

MPHO TRUST TARGETED INVESTIGATION REPORT 2024



Members of the community of Mpho Trust living on wetland or flood line

Targeted Investigation Team

We would like to thank the following individuals for their commitment to ensuring that the targeted investigation is realised:

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1. Background and Context

The South African constitution and the Bill of Rights provide that everyone should be able to live their lives in a conducive and safe environment where they can live life to the fullest and without harm. These rights which are enshrined in the constitution should be protected at all costs to ensure that the citizens of the country live their lives in dignity.

Members of the community of Mpho Trust approached Justice and Peace Commission (J&P) because they have heard from other mining affected communities around Klerksdorp that the organization advocates for communities which are impacted upon by mining corporations and other social ills.

The major problem members of the community of Mpho Trust are facing is that their houses were built on a wetland and that during rainy seasons water floods enter their houses and damage their belongings.

When Justice and Peace Commission started engaging with the community many other challenges were unearthed which included the impact of a frontier bullet manufacturing company, which also operates a shooting range. Members of the community complained that stray bullets from the shooting range flew directly to the community and injured and killed some members of the community.

Other challenges included Dynamic mining company (a sub-contractor of Harmony Gold), which was not employing locals. The community is also concerned that its slime dam and trucks passing next to the community blow dust into the community which is harmful to their health.

The Justice and Peace Commission together with the Benchmarks Foundation (BMF) conducted a targeted investigation from the 23rd of July to 15th of August 2024 to establish the nature of challenges the community is facing, what is their thinking of them, and what they think should happen. This targeted investigation report is a guiding document reflecting the outcomes of the views of the members of the community of Mpho Trust. Justice and Peace Commission and BMF team, which was led by Tshepo Mmusi assisted by Joe Mashilo and a local monitor Aaron Maekiso conducted the investigation in a form of a survey. They interviewed 40 members of the community, which were randomly selected and they included 15 young people, 10 women, 10 elderly people and 5 school learners. Information gathered was analysed by the team and together they compiled the targeted investigation report.

2. Problem Description

Mpho Trust is a rural community, which is situated on a flood line in the Buffelsdoorn farms where about 900 residents live. The area was donated by a farm owner to the community and was registered as a Trust and members of the community applied for funding, which was meant for them to start agricultural activities.

Members of the community are living on a wet land, which by law is a violation of their human rights. During rainy days the community experiences a massive influx of water in their households. Even when it does not rain water comes underneath their floors, which causes moisture, which damages their furniture and results in sicknesses.

On its opposite side about 300 meters away there is a slime dam belonging to Harmony Gold and mined by a sub-contractor called Dynamic. The Harmony Gold and Dynamic slime dam operations impact negatively on the members of the community. As Dynamic trucks transport slime to be processed they pass next to the community and the dust particles from the slime go directly into the community. The community members then inhale those radio-active materials. During windy days, dust from the slime blows directly to the community and this results in them suffering from respiratory illnesses such as Asthma, TB and Silicosis.

Just next to the community, on their back door, there is an ammunition manufacturing company called Frontier Processing plant, which is also has a shooting range. It poses a danger to members of the community as members of the community are becoming victims of stray bullets flying from the facility. Cases were reported after injuries and loss of life with SAPS but so far cases have been overthrown as the owner is connected to SAPS.

3. Investigation results

(Impacts of wetland)

- 1) **How is living in Mpho Trust impacting your lives?** 100% of the 40 respondents described the living conditions in the area as unbearable and not suitable for humans especially in rainy days. Many described that they have no future plans in the area such as renovating or extending their houses because the area's conditions do not allow them to do so.
- 2) **What are the effects of living on a wetland?** 96% of the respondents described the effects as dire because it impacts on their health as their houses are always humid. They also say that they are unable to buy themselves furniture because they fear that it is damaged by a lot of humidity and during flooding it becomes worse.
- 3) **What are the health effects related to living on a wet land?** 83% of the respondents indicated that their households are covered with algae due to extreme humidity in their homes and that results to water borne diseases such as cholera, TB, diarrhoea and asthma.
- 4) **Is there a relative or someone who died as a result of the health impacts of living on a wet land or a house affected by it?** 65% of the respondents said that most of the people who passed on

are the elderly and those suffering from chronic illnesses. But they also indicated that most people in the community are suffering from diseases as a result of wet conditions where they live.

- 5) **What recourse do you seek or believe the community should require?** 92% of the respondents said that government should compensate the families who have lost their loved ones and those members of the community who are suffering from respiratory illnesses. Government should furthermore seek alternative land and build houses for them where they can live.

