

Report of the Portfolio Committees on Women in the Presidency, Rural Development and Land Reform and Mineral Resources in Limpopo Province from the 14 – 18 September 2015, dated 09 March 2016

The Portfolio Committees on Women in the Presidency, Rural Development and Land Reform and Mineral Resources having undertaken the oversight visit to the Commission for Gender Equality and the programmes of the Department of Rural Development and Land Reform and Mineral Resources reports as follows:

1. Introduction

The Portfolio Committees on Women in the Presidency, Rural Development and Land Reform and Mineral Resources undertook a joint oversight visit to the Commission for Gender Equality (CGE) and programmes of the Department of Rural Development and Land Reform (DRDLR) and Mineral Resources (DMR) in Limpopo Province from the 14th –18th September 2015.

2. Aim and objective of this oversight visit

The overarching aim of this coordinated oversight visit was to explore the extent to which policy intersection of mining and land reform empowers traditional communities, especially rural women and youth. In particular, the joint committees sought:

- To assess the mining consultation processes in terms of relevant legislation, including but not limited to, Interim Protection of Informal Land Rights Act and Mineral Resources and Petroleum Development Act.
- To explore the underlying tensions and conflicts relating to operations of mines on communal areas, i.e. traditional communities under the jurisdictional authority of traditional councils.
- To assess the Department of Mineral Resources (DMR) application of the Social Labour Plan and Mining Charter Provisions and the outcomes for women.
- To assess processes of lodgement of land claims in Limpopo, including the performance of the mobile lodgement office.
- To assess the functioning of Communal Property Associations (CPAs) in Limpopo Provinces (mining and agriculture),
- To enquire about the socio-economic impacts of interventions on rural women

3. Delegation

The delegation was comprised of the following Members and officials:

3.1 Portfolio Committee on Women in the Presidency

Ms T Memela (ANC, Chairperson and leader of the delegation), Ms P Bhengu (ANC), Ms MP Chueu (ANC), Ms G Tseke (ANC) and Ms N Marchesi (DA). The Committee was accompanied by the following Parliamentary staff: Ms N Nobatana (Committee Secretary), Ms K Abrahams (Content Adviser), Ms C Levendale (Committee Researcher), Ms C Sheldon (Committee Assistant).

3.2 Portfolio Committee on Rural Development and Land Reform

Ms PC Ngwenya-Mabila, (ANC, Chairperson and leader of the delegation), Mr PJ Mnguni (ANC) Mr EM Nchabeleng (ANC), Mr AF Madella (ANC), Ms NW Magadla (ANC), Mr TW Mhlongo (DA), Mr NS Matiase (EFF). The Committee was accompanied by the following Parliamentary officials: Ms P Nyamza (Committee Secretary), Mr T Manenzhe (Content Advisor), Ms B Tsana (Committee Assistant) and Ms T Pepeteka Siyo (Committee Researcher).

3.3 Portfolio Committee on Mineral Resources

Mr. S Luzipo (Chairperson) ANC; Inkosi ZMD Mandela (Whip) ANC; Ms. M V Mafolo (ANC); Kgosi M Matlala (ANC); Ms. HV Nyambi(ANC); Mr J Lorimer (DA). The Committee was accompanied by the

following Parliamentary officials: Ms A Boss (Committee Secretary, and Ms S Skhosana (Committee Assistant), Mr N Kweyama (Content Advisor)

4. Briefings: Premier's Office of Limpopo, Commission for Gender Equality, Department of Rural Development and Land Reform, Department of Mineral Resources, Limpopo's Provincial House of Traditional Leaders

This section provides an overview of the presentations by various stakeholders at the start of the oversight visit. It includes a synopsis of the key issues presented and the issues that emerged during the deliberations.

4.1. Briefing by the Office on the Premier in Limpopo Province

The Office of the Premier including the Office on the Status of Women's (OSW) presentation provided an overview of the legislative and policy context, it also focussed on the Limpopo Development Plan (LDP) and objectives; the economic situation in Limpopo along with a demographic profile; and progress with regards to gender mainstreaming in sector departments including challenges and interventions. The presenter reported that the Limpopo Province has a population of 5.27 million, 56.6% of these are women, 36.9% of the population is over 65 years, 6.2% are of the population are disabled and the urban/rural distribution of the population was 11/89%.

The presenter indicated that the purpose of the Limpopo Development Plan is to improve the standard of living and to reduce poverty, unemployment and the unacceptable levels of inequality. This will be achieved through sustainable economic, social, infrastructure and institutional development with emphasis on transformation. In terms of economic development, the Office will focus on mining, agriculture, tourism and manufacturing as well as empowering SMME's and cooperatives as well as strengthening support towards identifying Growth Point Areas. In addition, the presenter noted that the horticulture, meat, forestry and tourism cluster will be specifically aimed at promoting development in rural areas. The objectives of the Limpopo Development Plan was stated as follows:

- Create decent employment through inclusive economic growth and sustainable livelihoods.
- Improve the quality of life of citizen
- Prioritise social protection and social investments
- Promote vibrant and equitable sustainable rural communities
- Raise the effectiveness of a developmental public service
- Ensure sustainable development.

The Office intends to ensure the attainment of the following provincial goals:

- Increase matric pass rate from 72.9% in 2014 to beyond 80% (Limpopo Department of Education);
- Create 429 000 jobs – Limpopo Department of Economic Development, Environment and Tourism (LEDET);
- Reduction of official unemployment rate from 16.9% in 2014 to 14%;
- Access to basic services (water) from 83% in 2014 to 90%;
- Electricity supply from 83% in 2014 to 90% - Limpopo Department of cooperative Governance, Human Settlements & Traditional Affairs (CoGHSTA); and
- Reduce HIV incidence from approximately 9% of the total population of Limpopo in 2014 to 5% (Limpopo Department of Health).

The following municipalities were highlighted as those that possessed the potential for growing the economy namely; Polokwane, Mogalakwena, Ba-Phalaborwa, Greater Tzaneen, Thulamela and Thabazimbi.

In terms of achievements, the Province made progress in areas of gender mainstreaming and women empowerment in the following areas:

- Gender equity and women in decision making
- Violence against women and children
- Women and health
- Women and education
- Women in mining
- Regional integration
- Social cohesion and advocacy programmes

Furthermore, the presenter indicated that for 2014/15, the Province had improved in terms of the participation of women in areas of decision making. In, in 2009, the Executive Council of the Province had 5 female members and currently it has 6 female Members. Moreover, 4 Provincial Departments are headed by females and 2 females are acting Heads of Departments. At the local government level, the Province has 1 710 councillors, 734 of them are women. The Capricorn district employed 25/53 women, the Mopani district 22/51, Vhembe district 27/58, Waterberg district 19/35 and Sekhukhune district 18/48. On closer examination, the municipalities identified has having growth potential employed between 33-50% females.

The Province has 29 municipal managers and 5 are women and one acting at Belabela and Maruleng municipalities. In terms of employment equity in sector departments, the presenter indicated the following:

- The Provincial Department of Social Department and Sports, Arts and Culture met the target of 54.55% and 53.33% in terms of employment of women.
- The Department of Health achieved 41.18%, Public Works 41.18%, CoGHSTA 44.23% and Provincial Treasury 44.68%.
- The worst performing Departments in terms of women in SMS were Transport (20.59%), Agriculture (31.71%) and the Office of the Premier (31.03%).
- The Office of the Premier, the Department of Sports and Art and Culture achieved 2% target for employment of people with disabilities and improved year on year from 2012/13 to 2014/15 financial year.
- The Department of Public Works, Roads and Infrastructure also achieved the 2% employment target for people with disabilities and improved year-on-year in 2013/14 and 2014/15.

In terms of violence against women, the Province indicated that it was concerned by the increasing number of cases of violence against women. The presenter indicated that the province has 97 police stations and that 78 have victim friendly facilities and 37 trained professionals in forensic medicine. There are also 24 facilities established for the maxim support of domestic violence victims. These facilities provided skills development activities such as sewing, gardening, computer etc. and victim empowerment services like psycho-social services. The province also has increased the number of primary health care centres which are offering 24/7 services from 443 to 464 and those offering 24 hour service from 53 to 65. In so doing, improving access to health services for women.

In terms of women and education, the Office reported as follows:

- Education and training: 6 264 female students enrolled in the technical field at Technical Vocational Education and Training (TVET) Colleges in 2011/12 and that 3 225 female students were awarded bursaries from 7 TVET for technical subjects.
- Early childhood development: The presenter indicated that 2 616 were registered by the Department of Social Development with 132536 children. 1215 funded Early Childhood Development (ECD) sites with 77690 children and 3757 ECD practitioners have been trained on level 1-5.
- Teenage pregnancy: A survey conducted at schools in Polokwane revealed that 663 pregnancies were registered of which 210 teenage pregnancies were registered in the Vhembe. The youngest girl affected is in Grade 4. The province has developed a strategy to deal with teenage pregnancies and is being implemented.

In terms of food security and poverty eradication, the presenter indicated that 2 600 households received 18 egg layers, 750 households received vegetable seed starter packs and 51 000 households received food parcels for 3 consecutive months. With regard to social cohesion, the presenter indicated that the Office on Status of Women engaged with different sectors in order to foster social cohesion and nation building with communities at events held on 20 and 26 August 2014 in the Polokwane Municipality and the Makhado Municipality-Vhembe District. In addition, school children also participated in a "Take a girl child" to work in different departments and on Bring back our Girls where they submitted a pledge to the Premier in solidarity and remembrance if the Nigerian children through prayer.

4.2. Briefing by the Commission for Gender Equality

The CGE's presentation provided a provincial overview (demographic profile and key challenges); a focus on the programmes of the CGE Limpopo office; a list of stakeholders and strategic partners; the CGE's Public Education and Information Programme of activities for 2014/15 in terms of areas covered and challenges. The presenter indicated that Limpopo Province has 5 District Municipalities and 25 local municipalities with a total population of 5.5 million with women being in the majority and accounting to 54.6% and men at 45.4%, province stretching from Musina to Bela-Bela and from Thabazimbi to Phalaborwa. The most dominant languages are Sepedi, Xitsonga and Tshivenda. The Limpopo Public Education and Information (PEI) programme included a focus on the following:

- Harmful Traditional Practices
- Gender Based Violence in Schools
- LGBTI Campaign
- 16 Days of Activism Campaign
- Women's month campaign
- Human rights campaign
- Outreach and legal clinics
- Women empowerment programme
- Collaboration with Chapter 9 and all institutions supporting democracy
- Community radio talk shows
- Engagement with Men Sector Organisation
- Engagements with people disabilities

The CGE in Limpopo engaged with the following stakeholders and strategic partners namely; South African Association of the Blind and Partially, Sighted (SANAPB), South African Local Government Association (SALGA), Lovelife, ICAP and COSATU. Based on these engagements with strategic partners and stakeholder support, the CGE managed to cover all five districts. In addition, a detailed overview of activities for the radio sessions were provided for the period of 2014/15. The Commission held 17 legal clinics both in rural and urban areas, it also targeted FET Colleges, secondary schools and universities. The Tribal Councils and Correctional Centre in Polokwane was also targeted.

The CGE convened a follow-up hearing on 13 October 2014 to track progress with the FET Colleges, Universities and schools. In terms of court monitoring, the CGE utilised both qualitative and quality research methods in monitoring the Equality courts and Maintenance Courts. The findings revealed that for the Equality Court there was no single matter on the roll nor was there any case lodged at any of the courts that were monitored. For the Maintenance court, it was found that the Batho Pele principles are not adhered to in courts. The Commission indicated that it would meet with the Department of Justice and Constitutional Department Regional Office to share its report and indicated that the meeting was scheduled for 2 September 2015. This did not materialise and the meeting was rescheduled for a later date. A follow-up letter was also sent requesting a date for the meeting. The presenter noted that 29 cases were monitored for the 1st quarter, 20 cases in the 2nd quarter, and 23 cases in the 3rd quarter and 24 cases were monitored in the 4th quarter.

In terms of challenges, the Public Education and Information (PEI) Department of the CGE indicated that measuring the impact of programmes had been problematic as there was no

continuity given the limited capacity of the office and the distances in having to commute to and from projects. The collaboration between the Legal, Communication (e.g. radio slots) and PEI Departments in conducting legal clinics have solicited a number of complaints which demonstrates the impact and outreach of its programmes. In terms of challenges of the Legal Department, the Commission indicated that the Limpopo Provincial Office has only one Legal Officer to service approximately 5.5 million persons and no legal administrative personnel. Furthermore, the presenter indicated that the CGE Limpopo office established a stakeholder relationship with the University of South African Law Clinic, School for Legal Practice in Polokwane. The partnership which was pivotal for rendering effective legal clinics.

The Commission signed the Memorandum of Understanding (MOU) with the House of Traditional leadership but there is still a challenge in receiving responses from the House on matters emanating from conduct of traditional leaders in Limpopo. As such, the Office of the Premier and CoGHSTA takes a long period to resolve traditional leadership disputes.

4.3. Briefing by the Provincial House of Traditional Leaders

The presentation Provincial House of Traditional Leaders (PHTL) highlighted four areas of significance in line with the purpose of the meeting; that is the significance of the chiefs in rural development and women's representation, chiefs and mines, Communal Property Associations (CPAs), and Spatial Planning and Land Use Management Act (2014) (SPLUMA).

4.3.1 The role of chiefs in rural development and women's participation

The PHTL reported that it has made strides in transformation of the institution of traditional leadership. For example, enforcement of representation of women in councils The PHTL further noted that women traditional leaders were playing crucial roles in development of rural communities. It called for state organs to respect the place of traditional leaders in administration of affairs of traditional communities.

