



## **Media statement by the Bench Marks Foundation**

### **Justice still far off for Marikana victims**

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#### **FOR IMMEDIATE RELEASE**

Five years after the Marikana massacre, justice for the victims is still far off, the Bench Marks Foundation says on the eve of the 2012 shooting that left 34 striking Lonmin mineworkers dead and a further 78 injured.

Speaking in advance of the fifth anniversary of the massacre on 16 August 2012, Executive Director of the Foundation, John Capel, said: “The state has not taken responsibility for what happened, victims are waiting for compensation, and not a single police officer has been prosecuted. The situation in Marikana is still largely a mess.”

Capel added that while strong union organisation and ongoing workplace battles between the Association of Mineworkers and Construction Union (AMCU) and platinum miner Lonmin had led to an increase in wages, the living conditions for workers and communities around the mine were appalling, with approximately 30 000 people still living in shacks. Neither had a genuine apology for the massacre been made, he said.

“The groups of people affected are complex and include the local communities, the migrant workers, their families and the victims of the massacre. Equally complex are the stakeholders who play a part in contributing to the problems in Marikana: the state authorities, Lonmin and its parent company in London, and the German company BASF, who is the main buyer of the platinum. This has led to some confusion as to who is responsible for addressing the problems around housing, infrastructure, working conditions and the compensation of the victims, with each entity pointing to the other,” Capel said.

He said that the South African government had a legal obligation to improve living conditions in Marikana, including providing housing and other basic services. While the mining charter had transferred part of this obligation to the mining companies, through the mines’ social and labour plans (SLPs), it nevertheless had to make sure that the mines met their obligations.

“When looking at the situation in Marikana, it becomes evident that many of the problems don’t lie in weak legislation, but in the lack of enforcement towards Lonmin. Lonmin made strong commitments on housing, water and sanitation in its SLP. However, state authorities have not monitored the enforcement of these commitments sufficiently. Neither are communities consulted about SLPs,” he said.

Even though Lonmin had committed in 2006 to convert 114 hostel blocks and build 5 500 new houses by 2011, at the time of the massacre in 2012, only three houses had been built and 60 hostels converted.

The mine eventually did complete the remaining hostel conversions but submitted a revised SL in October 2014 in which it abandoned the previous 5 500 house target, substituting it with “infill apartments” – high density housing to be build alongside existing hostels, accessing infrastructure already in place. Neither a timeline nor an exact number of apartments were specified.

“By January 2017, less than 500 apartments had been built, but many were not occupied as the rental was too high. Only in July 2017 was an agreement on rent reached with AMCU,” Capel said.

Two years after its revised SLP, President Zuma called it “unacceptable” and threatened to suspend or cancel Lonmin’s mining licence.

In response, London CEO Ben Magara announced in January 2017 that it would spend R500 million on infill apartments over five years at the end of which it would have 1200 additional apartments.

Turning to the matter of compensation claims, Capel said that by March 2017, summons for 652 claims had been served for a total of R1.17 billion. The claimants were families of those that died and workers that were unlawfully arrested and detained.

While the minister of police had confirmed in March 2017 that government would settle for this amount, by July 2017 victims of the massacre were still waiting to be paid out as legal processes had not been concluded.

ENDS

Bench Marks Foundation is an independent non-governmental organisation mandated by churches to monitor the practices of multi-national corporations to

- ensure they respect human rights;
- protect the environment;
- ensure that profit-making is not done at the expense of other interest groups; and
- ensure that those most negatively impacted upon are heard, protected and accommodated within the business plans of the corporations.

The Foundation was launched in 2001 by the Rt Rev Dr Jo Seoka who chairs the organisation and by member churches of the SACC.

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