(Frontier Bullet manufacturing)

- 6) **How is the company treating members of the community residing close to their property and shooting range?** 100% of the respondents complained about the arrogance, disrespect for the community and human life by the owner of the company. They indicated that the company is unethical and not socially responsible, not considering the impact of their operations and not helping the community with anything.
- 7) **How is the company's shooting range affecting the people in Mpho Trust?** 100% of the respondents said that people's lives are in danger because during training or shooting days people are constantly hit by flying bullets from the factory. People are unable to move freely around the community. They are afraid of attending funerals because their grave site is a hotspot for stray bullets, they are unable to enjoy soccer matches at their sports field as the sports field is also a hot spot or stray bullets.
- 8) **How many people do you know of that died as a result of stray bullets flying from the company premises?** 82% of the respondents said four people have died from stray bullets. They emphasised the death of a woman who was hit by a bullet carrying a baby on her back. This really struck and shocked the community.
- 9) **How many people do you know of that have been wounded as a result of being hit by stray bullets from the company premises?** 82% of the respondents said they only remember two people who were wounded by stray bullets in their community, while the remaining said they do not remember and others saying they do not know.
- 10) **How often and when do shooting sessions occur? During the Day / During the week / On weekends etc. / Once a week, twice a week / Every day?** 100% of the respondents said that shooting sessions occur almost every day and definitely more than three times a week as gun shots are random in their premises.
- 11) **What other effects related to the company have you experienced?** 73% of the respondents mentioned that the company also recycles metals and recently the company disposed a certain gas that they do not know what it was. After that everyone in the community was coughing badly and those with respiratory illnesses had difficulties with breathing. The elderly people in the community were admitted to hospital in big numbers.

12) **What recourse do you seek or believe the community should require?** 90% of the respondents said that the owner of the company should compensate members of the community who were wounded by stray bullets and face criminal charges for those who have lost their lives as a result of being killed by stray bullets coming from the factory. However, the police officers who are defeating the end of justice by making sure that cases opened against the owner disappear, should also be charged.

(Harmony Gold/Dynamic Tailing dam)

13) **How is the tailing dam next to Mpho Trust affecting you as a resident?** 61% of the respondents said that the tailings dam blows dust to the community during windy weather conditions and that affects people's health. 38% said that the tailings dam is not a problem. They only want Dynamic company to employ members of the community of Mpho Trust. The remaining 23% didn't know.

14) **What are the health impacts associated with living nearer to a tailing dam?** 53% of the respondents said it has long term health effects because by breathing contaminated dust people start suffering from diseases such TB, asthma, silicosis. And women can give birth to children with cerebral palsy. The remaining 47% of the respondents didn't know.

15) **Are there people who are suffering from diseases that are associated with breathing dust from the tailing dam?** 45% of the respondents said yes and that it was as the result of wind blowing dust from the tailing to the community and as a result of Dynamic dump trucks passing next to the community blowing dust while moving. 55% of the respondents said they were unsure if it is only due to the dust because living on wetland might contribute to their health challenges as well.

16) **How many people do you know of that have died as a result of respiratory diseases?** 89% of the respondents responded and results varied from 3 to 6 people that they knew that had died of respiratory diseases. 11% of the respondents were not sure of the cause of death of the people they knew had died.

17) **In your view, can their deaths be related to breathing dust from the tailing dam or and living on a wetland?** 74% of the respondents said that the deaths were a result of both breathing dust from the tailing dam and living on a wetland. 26% of the respondents said that it was as a result of living on wetland.

18) **What recourse do you seek or believe the community should require?** 45% of the respondents said Harmony Gold, Dynamic mining and government should compensate the families of those who passed on as a result of breathing dust from the tailing and also living on wetland. Government should relocate the community to a more conducive environment and build houses for people. 38% of the respondents said Government should take responsibility because it built houses on wetland next to a tailing dam and people are paying the price, so government should compensate people, relocate the and build them new houses. The remaining 17% of the respondents just wanted to be relocated to a conducive living environment.

4. Views of the Stakeholders on the issue

Impacts of the wetland

In relation to the stakeholders concerned with the issue related to the people of Mpho Trust residing on a wetland, the Department of Rural Development and Land Reform acknowledges that the law stipulates that no one should be allocated land for settlement on a wetland and that this would be violation of their constitutional rights.

The background on the matter is that residents in Mpho Trust came to the area as a result of farm labour recruitment in the early 1970's. As time went by the previous owner who is the grandparent to the current owner donated half of the land to members of the community so that they can continue surviving with farming. The land was registered as a trust.