4.3.2 Chiefs and Mines

The PHTL submitted that traditional leaders bore the brunt of the development of mines on communal land. They have mostly been accused that they benefitted from the proceeds from the mines. This perception has been created, however the fact of the matter is that most traditional leaders do not benefit individually. The presenter referred an example of Mapela village in Limpopo where a property/house of a traditional leader and his offices were burnt down by members of the 'community'. Members of the 'community' accused the traditional leader that he was benefiting from mining development at the expense of the general members. Mining thrive on exploitation of natural resources on communal land. The PHTL raised concerns that the DMR approves and issue licences without thorough consultation and consent of traditional leaders who acts in the best interest of communities. It further implored Parliament to consider the issuing of mining licences and consultation of communities whose land has been targeted for mining. Further, government must ensure that rural communities benefit from mining development through beneficiation initiatives and establishment of cooperatives to assist in the development of the rural communities.

4.3.3 Communal Property Associations

Traditional leaders have said that they do not want the CPAs. It has never worked for us. He has not seen a successful CPA. Where is a land reform project where land was given and there was traditional leaders, there was no success in such places. Some in the initiation schools: the give problems. Some of the people, after they got the land, and formed the CPAs, they claim to be chiefs. So we have problems in this regard. Some wants to be traditional leaders. About 185 chiefs, and CPAs are more, therefore there will be a lot more of people who will need to be consulted.

4.3.4 The role of Traditional Leaders in spatial planning and land management

The PHTL submitted that it noted with concern the signing of the Spatial Planning and Land Use Management Act (2014) (SPLUMA) into law. It further suggested that the law strips traditional leaders of their powers to administer communal land by giving the municipalities planning responsibilities. For the Limpopo PHTL, the crux of the matter is the 'place' and the role of traditional leaders in administration of land and questions of property rights. Its position was that the legislation would not work and is not implementable in traditional communities. It recommended that the DRDLR should speedily address this matter in consultation with stakeholders, especially traditional leaders and rural communities.

4.4. Briefing by the Department of Rural Development and Land Reform and the Commission on Restitution of Land Rights

This section provides status report of implementation of land reform programme in terms of its three key components; namely redistribution, restitution and comprehensive rural development programme (CRDP).

4.4.1 Redistribution

Over the last 20 years, redistribution has undergone policy changes from the Settlement Land Acquisition Grant (SLAG), the Land Redistribution for Agricultural Development (LRAD), and to the Proactive Land Acquisition Strategy (PLAS). The current policy mechanism for redistribution is the PLAS, supported through the Recapitalisation and Development Programme (RADP). The difference in the programmes is that the former programmes focussed on transfer of land to previously disadvantaged communities, with SLAG focusing on the poor and LRAD focussing on the development of a class of black commercial farmers. PLAS transfers the farms and leases to the state with options for transfer of land to successful black commercial farmers.

Figure 1 below shows that between 1994 and 2015, Limpopo has delivered 538 redistribution projects cross the five districts. PLAS (2009 – 2015) accounts for 28% of the projects (152) and about 72% (386) is mainly SLAG and LRAD (1994 – 2009).

Figure 1: Land redistribution by District (Limpopo) (SLAG/LRAD vs PLAS)

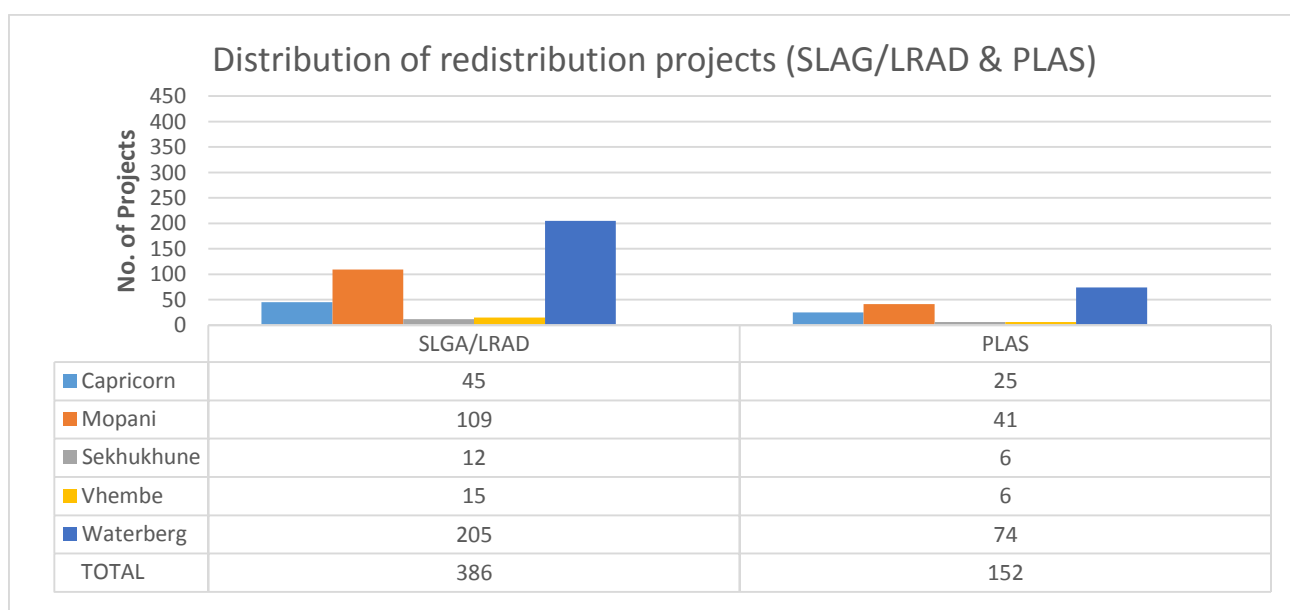
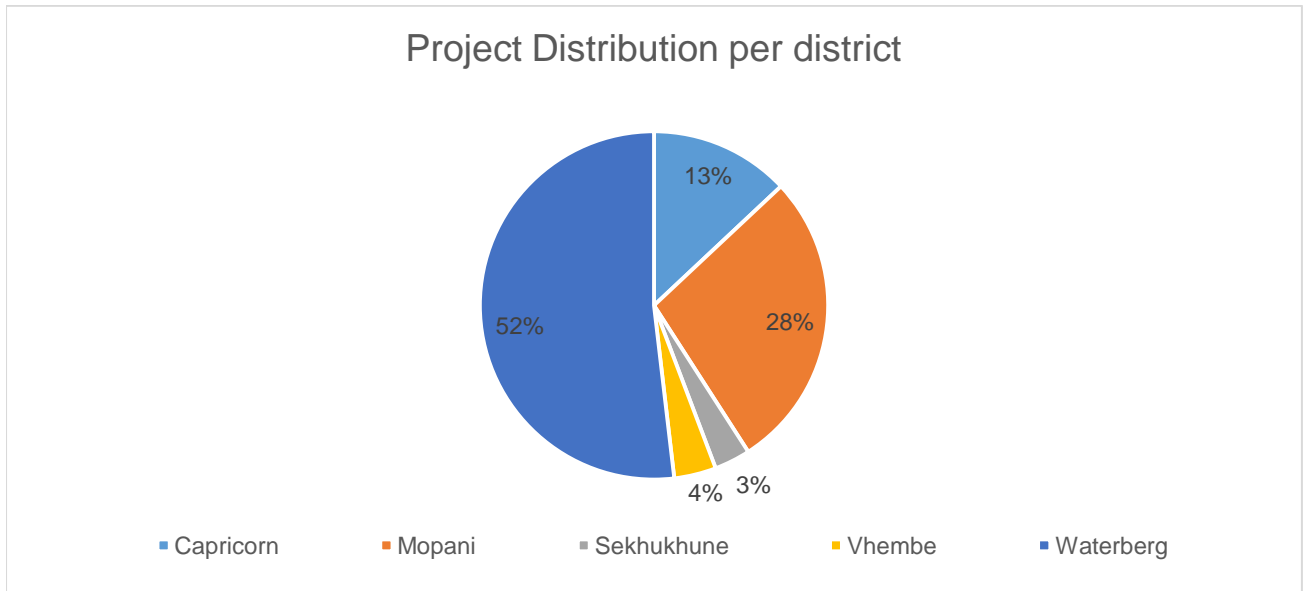


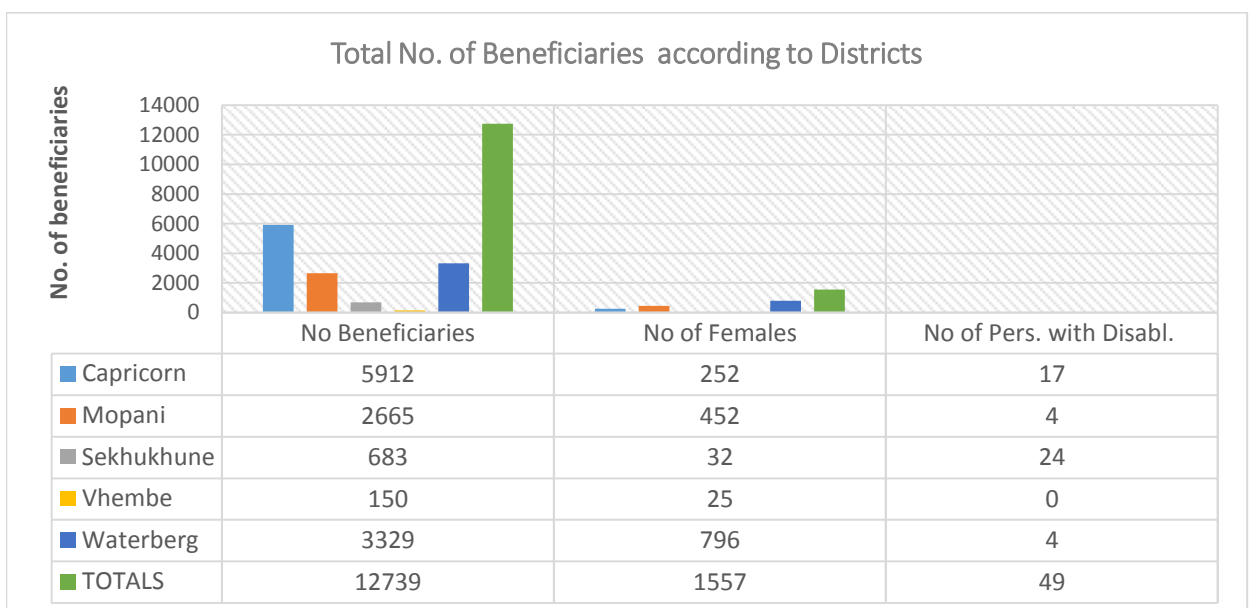
Figure 2 below, read with preceding Figure 1, shows that the highest concentration of redistribution projects is in the Waterberg (52%), followed by Mopani with (28%) and Capricorn (13%). Sekhukhune and Vhembe districts account for 3% and 4% respectively.

Figure 2: Distribution of redistribution projects according to Districts (1994-2015)



As illustrated in Figure 3 below, the total number of beneficiaries recorded between 1994 and 2015 is 12739. Women accounted for 1557 or 12% of the total number of beneficiaries. About 49 beneficiaries, representing 0.4%, of the total beneficiaries are persons with disabilities. The districts that accounted for more people with disabilities benefiting from redistribution were mainly Sekhukhune and Capricorn whilst Vhembe District had no persons with disabilities that benefitted from the redistribution programme. The total number of women and people with disabilities combined is 1606, representing 12.6% of the total number of beneficiaries.

Figure 3: No of beneficiaries (showing distribution of land among women and persons with disabilities)



At the time of the visit, the PSSC reported that 23 redistribution projects out of the total of 386 were being supported through the RADP since 2009. Further, about R37.8 million was spent for recapitalisation of farms, increasing to about R399m when including the R17.2 million for Animal Veld Management Programme.

Some of the highlights of the programme of land reform were reported as follows:

- Land redistribution has created 261 jobs in 2013/14 and 281 jobs in 2014/15. Respectively, 146 and 126 women have been employed.
- It significantly contributed to improved access to land by the previously disadvantaged communities and individuals.
- RADP has begun to improve productivity of some of the farms to ensure sustainability of production.

