

Policy Gap 14 Report

Reimagine Wonderkop: Paradise or Nightmare?

Sibanye-Stillwater and its impact on the Wonderkop community

“In the 48 years that I have lived in Wonderkop, no one has ever come down here to find out how we are living and what our conditions are. I want to thank the Bench Marks Foundation for doing so”. (Focus group participant about the plight of people in Wonderkop, next to Sibanye-Stillwater’s Rowland Shaft) in Marikana



(Picture: Brown Matloko)



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List of Abbreviations and Acronyms

AMCU	Association of Mineworkers and Construction Union
BEE	Black Economic Empowerment
CEO	Chief Executive Officer
CSR	Corporate Social Responsibility
DALYS	Disability Adjusted Life Years
DALRRD	Department of Agriculture, Land Reform and Rural Development
DMR	Department of Mineral Resources
DMPR	Department of Mineral and Petroleum Resources
FGD	Focus Group Discussions
MDA	Mineworkers Development Agency
MPRDA	Minerals and Petroleum Resource Development Act
NO ₂	Nitrogen dioxide
NO _x	Nitrogen oxides
NGO	Non-Government Organisation
NUM	National Union of Mineworkers of South Africa
NUMSA	National Union of Metalworkers of South Africa
OECD	Organisation for Economic Co-operation and Development
PGM	Platinum Group Metals
PM	Particulate matter
PM2.5	Particulate Matter 2.5 (extremely small sized dust particle measure)
PM10	Particulate Matter 10 (larger sized dust particle)
RDP	Reconstruction and Development Programme
SACC	South African Council of Churches
SANS	South African National Standards
SDR	Sustainable Development Report
SLP	Social and Labour Plan
SO ₂	Sulphur dioxide

TDF	Tailings Disposal Facility
UN	United Nations
US	United States
VOC	Volatile Organic Compounds
WHO	World Health Organisation
UN	United Nations
ZA	South Africa

Foreword by the Chairperson of the Bench Marks Foundation Board

As Chairperson of the Bench Marks Foundation Board, it is both a privilege and a profound responsibility to introduce the Policy Gap 14 Report: “Reimagine Wonderkop: Paradise or Nightmare?” This report stands as a testament to the enduring commitment of our organisation to bear witness to the lived experiences of communities impacted by mining operations, specifically those residing in the shadow of Sibanye-Stillwater’s Rowland Shaft in Marikana.

For decades, the people of Wonderkop have faced daily hardships and challenges that too often remain unseen and unheard. Our research team sought not only to document the facts and figures but, crucially, to listen to the voices of the residents—voices that carry both the weight of frustration and the spark of hope. Their stories and testimonies form the heart of this report and underscore the urgency for honest reflection and meaningful action.

The findings we present are shaped by the courage and openness of Wonderkop’s community members, who welcomed us into their world and shared their perspectives with candour and trust. We are deeply grateful for their willingness to engage with the Bench Marks Foundation and participate in this important dialogue.

It is our sincere hope that this report will not only inform and challenge stakeholders – including mining companies, policymakers, civil society, and the broader public – but also inspire a more inclusive vision for the future of Wonderkop. Let this be a catalyst for genuine partnerships, accountability, and improvements that honour the dignity and aspirations of all who call Wonderkop home.

Mr. Zithulele Cindi

Chairperson of the Bench Marks Foundation

Overview and Key Findings

Policy Gap 14 Report on Wonderkop

The Executive Director of the Bench Marks Foundation presents a critical exploration into the experiences of the Wonderkop community living alongside Sibanye-Stillwater's mining operations. This report, part of the Policy Gap series, seeks to illuminate the complex realities faced by residents, drawing on personal testimonies and extensive community engagement. Through careful investigation, the Foundation underscores the ongoing challenges and aspirations of Wonderkop's people, advocating for greater accountability and meaningful change in corporate-community relations.

Key Findings

- **Lack of Engagement:** For decades, residents reported that their voices and conditions have been largely ignored by external stakeholders, with the Bench Marks Foundation being among the first to formally investigate and listen to the community.
- **Socio-Economic Hardships:** Community members face persistent socio-economic difficulties, including unemployment, limited access to quality housing, and poor service delivery.
- **Environmental and Health Impacts:** The proximity of mining activities has contributed to environmental degradation, health concerns, and a decline in living standards for local residents.
- **Community Resilience:** Despite ongoing challenges, Wonderkop residents demonstrate resilience and a strong desire for improved engagement, sustainable development, and recognition of their rights.
- **Call for Accountability:** The report calls for Sibanye-Stillwater and other stakeholders, including the local state, to increase transparency, responsibility, and meaningful dialogue with the affected community to address long-standing grievances and foster positive change.

