



# **PUBLIC HEARINGS ON ILLEGAL MINING AND FATALITIES IN MINES: 7 AND 8 JULY 2009**

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1. Thank you for the opportunity to present.
2. The Established Stakeholders Forum:

**Appreciation to the Hon. Minister of Mineral Resources, the Director General Mineral Resources and the Chief Inspector of Mines for quick action in establishing this Forum.**

## **3. Extent of the Problem:**

**3.1 One of the worst tragedies and catastrophes in SA mining industry.**

**3.2 Scale of highly organised crime reminiscent of the Mafia in all its forms across the world - 5 organised levels.**

**3.3 Problem was known but ignored & tolerated for too long on various levels in mines.**

## **3. Extent of the Problem:**

**3.4 Legal workers give illegal miners access to inside information re. mining & security activities.**

**3.5 Involvement of mining employees - logistical support.**

**3.6 Good incomes account for willingness to get involved.**

**3.7 Involvement of unemployed experienced & trained mine workers, artisans, miners, etc.**

## 4. Loss of Lives:

4.1 Any death, no matter whom, is a tragedy & unnecessary & one death too many!

4.2 Most fatalities: Workers / labourers (“foot soldiers”) who seem to get involved from necessity for survival or human trafficking not malice or clearly formulated criminal intent.

4.3 Tragedy: Poor & hungry people are caught up in illegal activities & lose their lives in the process.

## 5. Illegal Mining also Leads to:

### 5.1 Major Financial Losses:

5.1.1 Mining is the most important industry in South Africa which forms that backbone of our economy - the impact of the illegal mining activities on our economy could and should be ignored or underestimated.

5.1.2 Results: Huge financial losses / potential losses. (Not only gold – all commodities, including platinum, diamonds and coal).

## 5. Illegal Mining also Leads to:

### 5.1 Major Financial Losses:

5.1.3 Logistics for illegal mining: From stock of the legal mines – even explosives - leads to financial losses for mines.

5.1.4 Increased security risks increases security costs.

5.1.5 Negative impact on safety and clashes with illegal miners leads to disruption of mining operations & productivity & income loss.

## 5. Illegal Mining also Leads to:

### 5.1 Major Financial Losses:

5.1.6 Less income & increased job insecurity for legal mineworkers.

5.1.7 Losses of State revenue.

5.1.8 Increased demands on already heavily extended Department of Justice and SAPS.



## 5. Illegal Mining also Leads to:

### 5.2 Increased Health & Safety Risks:

5.2.1 Intimidation, attacks & assaults on legal mineworkers = increased risk to health & safety of mineworkers & their families.

5.2.2 No compliance with health & safety legal prescripts & not following best health & practices.

## 5. Illegal Mining also Leads to:

### 5.2 Increased Health & Safety Risks:

#### 5.2.3 Illegal miners;

- damage & blast safety structures, e.g. safety pillars;
- steal or remove safety equipment;
- interfere with electrical installations, water & compressed air stock;
- work deep underground (bodies recovered at Eland Shaft from 1 400 m);

Increasing health & safety risks for legal miners.

## **6. Unsuccessful Actions Against Illegal Miners:**

**6.1 Security / SAPS operations: E.g. Operation Zama in March 2009 at Harmony Mines, 114 illegal miners were arrested & June 2009, 294 illegal miners were arrested at Harmony and charged.**

**6.2 Report by Institute for Security Studies: Conviction rate regarding illegal miners is 38% due to a lack of capacity with the Department of Justice and the SAPS to deal with this problem effectively.**

## 6. Unsuccessful Actions Against Illegal Miners:

6.3 Interlinked unused mine shafts: Make it virtually impossible to police.

6.4 Lack of effective action creates an environment conducive increase such illegal activities.

## **7. Matters Germane to the Local Communities:**

**7.1 Possibility for illegal miners to disappear into local communities & receive support – if to benefit these communities & win hearts & minds of communities.**

**7.2 However, if mines benefited communities, the latter would readily identify & cooperate against illegal mining activities.**

**7.3 Question: Mining houses complied with social responsibilities to benefit of local communities?**

**7.4 Impact of retrenchment of mine workers?**

8. **Further Investigation Recommended : Outside scope of Stakeholders Forum:**
  - 8.1 **Legislation are either general nature or focused on something else, e.g. organised crime. Consider criminal sanctions specifically focussed on illegal mining activities with tough sentences.**
  - 8.2 **Consider the return of a specialised SAPS unit to investigate illegal mining activities.**
  - 8.3 **Relationship: Illegal blasting & removal of safety structures, blasting by mines in close proximity on increasing instability of ground.**

## 9. General Remark following Question on 7 July 2009:

**Control of mines, not for the sake of production but for the sake of control: Declaring mines to be National Key Points (or similar under current proposed legislation) may enable State to have controlling say over security in mines.**

## 10. What is Solidarity Doing?

### 10.1 Participating in Stakeholder's Forum.

### 10.2. Notify members;

10.2.1 of criminality & seriousness of involvement with illegal mining activities;

10.2.2 of dangers involved with illegal mining; and

10.2.3 of consequences for themselves, their families and the economy if they participate.



## **10. What is Solidarity Doing?**

**10.3 Informing members that participation in illegal mining activities can and shall not be tolerated and that strict action, including disciplinary and criminal steps shall be taken by mines against any person caught participating and that, within the prescripts of the law and legal ethics, Solidarity shall not condone evidence if related to illegal mining activities.**

**10.4 Encouraging members who have information and/or who took part in illegal mining to come forward with information before they are caught, in which case Solidarity shall do everything possible to protect these members. (Indemnity undertaking & CPA)**

**THANK YOU.**

**QUESTION?**