Some of the challenges confronting the DRDLR and the programme for redistribution are:

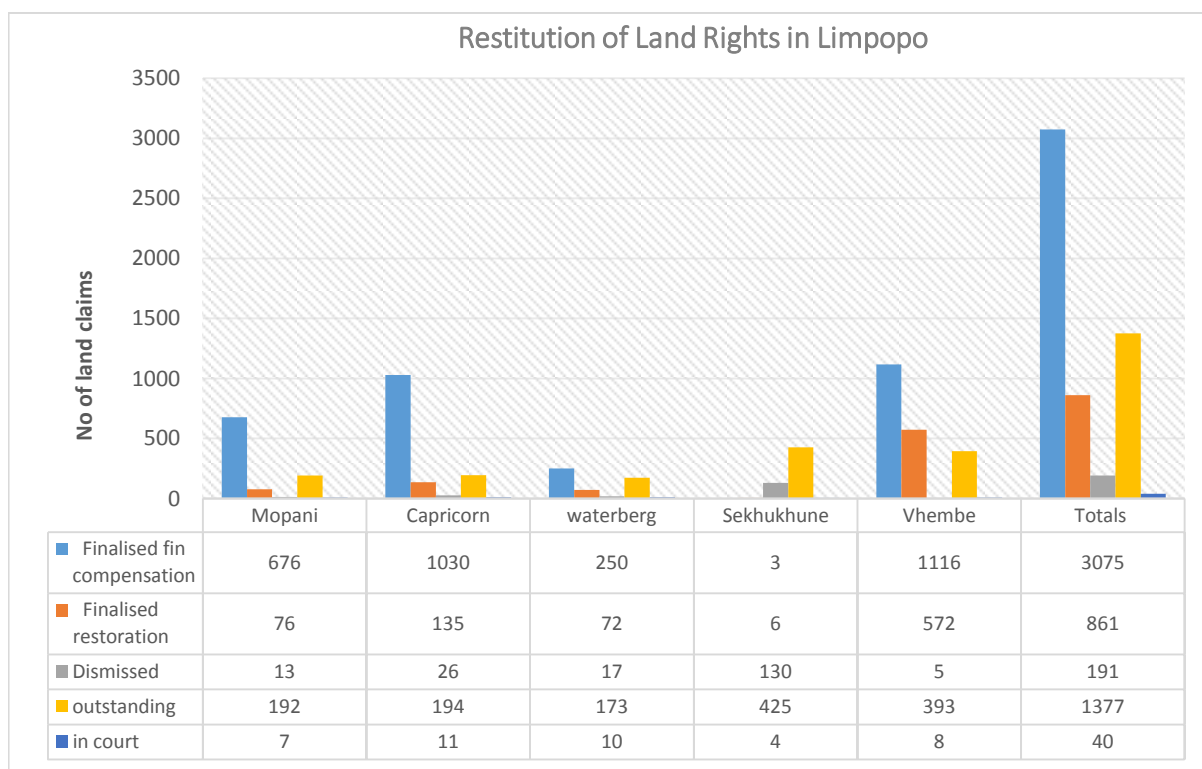
- Competing priorities for the DRDLR, for example, land redistribution, Agriparks, supporting CRDP sites, and establishment of rural enterprises and lack of human capacity and financial resources to implement the programmes.
- Emerging farmers have difficulties regarding compliance with the RADP, especially submission of invoices and financial accountability.

4.4.2 Restitution of Land Rights (Commission on Restitution of Land Rights)

Pre-1998 land claims: Restitution is one of the components of South Africa's land reform programme. It is implemented in terms of the Restitution of Land Rights Act (Act No. 22 of 1994 as amended). Its purposes is to:

- Provide equitable redress to victims of racial dispossession in terms of Act 22 of 1994
- Provide access to right in land, including land ownership and sustainable development
- Improve national reconciliation and stability
- Improve household welfare, underpinning economic growth and contributing to poverty alleviation

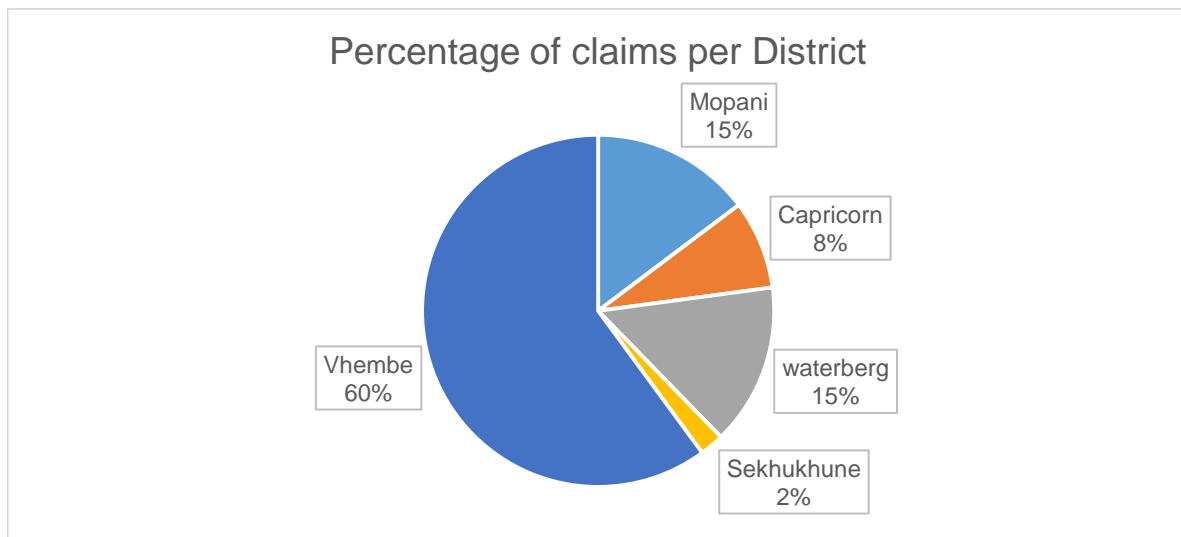
Figure 4: Restitution in Limpopo



By 31 March 2015, the RLCC had finalised 3075 land claims with financial compensation and 861 with land restoration. The 861 land claims that were restored affected a large number of rural communities that lodged land claims as groups, communities, and tribes. About 1377 land claims were yet to be settled; and about 40 land claims were in the land claims court.

Reopening of the lodgement of land claims: The Committee visited the lodgement site in Polokwane. The RLCC operated in 2 different facilities; the one being used as a reception area for capturing the data and validation of requisite supporting documents; the other facility, the main office of the RLCC, was being used as the lodgement centre. At the time of the oversight visit, the Commission on Restitution of Land Rights reported that 8819 land claims were lodged in Limpopo Province. This exceeded the number of land claims received between 1995 and 1998, i.e. approximately 5500 (in terms of the settlement statistics as presented before the Committee). Figure 5 below presents the number of land claims received according to districts. The Commission reported that about 8819 land claims were lodged. A pattern emerging from the lodgement during the period under consideration was that Vhembe district accounted for the majority of land claims lodged, 5298 or 60% of the total number of land claims, Waterberg and Mopani accounted for 1309 and 1299 land claims respectively or 15% each. Capricorn and Sekhukhune accounts for 8% (718) and 2% (195) respectively.

Figure 5: Land claims lodged since June 2014



The Commission noted the following challenges:

- Multiple overlapping land claims and boundary disputes delay settlement of land claims
- Protracted negotiations between the state and current land owners as well as the state and claimants (especially on boundary disputes and conflicts) delays the process
- Conflicts of claimants and traditional leaderships, especially in relation to who has the right to claim frustrates processes of settlement of land claims speedily.
- Claims on communal land, especially in the Sekhukhune District, are hard to resolve; some traditional leaders were deposed during apartheid regime, and various traditional leadership having proclamations which gave them authority over the same piece of land.

In relation to the new lodgement of land claims, the following issues were raised:

- The lodgement system for the mobile lodgement site is slow
- Claimants who lodged land claims recently were already requesting status reports.
- Due to difference in the value of amount being paid currently, the old claimants who get less value due to inflation related changes, want to reclaim.
- Lawyers and other persons lodge claims on behalf of claimants.

4.4.3 Comprehensive Rural Development Programme

This section provides a status report on the CRDP in Muyexe, Giyani Municipality as illustrated in Table 1 below in the preceding page. The Muyexe CRDP site was the first CRDP site launched as a Presidential pilot project in 2009. Muyexe is one of the 91 rural villages in this municipality. In terms of the socio-economic profile of the Municipal area, Muyexe was regarded as one of the poorest villages with limited economic activities that potentially could impact positively on the livelihoods of the people of Muyexe. As a pilot project, a number of interventions were initiated by various government departments. The interventions cover the areas of water and sanitation, health, education, security, socio-economic infrastructure, arts and culture, housing, roads, energy.

Table 1: Muyexe Progress Report

	Intervention	Achievement	Challenges
Water and Sanitation	Nandoni Pipeline to Nsami Dam	The project is not complete yet	The project has stalled due to contractual disputes. The matter is in court
	Drilling of Boreholes	36 boreholes drilled, 9 were equipped. Only two were connected to the reservoir.	High nitrate concentration and poor yields
		Communal drinking points constructed in Section A and B; 1 uses solar energy	
	Reticulation of Water	Reticulation for Sections A and B was done	Cable theft; purification is not functioning for 8 months
	Purification Plan	DBSA and Mopani District Municipality constructed a purification plant to deal with the nitrate concentration.	Plant releases waste water; not consumable. Stolen cable, and the plant is not functioning
	Rain water harvesting	Water harvesting tanks (826).	Little rainfall in the area, the project is not fully operational
	Play Pump	two pumps were installed	One is not functioning: out of order and has not been fixed.
	Sanitation	Municipality and COGHSTA provide 552 VIP toilets and 4 ablution facilities in primary and secondary schools	None
Education	Renovation & Construction of classrooms	Two schools were renovated and 4 additional classrooms constructed at the primary school. Purchased computers, DSTV, and projector for secondary school	None
Library	Construction of Library	Department of Arts and Culture has been constructing a library and an amphitheatre. The project is reportedly 98% complete	None
ECD	ECD and a Drop in Centre	ECD was constructed in 2010. It houses 85 kids from the village. DSD pays stipend to educators. In addition, a drop in centre was constructed	None
Computer Lab	Construction of a computer lab	a lab was constructed and equipped with 22 computers. The centre was manned by two	Lack of security of the infrastructure. Vandalisation of computer equipment;

	Intervention	Achievement	Challenges
		NARYSEC youth. The centre is not functional	
Housing	RDP Houses	383 houses were constructed by COGHSTA and DRDLR. Houses allocated to households with no shelter	None
Energy	Electric and solar power	350 households were provided with electricity. 100 households were provided with solar energy. About 65 solar street lights were installed	Some households complained that households at the end of the village wanted lights, especially due to stray wildlife
Health	clinic construction	Health facility was built: it operates 24/7. It has 6 professional nurses.	Shortage of doctors. Doctors used to visit the centre but that has stopped
Roads	Paving and storm water drainage	Construction of culverts and paving of internal streets has not commenced. 50 NARYSEC trained on brick making	Disputes regarding the mix-design between the engineer and the contractor.
Security	Police station	Construction of Police Station was underway.	None.
socio-economic infrastructure	Infrastructure development	community hall; Post office; visitors centre, sports field, conference centre	None
Food security and cooperatives	Establishment of cooperatives	Backyard gardens and 7 cooperatives were established. Macena primary cooperative, Manganyi Vegetables, Pfuxanani and Nwasati brick making, poultry, bead works, cosmetics and arts and crafts	Training without certificates. Certificates for the cooperatives not yet released

4.5. Briefing by the Department of Mineral Resources

4.5.1 Overview of Mining in Limpopo

The Regional Manager in Limpopo, Mr A Kharive reported that Limpopo is a commodity rich province and has a wide variety of minerals. Amongst others the province is endowed with the following; platinum group metals, chrome, copper, vanadium, iron, diamonds, coal, sand and silica. The occurrence of minerals is spread across the province. Mining activity in the province is growing at a high rate. Between 2011 and 2015 (since the introduction of the SAMRAD System the regional office has received in excess of 100 applications for mining rights, over 2500 applications for prospecting rights and over 750 applications for mining permits). This is over 3500 applications in just 4 years and exceeds 4500 applications received before the SAMRAD era. Currently a total number of 123 mining rights have been issued.

Table 2: Number of new mining developments per District

District	No of mining developments
Sekhukhune	47
Waterberg	30
Capricorn	24
Vhembe	6
Mopani	16

He said the majority of mining activities is taking place in communal land although there are also operations taking place on privately owned land. He gave an overview on the community challenges between mines and Communities to be visited as follows:

- Communal structures related issues (forums, committees and trusts)
- Limited community participation in terms of equity on mineral projects (lack of structures), community trusts not serving the interests of the entire community.
- Lack of procurement opportunities for local entrepreneurs
- Questionable recruitment procedures and lack of job opportunities for local residents due to skill shortage/gap
- Non-implementation or implementation of unsustainable social and labour plan projects (lack of proper planning and feasibility studies)
- Inadequate consultation by mining companies on all mining related aspects (SLP, EMP/ENV authorisation and BEE participation)
- Divisive approach in engagements (rifts between traditional leadership and their constituencies)

4.5.2 Interventions by the Department of Mineral Resources

In respect of improving the socio-economic initiatives by Mines in Sekhukhune and Waterberg Districts, the following interventions were made:

- Sekhukhune SPP task team formed
- Waterberg SPP task team formed
- Priority projects identified in Sekhukhune on short, medium and long term horizon
- Working with local and district municipalities to identify priority projects
- Task team formed to deal with issues raised by communities in Sekhukhune

Recognizing the need to address ongoing mining and community challenges, DMR together with the Province and local government embarked on the following interventions:

- Encourage each mine to set up mining community engagement structures with host communities / stakeholders.
- Established a Government Facilitated Task Team that intervenes and address community challenges in various localities including Mogalakwena.
- Setup the Thaba Moshate Agreement that resolved community protests in Steelpoort area,

- Facilitated the formation of special task teams to address Mapela communities' issues relating to Anglo Platinum at Mogalakwena and host communities.
- Involved communities in addressing community complaints relating to mining and illegal mining.

In his concluding remark Mr. Kharive said the consultation process is dynamic and always evolving. The MPRDA was also amended to strengthen the area of consultation. The Department is working with other tiers of Government and stakeholders continue to engage with communities in a quest to address community concerns pertaining to consultations. Ongoing consultation between mines and their communities, beyond approval of a mining project is imperative for creating sustainable relationships as it affirms the notion of a social license to operate.

Mr. Solly Jivhuho, Principal Inspector of mines gave a report on the Health and Safety of mines in Limpopo. He said there has been a significant increase in the number of major mining operations in Limpopo. Most of the underground mines are operated by medium to large size companies with life of mine averaging 15 to 20 years. Small to medium size companies remain a challenge in terms of enforcement compared to larger operations which are generally well resourced. Against a backdrop of the region's expansion and particularly serious capacity issues in the platinum and small- mining sector, there were only six fatalities for 2013 and 2014. A significant regression of 53% was reported on reportable injuries, where 239 injuries were recorded in 2014, compared to 156 recorded during 2013.