Executive Summary

Introduction and methodology

Sibanye-Stillwater is South Africa's biggest mining employer in a country with an unemployment rate of 42.6%. Exploitation in the industry, including abject wages and working conditions, has a long history in the apartheid era. The Marikana massacre demonstrated how little has changed.

Sibanye-Stillwater is a leading multinational mining and metals company operating across five continents. This study focuses on the Wonderkop community, next to the Rowland Shaft in Marikana, because of its pivotal position in relation to the massacre. Wonderkop has been a fast-growing community with a substantial influx from outside the area, co-existing with an original community which is part of the Bapo bo Mogale Traditional Authority.

The objectives of the study are to assess the mine's relationship with, and impact on the community, the mine's employees and the physical and social environment.

The mixed method study included desktop research, a number of focus groups and interviews and a survey with a questionnaire.

The regulatory environment

South Africa is signatory to several international conventions and agreements on human rights and the environment, which bind all mining companies, who are liable not only for the consequences of their own actions but also the actions of those with whom they have a business relationship. The constitution of South Africa also imposes obligations in terms of human rights. Detailed regulation of the industry is covered in the Mineral and Petroleum Resources Development Act, including a requirement to have and implement Social and Labour Plans and for suppliers to the industry to budget for community development. The National Environmental Management Act requires mining companies to make provision for the rehabilitation of closed mines.

The company

There has been a massive downturn in the platinum market and this is the environment into which the company emerged in 2013, initially as Sibanye Gold through the purchase of gold mines from Gold Fields Ltd. It entered the platinum market in 2016 with the acquisition of assets in Rustenburg, and in 2019 with the purchase of Lonmin's Marikana operations. Sibanye started trading as Sibanye-Stillwater in 2017 following the purchase of the Stillwater mine in Montana. In 2023 Sibanye-Stillwater had 82,788 employees and produced 1.6 million ounces of PGMs, only slightly more than half its 2020 production figure.

BEE deals in the declining market have led to BEE partners gaining nothing, and even being in debt. The company is still dominated at a senior level by white men and, despite the mining sector being a significant cause of disability, there has been inadequate absorption of disabled people.

Sibanye-Stillwater has engaged in controversial practices:

- In 2023, the company's main customer pleaded guilty to charges of platinum and palladium price-fixing. It is hard to believe that Sibanye-Stillwater was unaware of this. Even though there has been an out of court settlement on this issue, it does not mean that the fixing did not take place, only an attempt to deny culpability, but the impact was still felt in the country. It is an attempt to avoid due process and precedent of culpability.
- The company's aggressive acquisition strategy of buying marginal and non-profitable mines leads to mine abandonment, worker retrenchments and environmental degradation. There have been substantial retrenchments at the company's mines and there are already signs of mine abandonment. The workforce in Marikana has shrunk by over 20% and it seems that the trajectory is towards gradual closure.
- The accident rate at the company's mines is substantially higher than that of any other South African mining company.
- The company promotes ultra-processed foods amongst its employees because they are quicker to consume, even though they compromise mineworkers nutrition and hence mine safety.
- The company's employees in South Africa are treated in a completely different and inferior way to their employees doing equivalent jobs in Australia and the US.
- Workers in Marikana continue to live in shacks, being paid a 'living-out' allowance.
- Women workers are not appropriately accommodated and thereby subjected to dangerous working conditions. They are not shielded from safety and health hazards, or from being sexually harassed and even murdered.
- The company fails to communicate adequately or appropriately with its employees, despite technology being available to do that.
- The majority of workers regard labour relations at the mine as unacceptable, leading to safety being compromised.

The mining operation's impact on the local community

The impact of the mining operation on the Wonderkop community has been equally dire:

- Community land continues to be lost to the mine and the land that remains is so polluted that it is impossible to use it to grow food.
- Water resources have dried up and those that remain are heavily polluted. The siting of the tailings dam above and upstream of the community contributes to the pollution and presents a continuous threat from ruptures in dam walls. There is a credible link between this pollution and birth complications in the community.
- Sewage and drainage systems are broken, leading to a prevalence of gastric sickness.
- Air quality is poor, polluted by the mine's smoke stack and dust from the tailings. Air quality monitoring facilities in the area are inadequate and dysfunctional. Insofar as they are working, they record high levels of pollution.
- Housing is overcrowded and in poor condition due to blasting damage and damp from the tailings.
- There has been a steady increase in violent crime, especially gender-based violence, resulting from migrant workers living in Nkaneng informal settlement, who reject the jurisdiction of the traditional authority.

