel Adatia, Mabule Mokhine, Judith Taylor
Earthlife Africa Johannesburg Branch, Executive Committee

The following nine organisations endorse this letter:

Anti-Privatisation Forum (APF)
Centre for Environmental Rights
Earthlife Africa Cape Town Branch
Federation for a Sustainable Environment
Johannesburg Anglican Environmental Initiative
Save the Vaal (SAVE)
South African Hunters and Game Conservation Association: West Rand Branch
South Durban Community Environmental Alliance
The GreenHouse People's Environment Centre