A lot still needs to be done in the area of occupational health. The effectiveness of efforts to control or eliminate health exposures at source remains a concern. Some employers do not co-operate with occupational medical practitioners in terms of sending employees suspected of having occupational disease to recommended referral centres for further investigation and confirmation, and where required, recommend the isolation of the affected employees from the workplaces.

The most common occupational diseases reported on the Annual Medical Reports (AMRs) for the year 2013 and 2014 were Noise Induced Hearing Loss (NIHL), Pulmonary Tuberculosis (PTB) and Chronic Obstructive Airway Disease (COAD).

The engagement and co-operation of the Inspectorate, Employers and Unions on mine health and safety- related issues is continuously encouraged and promoted. This has seen the establishment of the two tripartite forums over the years, which meet regularly, where these issues are also discussed and leading practices are shared. There has been an increase in both the demand for residential land and mining rights, which has a tremendous effect on the number of complaints emanating from communities living in close proximity of mining operations.

There has been challenges in the communities living in close proximity to mines – due to blasting, ground vibration, flying rocks, air-blast and dust. He indicated corrective measures (between communities and mines) taken were as follows:

- Discourage property developments close to mines and no mine establishments close to communities
- Establish Mine and Community Forums for proactive engagement on issues relating to blasting
- All stakeholders to work together to achieve the goal of ZERO harm
- Develop training programme for Certificates of Competency
- Small Miners to partner with MQA on training needs
- Small mining companies to collaborate with large mining companies to improve OHS Management Systems
- Reduction of exposure to Airborne Pollutants
- TB, HIV and AIDS Programmes
- Part time or full-time Occupational Medical Practitioner (OMP)
- Blast design to minimize ground vibration

4.5.3 Challenges regarding consultation

The DMR outlined some of the challenges it confronted in relation to community-level consultation processes as follows:

- Disagreements over who was consulted in communities.
- Unresolved disputes over traditional leadership positions.
- Lack of information pertaining to what the proposed mining project would bring to the community (benefits).
- Some mining companies don't follow proper consultation processes, when engaging with stakeholders.
- Misconceptions about the flexibility of Social and Labour Plans – these plans are notarised and registered as long term agreements which can be updated once every 5 years. Effective implementation requires a medium to long term developmental vision that is aligned with the LED plan of the municipality.

In his concluding remarks Mr Jivhuho said the Region believes that the visibility of inspectors, through inspections and audits, is a pro-active way to ensure that mines comply with health and safety standards. The strategy is to conduct purposeful inspections which will reveal any failure in the mine's health and safety systems and taking the appropriate action when necessary. It will continue to embark on a zero tolerance to non-compliance through the implementation of the OHS Improvement Strategy Action Plan.

Co-operation from mine employers, employees, communities affected by mining operations and the inspectorate will continue, to be encouraged to ensure that there are effective and efficient ways and strategies, in dealing with mining health and safety related issues in the region. Finally, the inspectorate will continue to convene meetings with company CEO's and other stakeholders where there is little or no improvement at all with regards to health and safety , to ensure that appropriate measures are put in place.

5. Site visit to the offices of the Commission on Gender Equality, Department of Economic Development, Environment and Tourism and Regional Land Claims Commission

The following site visits were undertaken during the oversight visit. A brief overview of the presentation on the day of the site visit was captured including a description of the projects visited.

5.1. Commission for Gender Equality

5.1.1 Offices of the Commission for Gender Equality

The delegation visited the CGE office in Polokwane and was introduced to various support staff namely; 1 Reception officer, 1 legal intern officer, 1 Administrative staff officer, 1 Education officer & a photocopy room, and a 1 legal officer sharing an office with the Part -time Commissioner. Furthermore, the delegation was shown all the offices on site. The CGE offices included 1 storeroom which also served as resource office for filing. All case files are stored in the legal officer's office. The delegation was made aware of a case at the University of Limpopo involving a female student and possible witchcraft.

At the end of the visit, the delegation held a brief discussion and raised the following:

- The limited human resource capacity for the Limpopo office would be discussed in the Portfolio Committee on Women in the Presidency as it requires urgent attention.
- The CGE was asked whether cases were recorded electronically and what the risk management strategy was to ensure that files are not lost.
- The delegation enquired about the relationship between the CGE and shelters or NGOs dealing with abused women given the high rate of abuse in the Limpopo Province and whether it offered counselling services for victims of abuse.

The CGE responded as follows:

- In terms of electronic filing: The office has hard copies of files for each financial year and these are captured electronically as well. These files are also sent to the Head of Department to be backed-up electronically as well.
- In terms of counselling service: The CGE does not offer counselling services as it is a Chapter 9 institution and as such that falls outside of its mandate but it works with other organisations therefore refers cases requiring counselling.
- The CGE Limpopo office also works with men and boys on gender based violence which is incorporated in its programmes.

5.1.2 Commission for Gender Equality Legal Clinic

Mr Botha, Commissioner of the CGE welcomed members of the delegation to the legal clinic and outlined the purpose of the legal clinic. The legal clinic was also supported by other key stakeholders which included the South African Human Rights Commission (SAHRC), CCMA, Office of the Public Protector, Department of Home Affairs, Office of the Premier and a representative from the Traditional Leaders. Mr Matotoka, the CGE's legal officer for Limpopo, also explained the role of the CGE with regards to maintenance, estates, successions, customary marriages etc. Hereafter members of the community were requested to raise their issues of concerns. The community raised issues related to maintenance, customary marriages, custody, inheritance, witchcraft etc. and these were responded to.

5.2. Visit to the offices of the Department of Economic Development, Environment and Tourism

The delegation visited the offices of the LEDET to gain an understanding of the relationship between the DMR and provincial departments. Ms L Maja, General Manager: Trade and Sector Development gave presentation on the Industrialisation Plan of the Province.

She outlined the economic principles underlying Industrial development. She said the plans are informed by New Growth Path (NGP) and Industrial Policy Action Plan (IPAP) which aims to diversify the economy, promote a labour absorbing industries that promotes higher levels of economic growth in an inclusive manner, and entails a special focus on black industrialist. Long term goal being a knowledge economy and Local Development Plans (LDP).

She outlined the strategic direction for industrialisation on the Limpopo Province as follows:

- Growth point development
- Cluster development
- Corridor development and economic linkages
- Research and development

She indicated that the Provincial government was targeting 10 Growth Points Municipalities which includes: Polokwane, Greater Tzaneen, Elias Motsoaledi, Makhado, Lephalale, Thabazimbi, Greater Tzaneen, Ba-Phalaborwa, Mogalakwena, and Ephraim Mogale. Out of the ten targeted three Growth Point Municipalities were being prioritised; namely Lephalale; Greater Tzaneen; Makhado and Musina.

Industrial Master Development process will entail the following steps:

- Review of the national industrial structure
- Development of a thorough understating of the policy environment
- Investigation of the position of the economy
- Identification of competitive and comparative advantages
- Identification of new opportunities
- Identification of new key target sectors for industrial development

Major recommendations for the plan are:

- Cluster development;
- SEZ (Special Economic Zones)
- Nodal developments
- Development of other identified manufacturing sub-sectors

Ms Maja outlined the sub-sectors with huge potential in Limpopo which are food, beverage and tobacco; petroleum products, chemicals, rubber and plastic; metals, metal products, machinery and equipment

The following were reported as potential projects (sub industries): food, beverage and tobacco:

- Waste to energy plant
- Tyre recycling
- Pharmaceutical product manufacturing
- Fuel cells
- Hygiene products factory
- Mosquito repellent made from medicinal plants
- Chemicals for textile industry
- Limpopo smelter for aluminium, related products
- Production of pig iron and vanadium slag

The following were reported as potential projects for Metals, Metal Products, Machinery and Equipment

- Beneficiation of magnetite
- Development of lightweight alloys using copper, manganese and titanium
- Primary steel production
- Manufacturing of cooking appliances
- Production of stainless steel using molten ferrochrome and iron ore
- Tin extraction and beneficiation
- Manufacturing of pumps, compressors, taps and valves
- Steel door and window manufacturing
- Manufacturing of water tanks

The Committee deliberated as follows:

- There was a concern with regards to the gap in the monitoring of SLPs in the Province.
- There is a need to build capacity for the DMR to regulate mines properly.
- The relationship between the traditional leaders and Provincial Government is a concern.
- Members wanted to know why was the community rising up and resorting to protest action, furthermore they wanted to know what the Provincial Government is doing about it.

Ms Maja told the delegation that the Department has recommended a monthly community engagement session with the mines. A Provincial team needed to be formed to monitor implementation. She indicated that there are key areas of challenges and experiences. One of them is that suppliers to mines are not sourced locally (from communities). She further told the Committee that mining houses listened to the DMR mainly as a regulator because they know that the Province does not have authority over mining.

5.3 The Office of the Regional Land Claims Commissioner: Limpopo

The Reopening of the lodgement of land claims: At the time of the oversight visit, the Commission on Restitution of Land Rights reported that 8819 land claims were lodged in Limpopo Province. This exceeded the number of land claims received between 1995 and 1998, i.e. approximately 5500 (in terms of the settlement statistics as presented before the Committee).

The Committee commended the RLCC for developing an effective system for effective system of screening and supporting claimants. It also served the purposes of using the Deeds office facility for the reception/holding centre for claimants. They were able to link up with the deeds and surveys for additional documents required for property description.

The office has further initiated a record management system which involved data capturing and filing by the NARYSEC youth. A manual system backs up the electronic system which has in essence been functioning well in Limpopo. After lodging a claim the claimant receives an SMS to acknowledge a receipt of the claim.

The delegation also learnt that the commission will only be able to process new claims once the old claims has been finalised as prescribed in the Restitution of Land Rights Amendment Act of 2014. The number of land claims as presented above suggest that the commission had made progress with regard to communication strategies. They reported that they advertised on national television, regional radio stations.

The Committee noted that the RLCC lacked office space to function effectively. It was a concern that the holding area (reception was far from the lodgement office).

6. Visits to the mines

The Committee's formed three delegations and visited 5 mines altogether namely; Ivanplats, Samancor (Doornbosch), Mecklenburg, Bokoni and Palaborwa Mines.

6.1 Visit to Ivanplats Mine

In November 2014 the DMR granted the Canadian mining company Ivanhoe (through its local subsidiary Ivanplats) a 30-year mining right for its new Plat Reef mine near Mokopane in Limpopo (Mogalakwena local municipality). The community owns 26% of the mine (which will require a R20-billion investment from Ivanhoe and its Japanese partner), but community activists have complained that the terms of the deal were unclear and had not been agreed to by the community. (Both sides of the dispute are led by members of the Kekana family.)

The presentation focused on Project Overview, Broad-Based Black Economic Empowerment (BBBEE) transaction, Local Economic Development (LED) and Socio-economic Development (SED) projects, Community Relations, Government Relations, Legal and Compliance processes. Mr Kekana provided an overview of the project and technical status update of the project. The presenter indicated the mining company was granted a 30 year mining right to new platinum mine on 30 November 2014. In terms of the project highlights, the following was noted:

- 26% BBBEE deal was concluded and level 3 certification obtained,
- 3 749 223 LTIF man-hours has been achieved to date,
- Pre-feasibility study (PFS) technical report 43-1010 filed,
- Shaft 1 construction in progress, 5 and 70MVA power application with ESKOM,
- Completed 95% of planned Zone 1 expansion drilling,
- Shaft 2 design and engineering in progress,
- Shaft 1 Stage and Hoist Winder Refurbishment complete,
- Initial engagement with potential smelters, traders and end-users,
- Environmental Management Plan (EMP) approved,
- Social and labour plan commitments and projects underway, and
- Grave relocation process commenced and surface lease agreement process underway.

In terms of social labour plan, the presenter indicated the following with regard to Human Resource Development:

Commitments made in Social Labour Plan: Type of interventions	Planned	Actual September 2015
Internal (Employees): ABET	15	12
Internal (Employees): Non-Core Training	12	23
Internal (Employees): Core Training	68	71
Internal (Employees): Mentorship (talent pool of 7 members)	2	20
Internal (Employees): Study Assistance (Bursaries)	6	11
External (Communities): Non-Core Training & Core Training	564	571
External (Communities): Bursaries	3	5
External (Communities): Scholarship	30	60
External (Communities): Internship	7	7

In terms of local employment, the presenter reported as follows:

Company	Total Labour	Local Labour	Non-Local labour	%local	% Non -local
Major drifting	21	14	7	67%	33%
SOS	74	63	11	85%	15%
Aveng	355	259	96	73%	27%
Ivanplats	159	112	47	70%	30%
Totals	609	448	161	74%	26%

In terms of Local Economic Development Projects, the presenter reported as follows:

Projects	Progress
Sanitation for schools and community clusters	The Company built 146 waterless sanitation units at 36 schools in host communities. A needs analysis has been completed with the Department of Education and the water by-laws application approved. Geo-technical conditions are favourable and engaged with contractors and are currently on site.
Schools infrastructure support	<ul style="list-style-type: none"> •The Company budgeted R14.4 million to create centres of excellence. •Computer laboratories at 6 schools being installed •Science laboratories at 5 schools being installed. •Career aptitude testing and training completed. •Reading and language support in reading competition at ¾ completed. •Vegetable gardens and netting at 3 supported institutions. •Learning play equipment being sourced for disability centres.
Multi-purpose community centre	Engaged with various government departments and established a tailor made community centre (government, mine and variety mix of tenants) with Ivanplats maintenance support. Engaged with IBM on technology solutions i.e. Wi-Fi, media centre, radio stations and the construction is planned for 2016.
Lesedi Early Childhood Development Centre	Capacity building with existing Lesedi Staff and collaborated with the Department of Education and Social Developments to register to register facilities under refurbishment for the Early Childhood Development Centre.