- The roads and general infrastructure are in an atrocious state, and there are no sport or recreation facilities.
- The mine has failed to provide local jobs, with local people uninformed about job opportunities, and outsiders employed.
- Local services are either poor or completely absent. The community clinic is only open during the day. There are no recreation facilities for children.
- As with employees, communication with the company is inappropriate and inadequate, and there is a lack of consultation with traditional authorities. Resources are spent on communicating with NGOs instead.
- The situation of women is dire: gender-based violence is rife, transactional sex is a problem, and women are even more rarely consulted than men.
- Language policy in the schools ignores the local language of Setswana, privileging the main language of the migrant workers – isiXhosa.

The Marikana Renewal Programme

After the massacre of 2012, Sibanye-Stillwater took over from Lonmin an operation in disarray. Its response to the multiple challenges was the Marikana Renewal Programme “to create a positive legacy by contributing to the delivery of tangible, sustained, long-term socio-economic value and positive impacts”. The community does not see the programme in that light.

There is a view in the community that the programme is only intended to benefit the direct victims of the massacre, at the expense of the rest of the community. It has lined up an array of luminaries to sell the narrative of the “Marikana Renewal” or “Marikana reimagined”. Yet the survey found that the vast majority of the community have never heard of the programme or benefited from it. The most of the victims have had their housing cared for by AMCU. While the programme claims to have delivered 15 houses, more than 23,000 employees live in appalling conditions, many in shacks.

The differential treatment between South African employees of Sibanye-Stillwater and those in other countries means that South African workers earn 30% of their US counterparts. Australian mineworkers are flown in and out of work from the city on a roster, a far cry from their South Africans counterparts who are migrant workers living in shacks. South African families who lost a breadwinner in the massacre are offered a place as an employee – a policy not practiced elsewhere and resented by the community.

The programme promised engagement with the community but in practice seems to involve highly choreographed interactions largely with NGOs and leading figures. Meanwhile, the reality is that community is hit with retrenchments. The material projects initiated by the programme – bee-keeping, ‘organic’ chickens, vegetable tunnels – have been short-lived because unsupported: good only for photo-ops. Many are located far from Marikana and Wonderkop. Our own experience of a company tour was that little or no opportunity was offered to visitors to interact with or question community members, except for one or two, paraded and coached by the mining company.

Lonmin was by no means loved by the community when it owned the mine. Yet almost unanimously it was seen as “a better devil” than Sibanye-Stillwater. Gone are assistance to

school children and bursaries. The infrastructure around the mine was cared for by Lonmin – not by Sibanye-Stillwater. The stadium is neglected.

Conclusions and Recommendations

In summary, Sibanye-Stillwater fails to live up to its claimed expectations of itself and has created a deeply alienated and angry workforce and community. To rectify this, we make recommendations to a variety of actors. These recommendations include:

- **The government** must end the practice of the mining industry being answerable only to a single ministry, and make it fall under the jurisdiction of relevant ministries.
- **The DMPR** must plan for a transition to medium- and small-scale mining and a post-mining economy, ensure appropriate communication, publish SLPs, require mining companies to give notice of mine closures and retrenchments, and ensure enforcement of global and local standards.
- **The Departments of Environment and Health** should enforce standards on air and dust pollution, including ensuring that monitoring equipment works, and ensure that the Wonderkop clinic is open 24/7.
- **The NW Provincial Education Department** should address concerns about language in schools and the location of the proposed new high school.
- **The Department of Forestry, Fisheries and the Environment** should play a more active role in monitoring the air and soil situation in near-mine communities, and take the necessary corrective and regulatory actions against environmental transgressions.
- **The Department of Land reform and Rural Development** should provide support for small-scale farming in near-mine areas, and for initiatives of the Marikana Renewal Programme and agricultural projects that form part of SLPs.
- **The Department of Water and Sanitation** should ensure that the Marikana mine's sewage works stop pouring polluted water into the river and generally provide more oversight over the impact of the mine on water.
- **Sibanye-Stillwater** should prepare properly for mine closures, review its aggressive acquisitions policy, make improvements for all workers in safety, housing and communication, treat women workers fairly and without discrimination, accommodating their needs as women in the workplace, invest in the community, protect the community, improve communication with the community, and prevent corruption.
- **BASF** (Sibanye-Stillwater's largest customer) should review its due diligence practices, pressurise Sibanye-Stillwater to address local grievances, and consider its own contribution to socio-economic development in the area.

