

Limpopo Land Summit 2009 Declaration

We communities affected by mining activities on our land, communities and individuals affected by the challenges pertaining to the implementation of the land reform programme in the Limpopo Province (Restitution, Redistribution and Tenure Refom) gathered at a summit held at Oasis Lodge in Shesego Limpopo Province from the 17th to the 19th of November 2009 to share our plight and further deliberate on possible solutions and actions.

As communities affected by mining activities, we acknowledge the effort by government to regulate and control the exploitation of south African minerals through the enactment of legislation (The Mineral Act of 2002) to guide all processes leading to the granting of rights to mine, to which broader consultation with the host communities is a requirement. However the situation on the ground is totally in contravention of the law in a sense that mining companies do not consultation affected communities, in some cases money is used to buy influential people in communities to play an advocacy role on behalf of the companies thus creating conflicts.

An application for prospecting rights in terms of law only require the applicant to submit proof of consultation with the host communities, there are no guidelines as to how the consultation processes should be carried out and no monitoring by the responsible authorities, As a result mining companies resorted to dubious way to meet this requirement.

Once prospecting and mining rights are granted, the rights to land enjoyed by the host communities become secondary as the mining companies are permitted by law to start operations and nothing should stand on their. They now have the power to remove what ever object on their path including having to relocate people, exhume graves, and destroy fields and grazing, with a promise of better housing, which in most cases does not exist. The health of the affected people is compromised as a result of pollution brought by mining operations (water, air and noise pollution). Affected communities still remain in poverty even after a promise of employment opportunities and provision of social services due to the fact that employment opportunities are given to people from outside the host communities and province in most cases. As a summit we believe robust discussion should be engaged in with all the role players to look in to the plight of communities affected by mines and to move towards correcting the wrongs and injustices as a result.

Enactment of legislation including land reform legislation (Restitution of Land Right Act, The Extension of Security of Tenure Act and Land and Assistance Act etc) brought a sight of relieve to the black south Africans who for many years were deprived access to and ownership of land. However the implementation and enforcement thereof brought frustration confusion and loss of hope for a better life for most of the intended beneficiaries. Dispossessed communities have since lodged land claim as far back as

1995, and 14 years down the line restoration of rights to land is still a dream which has turned into a nightmare. No information is provided by the responsible authority as to what the delay is about, no transparency and accountability. Most of the claimants have already passed on without having realized the long awaited victory to be returned to their ancestral land.

Farm workers/dwellers still face the harsh reality of evictions and unfair labour practices after so many years of the enactment of laws to protect them. Enforcement is just not happening and law enforcers still do not know and understand how to perform their responsibilities. As a summit we believe it is now high time to correct these wrongs, we cannot afford to let this situation go by unchanged any further. We as the directly affected communities and individuals are ready to fight till the bitter end for justice and will use what ever means possible if roles players are not prepared to listen and assist in resolving these problems. Enough is enough.

We adopted the following action plan to guide our activities as we continue the fight for our constitutional rights.

Establishment of a task team comprising of representatives of affected communities to work with supporting structures in further engaging the ruling party (National Executive Committee) and government.

Strengthen the community structures through capacity building.

Institute class action to seek redress for the violation of constitutional rights.

Media engagement to publicize the plight of affected communities.

Land occupation and disruption of mining operations.

Not voting in the coming local government elections.