In terms of enterprise and supplier development, Ivanplats made the following commitment:

- Bound the economic inclusion of the communities surrounding the mine to create shared value by which both the mine and its host can benefit.
- Believes firmly in the opportunities that the operations can bring to their area and the wealth that can result when local individuals and firms are assisted to respond to these opportunities.

- Committed to support local communities through appropriate communication, guidance, business and skills development to unlock local potential thus creating prosperity in the local communities.

In terms of Enterprise and Supplier Development: the following was presented:

Projects	Progress
Ivanplats Site Kiosk	This was opened during August 2015 delivering services to staff and contractors who are on site and four jobs have been created.
On-site Laundry and Change House Management	Facilities being prepared. Scheduled to be operational by November 2015. The projected full time employment is 25.
PPE Manufacturing Project	Scheduled to start manufacturing in October 2015 and projected employment is 40 with a possibility of additional 40.
Crusher plant	The project planning and development will be completed by December 2015.
Recycling plant	The planning and development will start in January 2016.

In terms of the Social Labour Plan (SLP) – (Limpopo University/Laurentian University Partnership), the presenter indicated that two Geology Professors from University of Limpopo visited Laurentian University’s Goodman Schools of Mines in Sudbury Ontario signed an agreement and announced the partnership at Limpopo University on 9 September 2015. The partnership is worth R25 million, split between University of Limpopo and Laurentian University for the five years. The presenter reported that R12.5 million has been budgeted in the Social and Labour Plan of the Company and the intention is to commit for another five years. In addition, two Canadian state funding institutions have added another 1 million Canadian dollars bringing funding for the partnership to 35 million for over five years.

The objectives of the above mentioned partnership were as follows:

- To develop and equip the University of Limpopo’s Geology Department to become a centre of excellence in Geoscience. And this will be achieved through:
 - Improved training and curriculum choices in Economic Geology and mineral exploration at the University of Limpopo.
 - Increased teaching and research capacity at the graduate student level.
 - Equipping laboratories.
 - Purchasing an outdoor vehicle and trailer for field excursions.
 - Collaborating with Laurentian University to improve the University of Limpopo’s learning programmes.
- The presenter added that two (2) students will leave for Canada.

With regards to special projects, the presenter indicated that Ivanplats:

- Donated 19 Wendy House to community institutions i.e. clinics, drop in centres, etc. and these were completed in June 2015.
- Built Lesedi Community Centre and is currently busy with external works.
- Installed 130 waterless toilets in Magongoa and Kgobudi which was completed in May 2015.
- Installed 17 indigent households in Magongoa and currently installing 16/55 in Kgobudi and the project will be completed in November 2015.

With regards to grave relocation, the delegation was informed that 64 graves are located within Ivanplats project area and that grave relocation consultation is in progress with the next of kin of affected graves. The presenter further indicated that 58 out of 64 graves have signed Memorandum of Understanding with the next of kin and the company is also working closely

with other government departments, a professional grave relocation consultant (heritage expert) and local traditional leaders.

6.1.1. Lesedi Community Centre renovation and upgrade

The delegation visited the project and were informed that Ivanplats budgeted R1.8 million to renovate the Lesedi Community Centre in Kgobudi. This covered the cost of the following - paint, replace roof, window, doors, new kitchen facilities, new sport facilities and gardening facilities. The project was started by 10 women delivering home-based care and caring for vulnerable children. These women helped children by providing meals and assisting with homework after school. The women implemented food gardening and were assisted by the Ivanplats with food production, a water tank and a borehole.

6.1.2. Lekwa High School

The delegation also visited the Lekwa High School who are beneficiaries of Ivanplats. The delegation was informed that Ivanplats installed and donated computers, and a library building. The principal of the school indicated that the students, the school and the community benefitted greatly from investments made by Ivanplats.

6.2 Visit to Doornbosch Mine (part of Samancor Eastern Chrome Mines)

The Samancor Chrome mines in the eastern belt include, but are not restricted to, Doornbosch, Lannex, Tweefontein and Steelpoort (Winterveld) and stretches over a distance of 100 kilometres in the Steelpoort region (some 200 kilometres from Lydenburg in Mpumalanga). The total capacity at Eastern Chrome Mines is over 2 million tons of run of mine ore per annum. The actual production varies according to market demand.

Mr Brits from Doornbosch Mine welcomed the delegation to the meeting and led the presentation on the mine. The presentation focused on the overview of Samancor, Eastern Chrome Mines, Social and Labour plan commitments, Transformation context, and Community Development through procurement, Housing, Community engagements and LED projects. Doornbosch is part of Samancor Eastern Chrome Mines. Furthermore the following was presented:

- Doornbosch started with 501 employees in 2009 and currently has 673 employees.
- The mine recruited 547 (81.28%) in local areas and 126 (18.72%) in various towns.
- In terms of employment equity, Samancor Eastern Chrome Mines (ECM) had 1 858 employees in 2011 ranging from senior management to unskilled employees and 276 of these were women.
- In 2015, the mine had 2 379 employees and 421 of these were women.
- The Doornbosch Mine had 557 employees in 2011 and 98 of these were women and currently the mine has 673 employees, 146 of these were women.
- 80% of employees are literate, 90 employees have been identified and are attending ABET classes.
- 61 employees have enrolled for learnerships courses since 2008, 29 were appointed as artisans and 7 as miners and 14 are currently on training.
- In 2014 employees have enrolled for generic engineering hand skills training since 2012.
- The mine established career paths towards learnerships for 34 employees
- 34 employees were selected for operative training of which 20 progressed into the learnership programme and 7 are from Doornbosch communities.

In terms of community engagement, the presenter indicated that there are forums for each of the local communities where regular interaction takes place between ECM and the appointed representative from respective Tribal Authorities. Issues discussed in the meetings are communication, Recruitment, Skills Development, LED project initiatives, Corporate Social Investment (CSI) initiatives, Enterprise Development initiatives and emerging community issues. The mine at Doornbosch has no hostels for miners. Instead, the presenter indicated that there are 755 housing units for employees in different mine villages, 23 of these are for males, 4 for females and 728 are family units.

In terms of challenges, the presenter indicated the following:

6.2.1 Community expectations

- Recruitment – even though the company employs a significant proportion of personnel from the local area, challenges persist as the unemployment rate is high in the community;
- Skills development - persons looking for employment may not always have the requisite skills hence people employed from other areas;
- Preferential procurement – the emerging SMMEs often do not have the capacity or resources to deliver on services required by the mining company or in some instance female run businesses have not yet been formally established or registered to operate and require the support and assistance to expand and avoid over-reliance on the mining company for financial survival;
- Opening of new operations – sole dependence on mining company as a source of income means SMME is not sustainable and viable in the long term, these SMMEs require support and mentorship to be able to grow their business and seek additional revenue other than that generated from the mining company. The emerging SMMEs have been found to often lack the requisite capacity and resources to deliver on a project they have tendered for by the mine. In addition, it was also reported that when mining officials go out to verify the existence of SMMEs, it was found that the business was not operating from a business premises as indicated but from an informal space.

6.2.2 Community leadership

- Tribal Authority and community leadership consistently undermined;
- Emergence of concerned groups claiming to be the legitimate structure representing all the communities is problematic given the power struggles within communities and contestation for leadership.

6.2.3 Engagement processes and consultations

- Local recruitment, business opportunities for local SMME's and enterprise development are hampered at times by prolonged community engagement and consultation as noted above with challenges experienced with community leadership.

6.2.4 Mining expansion

- Illegal mining – As the mining has expanded, the issue of illegal mining has emerged.

6.2.5 Legislative framework and compliance

- Mining officials noted poor inter and intra-governmental relations based on their interaction with various government departments.

6.2.6 Enabling environment (internal and external)

- Over politicisation of development and structures;
- Integrity and reliability of data gathered.

6.2.7 Mangabane Primary School and Sehlaku Technical High School.

The delegation visited the Mangabane Primary School in Mangabane Village where the Doornbosch Mine built 6 classes for Grade R and Grade 1. In Sehlaku Technical High School, the mining company built a hall and provided the school choir with uniforms. The lack of infrastructure (classrooms, playgrounds), furniture (school desks), school uniforms (school shoes) and the provision of adequate water and sanitation were areas requiring attention particularly at the primary school.

6.3 Visit to Mecklenburg Mine

The Mecklenburg open-cast mine is a chrome mine near Steelpoort, the mine was closed for several months until December 2014 because of a violent succession battle in the Magadimana-Ntweng traditional community that owns the land on which the mine is located.

The mine is owned by Afarak South Africa, a company based in Finland. Alistair Ruiters, the former DG of the DTI is a the BEE partner

The Mecklenburg Mine is located on the Eastern Limb of the Bushveld Complex, well known for hosting much of the world's known resources of platinum, but also a major source of chromite. The Mecklenburg mine started full production in July 2013. The Company is currently exploring underground mining at Mecklenburg.

In 2012, Chromex Mines signed a lease agreement with the Bapedi Tribal Council to operate a mine on the land they occupy. This followed lengthy court battles within the community in relation to succession to the chief's position who passed away in 2009. The mines could not operate fully due to conflicts within the community, particularly relating to who is the rightful authority/ the chief. Due to community protests, its operation has been on and off until February 2012. On the 7th February 2012, the ruling of the court upheld the original court findings opening the way for a future community resolution with Chromex, hence the commencement of mining. However, this matter remained unresolved at the time of the visit and some members of the community were pursuing the matter in the high court.

Chromex reported that it was BEE compliant and 26% shareholding on the company is held by a previously disadvantaged group. At the time of the visit, the Committee was informed that there were negotiations at the level of Board of Directors to transfer 6% of that shareholding to the local community. Further, the community has requested for more shareholding. That matter was not yet under consideration.

The Social Labour Plans (SLP) lapsed in 2013 and the new cycle of 5 years which started in 2014 will end in 2018. In terms of their SLP, Chromex focussed on the following:

- Chromex has focussed on roads construction, water and sanitation. The Committee visited some of the water points, operated using solar energy.
- They abandoned the piggery because members of the community suggested that the company focus on something else. At the time of the visit, the mine reported it was working with the DMR and the community to redo the SLP and indicate how the goat project funds would be spent over and above the normal SLP spending for the period between 2014 and 2018.
- It pays royalties to the community. The community has set up a Trust managed by the attorney, to keep their funds because of internal divisions and conflicts. The community representatives reported that they did not have confidence on the CoGHSTA account for the Traditional Council.
- The Mine reported that it allocated bursary to a member of the community who is studying accounting, it also supports 4 internships from TUT and 1 from UJ in field of Mining Engineering and Mechanical Engineering and Metallurgy and are accommodated at Chromex's Ilitha Mine in Rustenburg as they do not have the facility to accommodate them at Mecklenburg.
- Chromex Mines currently employed four women. On training programmes, the certificates are awarded and the underground training was mostly competent B and specialised skills training like winch operator, driller, blasting assistants. On the issue of housing it was reported that they have no plan to build any houses as there are too many issues that they are currently dealing e.g. water and electricity. This area has no water and the borehole levels are very low.
- The rehabilitation plan was documented for the open cast mining, it would be implemented in 2016 and take a year to complete. It was also mentioned that there was a community project on progress, where it was agreed that the community can do reef picking and sell the product under Chromex license. Infrastructure will be built on top of the underground mine that will remain.
- The water harvesting project will assist with garden projects. Water pipe lines from the Lebalelo water scheme through Twickenham with water purifying system will be installed.
- The Committee questioned the rationale behind management of the community Trust Fund account by attorneys instead of CoGHSTA. The Community representatives cited community conflicts and the fact that CoGHSTA has been involved in this matter as a reason. They preferred that an independent entity manage the fund.

6.4 Visit to Bokoni Platinum

Bokoni is an operating mine located on the north-eastern limb of the Bushveld Complex, to the north of and adjacent to Ga-Phasa Project. The Bokoni property consist of seven mining licences covering an area of some 15 000 hectares. On May 12, 2008, the DME (now DMR) granted Bokoni conversion rights of their “old order” mining rights to “new order” mining rights. Current mining rates are approximately 80 000 tonnes per month (tpm), at an average grade of 4.3/t.

This production is split between the Merensky and UG2 reefs at 50 000 and 30 000tpm respectively, and once processed, produces approximately 150 000 4E ounces per annum. Bokoni is the only eastern limb operation with significant Merensky production, high in platinum value with a 2:1 platinum: palladium ratio and has a high UG2 reserve grade of 5.36g/t 4E. Previous technical studies conducted by Anglo Platinum indicated that Bokoni’s maximum value is achieved at a mining rate of 375 000 tpm, comprising steady-state Merensky Reef production at 120 000 tpm and steady-state UG2 Reef production of 255,000tpm. The long term growth plan for Bokoni is planned over two stages.

Herewith projects undertaken by the mine

6.4.1 Human Resource Development Project

It was reported that Bokoni Development centre provide training interventions, designed to assist the learners to be able to accomplish each of the NQF levels. The mine enrolls learners after it has completed a need analysis that is derived from the Sector Skills plan from MQA. It was indicated that Bokoni mine is not accredited for engineering but is using Anglo American as a partner. The joint venture with Capricorn TVET college satellite branch has been established on the premises of the mine. It was indicated that registration classes take place on quarterly basis throughout the year. The mine has developed portable skills with the aim to equip their local community to empower them in creating a better future.