By the time people settled the Government Administration of that time built houses for them. By law the Department was not supposed to have built houses in that area because they were aware that it was a wetland. Incidents of flooding occurred and many people complained and the then Minister of Environmental Affairs, Edna Molewa, attended to the community to understand the problem. The community was divided, some wanted to be relocated and others did not support the motion.

Other stakeholders, such as the Department of Human Settlement of Matlosana Local Municipality, are also aware of the situation. In a number of occasions when incidents of flooding occurred the District Disaster Management Department was called in to intervene. The Department of Rural Development and Land Reform confirmed that Mpho Trust has been listed on its national database as one of the community beneficiaries and that a budget for relocation has been allocated.

The relocation issue in Mpho Trust is still a hot potato as there are number of factors to be considered and there are still certain members of the community who believe that Mpho Trust is a community property that could still be used for commercial farming purposes. Many stakeholders are on board and are willing to allow proper processes that are necessary to unfold.

Frontier Bullet Manufacturing

The stakeholders are aware of the challenges and impacts posed by the company Frontier Processing on to the community of Mpho Trust. Many incidents have been reported previously by members of the community to the South Africa Police Services (SAPS). SAPS is aware of the cases that were reported to its Stilfontein station but surprisingly the case dockets cannot be found. The SAPS investigating officers in Stilfontein always play hide and seek when they are being asked about these cases. Colonel Badenhoost from Stilfontein police station advised that community members should open a case against police officers who are defeating the ends of justice at the provincial SAPS offices. He also committed to following up on the missing dockets so that justice can be served.

Harassment of members of the community by Frontier Processing company are known to the Matlosana Local Municipality. The area falls under Matlosana Local Municipality and receives municipal services. However, complaints fell on deaf ears because by law the current owner owns half the land of Mpho Trust and the other half of the property is declared private. The land was donated to the people of Mpho Trust by the previous owner who is the grandparent to Mr. Nico Economakis. Frontier Processing company

owner, Mr. Nico Economakis, is denying allegations of stray bullets going into the community. However, he has put an offer on the table to purchase a farm for members of the community to be relocated, which would be a second option for the community. Yet, members of the community feel that is unfair to be moved to a farm with no houses and no municipal services.

Harmony Gold/Dynamic Tailing dam

Dynamic company has been contacted by the team regarding the environmental impacts resulting out of their operations. Dynamic company's site manager, who did not want to disclose his name, said that they were not aware that members of the community are impacted by dust coming from the tailing dam. He furthermore indicated that they have been contracted by Harmony Gold for processing of materials and that issues related to social labour plans should be directed to Harmony Gold because they are the ones having mining rights. The Dynamic company site manager further indicated that his company has employed some of the members of the local community and as such the company is socially responsible. He made a commitment to escalate the matter to Harmony Gold CSI division. Justice and Peace has written a number of letters to Harmony Gold regarding the Mpho Trust issues but the organization has not received any feedback from the company.

5. Action and advocacy approach

Justice and Peace as an organization is community oriented and is putting the human person in the centre when confronting community challenges. Mpho Trust is stunted by many challenges and human rights violations. The targeted investigation exercise has been conducted using the rights-based approach, to safeguard the human rights of the community at large. The approach was holistic because it did not single out one issue out of others affecting the community i.e. human rights violation by Frontier company from Harmony Gold and Dynamic.

Members of the community were in the fore-front of their own struggle and monitoring school team provided guidance and necessary support. Every action taken was as the mandate of the community, after each action feedback was given to the community. Planning of further actions was done together with members of the community and the community had a final say about what needed to be done or executed.

One of the community's decision is that they are ready to be relocated to another area for settlement and other issues to be considered. There are stakeholders to be brought on board to ensure a smooth relocation process. J&P will provide guidance, technical support and accompaniment where necessary in the process to safeguard the interests of the community.

J&P has advised that cases be reopened at the Stilfontein SAPS and further investigation be launched and police officers who are found to be in contempt of the law be reported to the Independent Police Investigative Directorate (IPID).

Mpho Trust community leadership will continue to engage Harmony Gold to regarding obligation to comply with its Social Labour Plan and those impacted upon to be compensated accordingly. J&P will continue to provide technical support in the process.

We acknowledge and appreciate the support

from the following organisations:

Bread for the World

Church of Sweden

Ford Foundation

Norwegian Church Aid

Steelworkers Humanity Fund – Canada

Issued by



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