It was reported that seven Adult Education Training (AET) centres have been established in the local communities and AET practitioners were trained and appointed. With regards to bursaries, they will be allocated to potential matriculants with Maths and Physical Science to study Mining Engineering.

With regards to graduates, it was reported that 18 graduates are on Bokoni Platinum Mine for Experiential Training for the year 2014-15. Graduates are sponsored by Mining Qualification Authority (MQA). Future learners will be taken on a yearly Career Expo in conjunction with Eastern LIMB HRD Forum, to give the guidance top 10 learners from each of the local 10 schools.

6.4.2 Corporate and Social Investment Projects

The mine reported on the Social Labour Plans and Corporate Development from 2013 -2018 with the projected costs and status of the project. The table below illustrates the project, area, cost and the status

Project	Area	Cost	Status
Social and Labour Plan			
Repair of Road D4180	Sefateng Village	R1 500 000	In Progress
Strydkraal Irrigation Scheme	Strydkraal	R750 000	Completed
Fanang Diatla Bakery	Mathabatha	R2 000 000	Completed
Community Creche	Ga Mokgotho	R800 000	Completed
Komanchas Slate Quarry	Ga Mathabatha	R3 200 000	In Progress
Re-Gravelling Road Project	Surrounding Villages		In Progress

Project	Area	Cost	Status
Hydroponic Project	Ga-Nchabeleng	R200 000	Completed
Library	Atok (Thusong Centre)	R400 000	Completed
Corporate Development			
Malangine Admin Block	Monametse Village	R5 800 000	Completed
Construction of Market Stalls	Atok	R290 000	Completed
Sefateng Sport Complex	Sefateng	R700 000	Completed
Installation of bulk Water pipe line -6km	Bokoni and Fetakgomo Municipality	R13 000 000	Completed
Construction related Infrastructure			
Bridge Construction	Sefateng	R17 000 000	Completed
School Construction (Lefakgomo Secondary School)	Ga-Selepe	R1 100 000	Completed
School Construction (Moroka Lebole High School)	Ga-Nkwana	R2 000 000	Completed
Construction – Laboratory & 12 Classrooms	Ga-Nkwana	R1 000 000	Completed

The visit also included a meeting with the Atok Community Engagement Forum (ACEF). Having met with the delegation, the following issues were raised:

- The community felt that the mine was not taking the community seriously.
- Unregistered (in the database) companies were doing procurement for the mine
- The mining company introduced a system that required payment in order to do business with the mine. The Community felt, it was wrong because it would mean that only, rich families will be able to conduct business with the mine.
- It was proposed that stakeholder engagement forum be formed to ensure successful development.
- There was a feeling among participants that a legislation framework that provided for establishment of stakeholder engagement forum be effected.
- Communities in the area are under developed with limited road infrastructure
- It was recommended that the Government intervention structure formed by the Office of the Premier be disbanded, as it was delaying community development.
- It was indicated that only one community is developed whereas there are three communities living in the area.
- An intervention is required in developing young graduates in order to reduce poverty alleviation.
- The community requested the Committee intervention, three years ago.
- It was alleged that an amount of R 300 000 that was reported as having been spent as part of the IDP project that never existed.
- The community indicated that the HFR percentage was not correctly presented by Bokoni mine. No one from the village was awarded bursary
- The community alleged that there is a lot of corruption and nepotism in the businesses done by Bokoni mine.

6.5 Visit to Palaborwa Mining Company

Palaborwa Mining Company was incorporated in South Africa in August 1956. The company was owned and managed by Rio Tinto. Rio Tinto owned 57.7% and Anglo American had 16.8% of the shares. On 5 September 2012, the two companies announced their intention to sell their respective interests in Palaborwa. On 11 December 2012, Rio Tinto announced that it reached a binding sales agreement with a consortium which is committed to the on-going sustainable management of Palaborwa. The consortium comprises of South African and Chinese entities led by the Industrial Development Corporation (IDC) of South Africa Limited and China's Hebei Iron & Steel Group. The sale agreement was concluded in July 2013, and the company's name changed from Palaborwa Mining Company to Palaborwa Copper (Pty) Limited.

1. Household	Approximately 42 000
2. Unemployment rate	Approximately 40% (no income)
3. Youth	About 69% of total population under 35 years of age
4. Racial Distribution	92% of total population are Africans
5. Main Industry	Mining and Agricultural employs approximately 80% employment
6. HIV/Aid Rate	25.2% (classified as high risk area)
7. Farms	Constitutes 27% of total municipal land
8. Infrastructure	Very little infrastructure to support the total number of population
9. Municipal Budget Average	R450 million in 2014

The copper operation comprises an underground mine, concentrator, copper smelter with anode casting facilities and an associated acid plant, an electrolytic refinery tank house, rod casting plant, magnetite separation plant and by-product recovery plants. The vermiculite operation comprises an open pit mining operation and a recovery plant. Palaborwa Copper (Pty) Limited extracts and beneficiates copper and other by-products in the Ba-Phalaborwa area of Limpopo Province. Palaborwa is South Africa's only producer of refined copper and provides the local market with 85% of its copper requirements. Ba-Palaborwa Municipality has approximately 150 000 residents (total population). The inhabitants are spread across the seven areas: Lulekani, Namakgale, Phalaborwa Town, Majeje, Maseke, Makhushane, Mashishimale and Selwane. There is high unemployment, poverty and inequality with the communities.

Palaborwa Copper Mine (Previously Palaborwa Mining Company) owned 26% by BEE Consortium with 10% by Community – Leolo Community.

6.5.1 Corporate and Social Investment Projects and SLP compliance

The CEO and Chairperson of the Palaborwa Mine gave a brief background of the mine. Mr Keith, the company secretary presented the overview of the mine. He indicated that Palaborwa Copper (Pty) Limited, is a subsidiary of Palaborwa Mining Company, extracts and beneficiates copper and other by-products in the Ba-Palaborwa area of Limpopo Province. The Company is South Africa's major producer of refined copper and provides the local market with 85% of its copper requirement. It has been operating since 1956 and has made a successful transition from open pit to underground block-cave operation in 2002.

With regards to ownership, the PMCs structure was reported as follows: Smart Union SA owns 100 % of which 74% belongs to PMC and Palaborwa Copper owns 26% which is divided amongst employees (10%), communities (10%) and Black entrepreneurs (6%).

He reported that the copper operation comprises an underground mine, concentrator, copper smelter with anode casting facilities and an associate acid plant, an electrolytic refinery tank house, rod casting plant, magnetite separation plant and by-product recovery plants. The vermiculite operation comprises an open pit mining operation and recovery plant.

Mr Mathole reported that the consortium took ownership of PMC on 1 August 2013 and the BBBEE transaction became effective and strategic choices were made. The company was reported to be executing the Lift II underground project as one of the major projects. The project required R9.3 billion investment. Since 2007, PMC spent R2.8 billion on Lift II project as at April 2015. The project will extend the life of the mine to 2033. Lift II Order of magnitude was completed in July 2010 and a bankable feasibility study was completed in April 2014. The Board approved full execution of the project in December 2014. He indicated that the project is one of the world deepest block-cave mechanised mine.

The second major project reported was the Smelter retrofit project. The company operates an aged smelting plant which is over 50 years old. The plant employs about 700 people directly. The plant is significant to Palaborwa remaining a producer of refined copper the country. The shareholders have approved the retrofit project in order to make the plant more efficient. The project will ensure that 700 people remain employed. The project is estimated to cost about R 500 million.

Mr Mathole outlined the global outlook of the Mining Industry challenges as follows:

- The increase in cost of doing business
- The dwindling mining resources
- The continuing global economic meltdown
- The continuing depressed commodity prices
- Increasing tensions between mines and local communities.

With regards to enterprise and supplier development, it was reported that in 2012 Palaborwa Mining Company (PMC) implemented the Enterprise Development Programme (30TEN+5) for the 2011 financial year for the first time. The strategic intention was to support local economic development and reduce economic dependence of Ba Palaborwa on the mining industry. It was indicated that R61 million has been spent on ESD from 2011 to 2014. Approximately 155 new jobs were created (permanent and temporary) and over 300 jobs were maintained.

In collaboration with the Palaborwa Foundation, the company used the Foundation as its socio-economic investment vehicle. The main objective of the company's corporate social investment is to reduce economic reliance of the Ba-Palaborwa community on mining. The foundation focuses on the following programmes:

- Education
- Skills Development
- Community Health
- Enterprise and Supplier Development

With regards to Social Labour Plans (SLP) it was reported that the focus on SLP was on Local Economic Development. The projects were derived from the Integrated Development Plan (IDP). The SLP projects were in the following areas: Electrical Infrastructure, Road Infrastructure, Health Infrastructure, Education Infrastructure and Agriculture.

6.5.2 Inside the Communities

Palaborwa Mining Company has over the years played a critical role in the continuous development of its employees and the community of Ba-Palaborwa. The company has committed to advancing transformation. In fact, the company view corporate citizenship initiatives closely linked with success and sustainability of their mining business. Over the past five years, Palaborwa Copper has spent R160 million in various community development and transformation initiatives.

6.5.3 Roads and other Infrastructure Projects

It was reported that between 2011 and 2014 the company has spent R70 million on roads and municipal electricity projects.

Rehabilitation of the Plastron Road: It is located in the Mpumalanga Province, the Plastron Road, the corridor to N4 from White River, the road stretched for about 8 kilometres realising the dilapidation of the strategic route, Phalabora Copper (the Company) made a conscious decision to rehabilitate the road for the benefits of all the users including the company's trucks ferrying magnetite to Maputo. The project started in 2013 and completed in 2014.

The Namakgale Roads and Potholes Project: Namakgale is a Palaborwa major Township. As part of IDP, 4 main roads (out of 19 road) were captured as critical in the Namakgale Township and PC (Palaborwa Copper) was requested by the Municipality to rehabilitate some of the

roads in the area spanning about 15 kilometres. The project started in 2013. During the construction phase, the projects created about 200 direct jobs. Most importantly, various SMMEs also had the opportunity to gain invaluable experience as subcontractors. The company (PC) also relieved the Municipality (given existing budget constraints), as it was able to focus its budget on other pressing development initiatives thus avoiding service delivery protests.

6.5.4 Community Health and Infrastructure Projects

The high rate of HIV/AIDS is an immediate reality in Ba-Palaborwa. The need for community infrastructure such as schools, clinics, libraries and other support projects is critical. Realising the role the company can play as an organisation, over the past five years the company invested approximately R13 million in community health and infrastructure projects. Electricity grid is also an essential service, ensuring that the hospitals, schools, government institutions and household have lights on.

6.5.5 Phelang Wellness and Disease Management Centre

The project was started in 2012 and is located in Namakgale Township. The new facility that offers health care services to people mostly affected by HIV & AIDS. The project was undertaken in partnership between Phalabora Foundation and Palaborwa Copper as well as Foskor. The construction works and operation at the Centre started in 2014.

6.5.6 Selwane Early Childhood Centre Project

Realising the need for a better infrastructure that is conducive to effective learning, Selwane children childhood centre has created a better learning environment.

6.5.7 Municipal Electricity Grid

In order to keep lights on and assisting local government in maintaining the grid infrastructure, in 2010 the mine partnered with the municipality on an electricity upgrade project.

6.5.8 Housing Projects and Donations

The company spent about R3 million in housing projects and donations. Some of the initiatives were undertaken in 2013, having realised the value of creating shared value in the routes affected by magnetite trucking to Maputo. Palaborwa Copper through the community stakeholder and the Bushbuckridge Municipality. The company has given the families their pride and dignity through the five newly built houses. The company also donated towards the Rhino poaching and educational initiatives at Kruger National Park and Limpopo Premier Bursary Fund respectively.

6.5.9 Farming and related projects

With 27 % of the total land being occupied by farms, agriculture is the second largest local industry following the mines, Palaborwa Copper played an important role in the farming activities of the region. The company has spent R8 million. Some of the projects over the last five years included the Waterbok farm in Selwane Village and Marula Oil beneficiation plant. The impact of these projects is the employment of 100 people in peak periods and form part of SLP projects.

6.5.10 Enterprise Development and Supplier Development Projects

In a community where about 70% of the total population is not older than 35, with an employment rate of about 40%, it is vital to look at entrepreneurial avenues that will reduce the community's dependence on the mine. Since 2011, the mine has introduced Enterprise Development (ED) programmes which were subsequently followed by the mine Supplier Development programme. The above initiative started in 2013 and is still making significant difference to the community (with regard to diverse portfolio of businesses in the area). The

mine has already spent about R51 million on local entrepreneurs. Over 100 SMME's benefited from the ESD Programme. Over 300 new jobs were created during the implementation phase of the ED programme.

Various established entities ranging from manufacturing, services, suppliers, technology, farming and food restaurants have been established. Some of the businesses which started as part of the ED programme are now fully fledged suppliers to the mine. An incubation facility was built in 2014 to improve office infrastructure for SMME's. The mine has engaged KPMG to conduct a Social Return on Investment (SROI) study in 2013 on the ED programme.

6.5.11 SED: Education, bursaries and Sports, Arts and Culture Projects

The mine has spent R12 million in the construction of the Selwane Early Childhood Centre, University bursaries, PMC Cup held in 2012 and a Pilot Project on Arts and Culture which was carried out in 2013 as well as the skills workshop.

6.5.12 BEE Strategy- Priorities for 2015

- The mine has set the procurement target for Lift II for BEE and localisation at 40 % of Total Project (excluding Owners Team costs) – R6.7 billion target.
- Utilise the developed project reporting tool to consistently monitor and advise the business on achieving the targets
- Utilise the developed contractor obligations and monitoring tools for large contractors to procure, hire and train local people as part of their community and people development
- Based on projected project spend for year 2015, the BEE target value in R739 million (broken down into BO/BWO/EME/QME/Local)
- Make it an obligation for large contractors to contribute towards ESD and/SED in Ba-Phalaborwa
- **Business Operation:** The mine has set the BEE Entry requirement to be limited at Level 6 with at least 26% Black ownership. The procurement target for operation was set at 70% of the total procurement spent
- **Other initiatives:** The mine is implementing supplier development program with host community businesses. It is also implementing early payment for HDSA qualifying suppliers to maximise potential bonus points.

6.5.13 Visit to the mine

Though the mineral has been mined out, the company still has an un-rehabilitated open cast mine situated in its premises.

6.5.14 Visit to the Clinic

The delegation was welcomed by the sister in charge in the clinic. She told the Committee that there is high rate of HIV/Aids in the area. The clinic has been built by the mine and they are waiting for the Minister of Mineral Resource to officially open the clinic and hand it over to Minister of Health.

6.5.15 Visit to the Centre

The Centre consist of the computer centre and classrooms. The centre is supported by the Palaborwa Foundation and the foundation supports local suppliers. During the day of the visit, the mine had arranged a workshop to assist local suppliers with tender process especially the aspect of quoting.

6.5.16 Palaborwa Copper Mine Deliberations

Following the presentation and observations in the projects, the following issues were raised:

- Members applauded the work done by the mine in the socio economic development of the local community.

- There was a concern with the dual designation of the Chairperson of the board and CEO of the PMC.
- A concern on the relationship between PMC and IDC and how the state is benefiting was raised.
- The breakdown of the 26% BEE shareholding was requested from the company.
- Members felt that the expenditure by PMC on social responsibility projects was high relative to that of other mines that were visited.
- Members wanted to know the impact of energy shortage and how it has affected PMC.
- Clarity was sought on the housing and living out allowance and what type of housing schemes were available for employees.

Mr K Mathole responded that the company has done a lot, and there is still more to be done. He indicated that the 26% ownership is divided as follows: 10 % to employees, 10% to community and 6% to BEE consortium. With regards to the relationship to IDC, he indicated that the company has signed a 20% agreement with IDC.

7. Visit to rural development and land reform projects

This section accounts for the visit to the two CPAs in Makgalakwena Local Municipality, that is, Koka Matlou and Lebelo.

7.1 Koka Matlou

The CPA was established in 2014 after the restoration of land claim by the Koka Matlou Community. The farm transferred to the CPA measures 2955ha and was acquired at the cost of R2.9 million. A claim for the other farms remains un-resolved to date and the CPA is not aware of any further action or steps that the Commission is undertaking to resolve their land claim.

The CPA comprised of 250 members, the land encompassed more than 8 farms but only 1 farm was restored another portion could not be restored. The CRLR reported that 2 portions of the claim have been finalised; one with financial compensation as well as payment of grants. However, beneficiaries rejected the claim that they were paid their grants. According to them, no such transaction took place. The Committee requested the Commissioner to investigate and report to the Committee and the CPA within two weeks after the visit of the Committee.

The portion is currently used for cattle grazing and the expansion is limited because of lack of infrastructure mainly access to water. The committee members reported that the CPA was functioning very well and disputes that arose from time to time, the committee managed to resolve them without delays.

The CPA was in dispute with mining companies about the property description of the farms that government bought for them. It emerged that some mines were allegedly encroaching on the property of the CPA; there were issues of mining of sand on the CPA land; access to water.

Further the Committee reported that the Commission had failed to represent them in negotiations with the white landowners. When they meet at negotiations, the Commission appears to advance the arguments of the landowners and mines and not the claimants. The CPA requested the Portfolio Committee to investigate this matter.

7.2 Lebelo Communal Property Association

Lebelo CPA was formed when the Commission on Restitution of Land Rights settled the Lebelo community claim in 2006. Government purchased the farm Blinkwater 244 KR, measuring approximately 3600 ha at the cost of approximately R6.8 million.

The CPA committee was elected in 2006 shortly before the finalisation of a claim on one of the farms that the community has claimed. This Committee has been in office since then till to date. In terms of their Constitution, the term of office lapsed in 2010 but no processes to elect the new committee were facilitated. Both the DRDLR and NGO Nkuzi (supporting the CPA) has not

been able to resolve the tensions and conflicts within the CPA. The Department reported that it lacked capacity to provide adequate support to all the CPAs in the province.

Due to internal conflicts, the committee was still in office at the time of the visit of the Committee. It was alleged by some of the members that the Committee was not accountable to the general members of the CPA. No meetings of the general members of the CPA and of the Committee.

At the time of the restoration of the farm, the CPA used the land for grazing, field crops as well as vineyards. Government investment in the project included the following: Tractor, funding of inputs costs (fertilisers, chemicals), equipment such as sprayers. There was abuse of some of the equipment and vandalism of the property.

Due to internal conflicts, some members of the community brought their livestock on the farm it destroyed vineyards. When the CPA tried to plant maize, livestock were also brought in to destroy the crops. Another point of contention is the mining of Sand by some mining houses in the area. Some community members reported that they were not aware about what was happening with the revenue of the farm.

At the time of the visit, the farm was being leased for cattle grazing and few individuals utilized the land for crop production. But due to internal differences, some members of the CPA informed the tenants not to pay lease, as a result the CPA could not pay for electricity (a bill of over R100 000).

The claim was partially settled because other farms that the community had claimed had not been returned yet. The CPA lodged a new land claim in June 2015, i.e. *DeHoogte 233*, *Knipdaar 234*, *Wit River LR778* and a portion of *Turfpruit 241*.

7.3 Comprehensive Rural Development Programme: Muyexe

As introduced in section 5.3(b), the Muyexe CRDP site was launched by the President in 2009. The main aim was to pilot creation of vibrant, equitable and sustainable rural communities through a comprehensive programme for rural development in order to eliminate poverty and ensure food security by maximising the use of natural resources.

This programme was rolled out in three phases. The first phases focused on fighting hunger at household level to meet the basic human needs. The second phase was the entrepreneurial development stage, characterised by relatively large scales infrastructure development. The third phase was characterised by the emergence of small, micro and medium enterprises and village markets commonly known as Agri-Parks. Since its inception the programme has challenged the lives of rural communities by alleviating poverty and creating jobs. The programme also used NARYSEC as agents for house-hold profiles.

7.3.1 Some of the highlights at Muyexe

- Although some members of the community complained about access to water, the delegation visited water points at the community centre and within the village.
- Construction of houses and different infrastructure development projects created many employment opportunities for the members of the community.
- Functioning post office, clinic, multipurpose centre and visitors centre.
- A number of operational cooperatives; for example beadwork, arts and craft, cosmetic cooperatives; vegetable production primary cooperatives.
- Projects and cooperatives are predominantly owned and run by women from Muyexe.
- The ECD and the Clinic has improved access to social and health amenities in Muyexe. Children are taken care of and members
- Ongoing construction of the Police Station and Conference Centre.

7.3.2 Challenges of the CRDP in Muyexe

- Some of the NARYSEC members reported that they received stipend whilst they have no job to do. The last time they had something to do was in 2014. This creates tensions and conflicts resulting in animosity within the community.
- Paving project incomplete and the contractors have not communicated with workers on site. Workers reported that they have not been paid.
- Although there is improvement, community members reported that they do not have access to water, except when there is a visit by top government officials.
- Vandalisation of property of the community and lack of security.
- No clear maintenance plan by the community, this results in dependency on the state for basic maintenance work.
- Macena cooperative does not have the tractor, but the Provincial Department of Agriculture has kept the tractor for their project on the basis that the project cannot maintain the tractor. There was no programme to capacitate members of the project to take ownership of the tractor which the project needs.

8. Observations

Having interacted with the Department of Rural Development, Commission for Gender Equality and Mineral Resources, the Committee made the following observations:

8.1 General

- School visits: Despite the investment made by the mining companies, the schools still lacked classrooms. Certain schools operated from limited classrooms as the vacant classrooms lacked desk for learners and tables for educators. Given the lack of bulk water infrastructure in the areas visited, water and sanitation at schools were thus affected. Even though the mining companies have invested in terms of STEM areas with respect to ICT provision, it is still an area requiring attention by the Department of Basic Education.
- Emerging SMMEs: All projects visited discussed various challenges related to emerging SMMEs. However, it was unclear what if any support to emerging SMMEs the Department of Small Business Development was offering as there appeared to be a lack of visibility in this regard.
- Department of Women in the Presidency: There appeared to be a lack of effective gender mainstreaming and interpretation was limited to either gender equity statistics or once of campaigns centred on Women's month (e.g. Office on the Status of Women in Limpopo). Monitoring of gender equity compliance and accountability for non-compliance requires attention. Overall there appeared to be a lack of awareness of the role and mandate of the Department of Women in the Presidency. Coordination and partnership appeared to be absent.
- There is a general resistance by the mining community on sharing benefits with communities.
- Immigration to the municipality (Tubatse Municipality) has led to challenges of service delivery, in terms of water infrastructure, road and electricity.

8.2 Commission for Gender Equality (CGE)

- The Committee observed that there is 1 Legal officer servicing the entire Limpopo Province and raised this as a concern but acknowledged the financial constraints faced by the CGE.
- The Committee commended the CGE the working relationship between the CGE and Government Departments and other Chapter 9 institutions.
- The Committee acknowledged the CGE's challenges in dealing with disputes concerning traditional leaders/authorities as these persisted this despite the existence of a MOU.
- The Committee acknowledged matters related to widows and inheritance, children born out of wedlock or from divorced families and access to inheritance were common issues raised at the legal clinic which highlighted lack of basic knowledge of the rights of women and children.

- The Committee acknowledged that access to unabridged birth certificate to single mothers was problematic and infringed on children's rights in cases where the father was either deceased, not living in the same city as the mother and child or missing.

8.3 Mining

8.3.1 Ivanplats Mine

- The Committee commended the mine for supporting the economic empowerment of women i.e. Lesedi Community Development Centre.
- Commended Ivanplats for employing female employee at the senior management level i.e. Managing Director.
- The Committee observed that there were no people with disabilities employed in the organisation which was concerning.

From the above visit the following transpired:

- During prospecting the company undertook activities without properly engaging the community prompting suspension of activities by the DMR for at least six months.
- Inadequate consultation was raised during mining right application stage, despite several public participation meetings held with the affected communities.
- Surface lease agreement process was led by DRDLR
- Part of the community was not satisfied with the structuring of the equity stake allocated to them which is in excess of 20%.
- The mine complained about the lack proper engagement structures
- Community members who lost their ploughing fields were not duly compensated until DMR's intervention.
- **Action /intervention made by the DMR :** An intervention was made by the DMR compelling the company to ensure significant community participation in the project

8.3.2 Doornbosch Mine

- The Committee observed that there were only a few women employed at senior management level in the mine and raised this as a concern.
- The Committee appreciated the efforts undertaken by Doornbosch Mine but encouraged the company to have long term plan for transformation.
- The Committee observed that there were no people with disabilities employed and the facilities and building are not accessible.

During this visit (Doornbosch) the following issues came up:

- The community was concerned about the recruitment process in the mine.
- Implementation of unsustainable SLP projects without due process in stakeholder consultation.
- There was a lack of proper consultation procedures with the communities
- There is a lack of procurement opportunities for local entrepreneurs.
- Action /intervention taken by the DMR: section 47 was issued to the company to address gaps on employment equity in respect of management and the company is addressing the matter.

8.3.3 Mecklenberg Mine

- The Committee observed that the mine was still new. Although it did not get full staff complement of the mine, it noted that four women from the community were employed in strategic positions.
- Furthermore, the Committee commended the mine which, despite the challenges, has managed to implement SLP except for one project which they would include in the new cycle of the SLPs.

- The mine is threatened by questions of rightful traditional leadership and the contestations about the authority as well as the court battles involved. In particular, it is questions relating to who was consulted and consented to the mining activities at Mecklenberg.

The following transpired from the visit to Mecklenburg Mine

- Legitimacy of the community structure is being disputed (not properly elected).
- The mining right holder has not completed SLP projects during the first five year cycle, as required by law. (An order to that effect has been issued by the DMR).
- Chieftaincy was in dispute leading to a vacuum in leadership (the matter has been referred to the courts).
- Community would like to have a portion of the equity stake currently held by Umnotho Wesizwe (a 100% HDSA Company).
- Action /intervention made by the DMR: section 93 order issued to company to rectify the transgressions, a response was received but not satisfactory. A follow up order to be issued shortly, by the DMR. A meeting with community to be convened regarding election of committee upon receipt of the requested letter from the committee.

8.3.4 Bokoni Platinum Mine

- The Committee observed that there is a lack of trust between the mine and the community, furthermore the DMR's intervention in addressing the lack of trust between the two stakeholders was not yielding satisfactory outcome.
- The human resource policy of the mine as well as the implementation of the social and labour plan were a major source of conflict between the community and the mine.
- There is a problem with regard to community projects that were allegedly promised by the mine, which are still outstanding.
- Rehabilitation of the mined property is also contributing to the tension between the community and the mine (there was an allegation of a death resulting from a hole that is not secured)

The following issues transpired during the visit to Bokoni Platinum Mine

- Non-payment of surface rental by the mine due to simultaneous existence of two community trusts.
- Lack of business opportunities for local entrepreneurs due to the conduct of the elected forum that facilitates amongst others the procurement processes.
- Loss of livestock due to rehabilitated excavations.
- Lack of proper consultation on social and labour plan issues.
- Challenges in the procurement processes (mine commissioned an audit).
- Blasting that allegedly led to death of a community member.
- **Action /intervention by the DMR:** The Department engaged the mine to pay surface rental to a specific account, The DMR is engaging the mine to consider the disbandment of the existing community forum. Community unrest regrettably led to loss of community member during protests. DMR ordered the mine to conduct an audit into the procurement processes and engage with relevant Departments on the trust. A new forum was apparently elected but the DMR is waiting for confirmation from the presiding structure.

8.3.5 Palabora Copper Mine

The following issues transpired at the visit to Palabora Copper Mine

- Local residents are not favourably considered for employment.
- Local entrepreneurs are not favourably considered for procurement opportunities.
- Concerns over the appointments of personnel by Hillary contractor.

- There is a failure to engage the community in respect of the equity stake allocated to them by the Directors of the company.
- **Action / Intervention by the DMR:** Through DMR intervention, the parties signed a resolution on the 05th of August 2015 in the presence of DMR, LEDET, National Department of Economic Development, the community representatives and the two mining companies (PMC and Foskor) and an agreement was made on the way forward to resolve outstanding issues.

8.3.6 Department of Mineral Resources

- The Committee observed that the late submission of presentations was unacceptable as it denied members an opportunity to engage with the content of the documents in time, so as to facilitate effective discussions.
- There are issues regarding the identification of the relevant traditional structures for mining projects in the Province, in as far as consultation is concerned (this might require a legislative framework in future)
- Immigration to the municipality (Tubatse Municipality) has led to challenges of service delivery, in terms of water infrastructure, road and electricity
- National mandate of DMR deeply affect the relationship between the Regional office of the DMR and the Provincial government.

8.4 Rural development and land reform

8.4.1 Traditional leadership, land reform and mining

- Traditional leaders feel left out of the land reform programme, especially when communities establish democratic and participatory landholding entities such as CPAs which require consent of the majority for decisions about use of land, resources and assets.
- Conflicts relating to legitimacy of traditional leadership and who is the rightful authority or traditional leader hampers community development in some respects. This is especially true when there are land claims or development initiatives which seeks consent of the community.
- The committee commended the PHTL for inclusion of women in their executive committee.

8.4.2 Redistribution

- Redistribution has significantly contributed to the increasing land access to previously disadvantaged communities and individuals. The challenge is provision after care and support to beneficiaries. For example, 23 of 386 land redistribution projects were supported in terms of the RADP or only 6% of the total redistribution projects. About 94% of redistribution projects in Limpopo did not get RADP support.
- The Committee commended the DRDLR and farmers for the contribution of land reform to job creation in agriculture. This is in line with the imperatives articulated in the National Development Plan.
- Capacity for the farmers to manage, lack of capacity to support farmers and CPAs

8.4.3 Restitution

- Most of the outstanding land claims involve large-scale commercial farms, large groups with internal conflicts as well as costly land claims.
- The phased approach for settlement of land claims has enabled the Commission to begin to make progress in resolving some of the most difficult land claims. However, the

claimants are becoming impatient and some are reclaiming some of those farms in the hope that they will receive urgent attention.

- The RLCC has set up systems for effective management of the lodgement of land claims until 2019. However, the Committee noted with concern the separation of the holding/reception area and the actual lodgement office. For the elderly and persons with disabilities, the distance between the offices is onerous.
- Most of the new claims were received from Vhembe District. This has implications for the programme for mobile lodgement centre as well as the communication strategy.
- Claims on communal land, especially in Sekhukhune District, have become difficult to finalise to competing interests on mining as well as the legacy of apartheid policy to depose chiefs and traditional leaders who were anti-apartheid.

With regard to the opening of the lodgement of land claims and the lodgement site in Polokwane, the Committee made the following observations:

- Effective system of screening and supporting claimants. It also served the purposes of using the Deeds office facility for the reception/holding centre for claimants. They were able to link up with the deeds and surveys for additional documents required for property description.
- There is also a system for data capturing and filing which includes colour coding of files to identify the claims according to their regions or districts. This is a manual system that backs up the electronic system which has in essence been functioning well in Limpopo.
- After lodging a claim the claimant receives an SMS to acknowledge a receipt of the claim.
- The delegation also learnt that the commission will only be able to process new claims once the old claims has been finalised as prescribed in the Restitution of Land Rights Amendment Act of 2014.
- The delegation was unable to visit the mobile lodgement which was at Malamulele on the day the delegation visited the offices.
- The RLCC lacked office space to function effectively. It was a concern that the holding area (reception was far from the lodgement office).
- The number of land claims as presented above suggest that the commission had made progress with regard to communication strategies. They reported that they advertised on national television, regional radio stations.

8.4.4 Communal Property Associations

Based on the visit to the Koka Matlou and Lebelo CPA, the Committee made the following general observations:

- DRDLR has not provided support to the two CPAs; for that reason, the CPAs have not submitted the annual financial reports, no general meetings and annual general meetings.
- The term of the executive committees of the CPAs have lapsed but they continue to manage the affairs of the CPA.
- Lack of support and continued functioning of the executive committees despite lapsing of the term office delegitimises them, hence increased tensions and conflicts. Some conflicts resulted from lack of clarification of rights of members, especially in relation to access and control of resources and assets.
- External forces and agents take advantage of the internal conflicts. For instance, the reported mining of sand on CPA and without the general approval or consent of the general membership of the CPA.
- Mines and encroachment on CPAs land.

With regard to **Koka Matlou** CPA, the following observations were made:

- Existing boundary disputes and lack of clear property description for the CPA,
- Lack of facilitation of dispute between the CPA and the Mining companies,
- Access to water is a key challenge for the CPA,
- Lack of access to grants and the RADP funding,

- CPA not informed about the status of the pending claim on other farms,
- Committee election, and
- Underutilisation of the farm due to lack of development support.

With regard to Lebelo CPA, the following observations were made:

- Lack of compliance with the CPA Act.
- Infighting amongst the beneficiaries, and some members against the executive committee.
- Failure by government to make effective interventions to resolve tensions and conflicts within the CPA.
- Lack of accountability and other related matters.
- Vandalism and stock theft.

8.4.5 Muyexe site for the CRDP

- The Committee commended government for the betterment and improvement of the lives of the rural community of Muyexe. Further, it noted visible difference when compared to 2009 when the CRDP was launched.
- The Committee was however concerned about lack of ownership of some of the projects by members of the community. In addition, there were not clear maintenance plans by the community, thus resulting in much dependence on the state for maintenance of infrastructure.
- The Macena Vegatable Primary Cooperative requested a tractor because they were not able to plough the entire field using hand hoes, yet the local Provincial Department of Agriculture kept the tractor. The Committee observed lack of plans to ensure that the project has capacity to maintain the tractor.
- The DRDLR and the council of stakeholders had difficulties in management of contractors. The fact that the paving project came to a standstill for a long time and workers were not paid raised serious concerns about the capacity.
- NARYSEC youth were not being fully used at Muyexe. The fact that they were being paid stipend without any work being done meant that they were not being empowered to generate their own livelihoods, and that there was no value for money NARYSEC.

9. Conclusion

The Committee thanked the Commission for Gender Equality, Department of Rural Development and Land Reform and Mineral Resources for the interactions and commended them on reports done.

10. Recommendations

Having interacted with the Department of Rural Development and Land Reform, and the Mineral resources Commission for Gender Equality, the Committee recommends as follows:

10.1 Gender Matters

10.1.1 Commission for Gender Equality

- The CGE should employ more staff in order to fulfill its mandate in the Limpopo Province.
- The Department of Treasury should allocate more to CGE in order to assist them to fulfill their mandate.
- The CGE should report back on the outcome of the legal clinic conducted in Tzaneen.

10.1.2 Department of Women in the Presidency

- The Department should increase awareness around its role and mandate within Government and civil society at large.

- The Department should foster relationships and collaborate with Departments and special programmes within Premiers offices such as the Office on the Status of Women.

10.2 Mining

10.2.1 Ivanplats

- Ivanplats should employ more people with disabilities in the organization.

10.2.2 Doornbosch Mine

- Doornbosch Mine should ensure that more women are employed at a senior management level within the organization and people with disabilities and that its facilities and buildings are accessible.
- The mine should develop a short, medium and long term plan to deal with transformation in a manner that can be measured and evaluated in terms of progress.

10.2.3 Bokoni Platinum

- The Department of Mineral Resources should provide Social and Labour Plans (SLPs) for Bokoni mine to ACEF
- Bokoni mine should send a response on the road promised by 14 October 2015.
- Bokoni mine should provide information on the R300 000 building that was supposed to be constructed but not in existence, by 14 October 2015.
- ACEF to provide a written submissions to the Committee (PCMR) on all its grievances.
- The mine should fully rehabilitate mined areas to avoid unnecessary tensions between the mine and the community.

10.2.4 Palaborwa Mining Company

- The PMC should provide in writing the breakdown of its structure and how it operated, before 14 October 2015.
- PMC should explore ways of rehabilitating the open cast mine, that is no longer operational and respond in writing, on the rehabilitation and closure plan of the mined out open cast mine.
- Discussion between the Chairman of the PCMR and the CEO of the PMC on the political economy of South Africa should take place

10.3 Department of Mineral Resources

- The Department should ensure that SLPs are compliant from a gendered perspective as well.
- The Department is encouraged to hold mining companies to account for non-compliance with the mining charter insofar as gender equity is concerned.
- The DMR must build capacity to regulate the rapidly growing numbers of mines in the province
- The nature of working relationship between the Department (DMR) and the mining companies must be clarified, in terms of roles as they pertain to consulting the community.
- Community trusts should be more standardized as to avoid a host of problems associated with having many trusts established for a single mining project.

10.4 Department of Rural Development and Land Reform

10.4.1 Consultation for mining on communal land

- The Department of Mineral Resource should enforce consultation processes regarding access to communal land for any development, including mining, in terms of the Interim Protection of Informal Land Rights Act.
- Further, the Department should finalise the communal land tenure policy to provide guidance around property rights and decision-making regarding communal land use and development.
- Disputes regarding consultations for mining development on communal land should be addressed
- Department, in consultation with COGTA, must clarify the role of traditional leaders and local government in land development.

10.4.2 Communal Property Associations

Koka Matlou CPA

- The Department should submit clear property description of farms transferred to the Koka Matlou CPA; such property description should also be sent to the CPA and actual site inspection and identification of the property boundaries should be facilitated.
- The Department should further submit to the Committee a financial report regarding the Koka Matlou CPA, especially grants paid as well as the balance of grants, if any.
- The Department should further facilitate resolution of boundary disputes between the neighboring mines and the CPA. Such facilitation should take into consideration property description mention above.
- The Department should facilitate business planning and support the CPA with the Recapitalisation and Development Programme funding in order to help the CPA to increase production on their farm.

Lebelo CPA

- The Department must submit comprehensive plans for resolving tensions and conflicts at Lebelo CPA. In particular, facilitation of establishment of a new committee and improving CPA's governance and accountability.
- DMR and DRDLR to assist the Koka Matlou and Lebelo CPAs to resolve challenges regarding mining of sand on CPA land.

10.4.3 Comprehensive Rural Development Programme

- The Department should facilitate processes to ensure the communities take ownership of the infrastructure developed, through establishment of security and infrastructure maintenance mechanisms.
- The Department should further conduct evaluation of the NARYSEC programme to ensure value for money on investment made. In particular, mechanisms for oversight of the programme as well as job allocation for learners for accreditation and certification for them to be employable.
- The Department should coordinate the release of the Macena Vegetable Primary Cooperative's tractor contributed by the Limpopo Provincial Department of Agriculture. Further, the Department should ensure that there are clear plans for maintenance and management of the assets.
- The Department should submit report on the payment of the workers who have not been paid due to the stoppage of construction of the paving at Muyexe.

10.4.4 Commission on Restitution of Land Rights

- To develop a plan on how to improve research capacity to fast track restitution process and settle outstanding claims in Limpopo without delay, especially complex claims on communal areas, forestry, conservation areas and parks.
- The Commission to improve communication with beneficiaries about the progress of their claims

10.4.5 Redistribution and post-settlement support

- RADP is constrained by limited resources. The Department, jointly with the Department of Agriculture Forestry and Fisheries (DAFF), should develop comprehensive measures for post-settlement support to land reform beneficiaries which involves coordination of resources between the DAFF, Provincial Departments of Agriculture and Rural Development and Land Reform and the Department of Water and Sanitation.

10.4.6 Spatial Planning Land Use Management

- The Department of Rural Development and Land Reform to further engage traditional leadership about the intension of SPLUMA and their participation in the effective implementation of the legislation.

10.5 General

10.5.1 Office on the Status of Women: More emphasis should be placed on the sustainability and impact of campaigns in the long term through programmes and not limit it to once off events only but rather a continuous number of activities instead. A relationship should be fostered with the Department of Women in the Presidency.

10.5.2 Both the Department of Mineral Resources (DMR) and Department of Rural Development and Land Reform (DRDLR)

- To work on the harmonisation and common application of the legislation i.e. MPRDA and IPILRA for purposes of Community consultation for participation on issues that relate to economic development and beneficiation on mining related activities
- Develop common application and monitoring of compliance with SLP and other beneficiation regulations.
- Ensure the finalisation of the Mining Charter process as well as the communal land tenure policy.
- Develop a common mechanism to manage tensions and disputes of communities that come about as a result of mining activities. These may include conflicts amongst and within community trust or CPA's or community structures and traditional leadership as well as between community structures and mining companies.

10.5.3 The three Departments together with the Department of Basic Education to attend to issues of school infrastructure i.e. water provisions etc. as well as other social ills that have a negative impact on learners, in particular with reference to those schools that are a product of CSI initiatives by mining companies.

Report to be considered.