2. Introduction

2.1. Background

2.1.1. South Africa's socio-economic context

Sibanye-Stillwater is South Africa's biggest mining industry employer in a country with an unemployment rate of 42.6% in the second quarter of 2024 (Statistics South Africa, 2024; Smit, 2024).

Despite this being among the highest unemployment statistics in the world, they still do not provide a complete reflection of the nature of the unemployment crisis in this country, including the fact that many South Africans are stuck in low paying jobs (Smit, 2024).

The mining industry's history of exploiting and underpaying black mineworkers is well documented – the fact that not only were (and still are) the workers subjected to dangerous working conditions and living in appalling single sex hostels, but they were (and still are) paid sub-poverty wages that were (and still are) not enough to share with their families back in labour-sending areas (Maseko, 2021).

Unfortunately, the post-apartheid mining sector is resisting change to the narrative of the horrific past, despite claims to the contrary (Maseko, 2021). The Marikana Massacre is a tragic example of how blood has been shed in protest for a living wage, in the post-apartheid mining sector. At the time of the massacre, the disgruntled mine workers were paid between R4 000 and R6 000 per month (Mantshantshe, 2023).

In this environment, young people face particular challenges, opportunities. In recent years, they have experienced a persistent and skyrocketing unemployment rate, and this is one of the biggest socio-economic dilemmas South Africa is grappling with (Stats SA, 2020). The StatsSA Quarterly Labour Force Survey for the second quarter of 2024 showed an unemployment rate of youth from 15-24 of 60.7%.

2.1.2. The mining sector

In recent years, the mining sector has been rocked by headwinds, including depletion of mined minerals, decline of returns on investment, mine closures and abandonments, load shedding and transport bottlenecks, fatal accidents, job losses, social disruptions emanating from closure of mines, and environmental destruction (Marais et al., 2022). Even during the more than 150 years of the so-called mining boom in South Africa, mining towns or cities and their municipalities have had to grapple with an influx of people in search of opportunities, increased demand for public services and governance challenges as a result (Cole et al., 2023; Marais et al., 2022).

It is often the most marginalised communities that suffer the most: near-mine communities, and labour sending and receiving communities. Corporate social responsibility (CSR) requires companies to account for the welfare of employees and communities affected by mining (Muntingh, 2011).

2.1.3. Sibanye-Stillwater and the Rowland Shaft

Sibanye-Stillwater is a multinational mining and metals company operating across five continents, in countries including South Africa, Zimbabwe, the United States and Australia (Sibanye-Stillwater, 2024). Its headquarters is in Weltevreden Park, South Africa. Ten years after its formation, Sibanye-Stillwater has become the mining sector's main employer and a major player in the gold and platinum sectors in South Africa (Reuters, 2023). As a gold producer, it ranks third globally; in platinum, it is one of the top three platinum producers (Global Data, 2024).

This study focuses on a specific Sibanye-Stillwater operation, the Rowland Shaft. The reasons for choosing this focus are:

- its location in Marikana where the 2012 Lonmin Massacre of striking workers occurred;
- its centrality to the 2012 mineworker strike, which led to the decline of the National Union of Mineworkers (NUM) and the rise of the Association of Mineworkers and Construction Union (AMCU);
- the change of ownership of this shaft and other operations from the previous owner, Lonmin, to Sibanye-Stillwater after 2018;
- the fact that Sibanye-Stillwater has not featured in previous Bench Marks Foundation Policy Gap studies; and
- the needs of the Wonderkop community which is the community located closest to this shaft and was most traumatised by both the 2012 strike and massacre and by the 2014 mine worker strike.

2.1.4. The Wonderkop Community

The Wonderkop community comprises a customary village (Motse) that is part of the Bapo bo Mogale Traditional Authority. P.L Breutz traces the Bapo bo Mogale people's presence on the greater Marikana Area back to the 17th Century, and notes that "according to the Tribal Authority proclamation of 1968 the tribe occupies a number of farms the following farms, Boschfontein 458JQ... Modderspruit 461JQ... Turfontein 462 JQ, **Wonderkop 400 JQ...**, Kafferskraal 460JQ, Kareepoort 407JQ" (Breutz, 1989, pp. 410 - 416). N.J. van Warmelo, A Preliminary Survey of the Bantu Tribes of South Africa (1935) confirmed the occupation of the Bapo bo Mogale on the same land (van Warmelo, 1936, pp. 53-54).

According to community informants, community members clubbed together in 1926/27 to buy the land around Wonderkop, for fear of losing it to expansion by white farmers

into the area. The title deeds were then handed over to the Lutheran Church, Harmansburg Mission Station, for retention until they could be secured for the Bapo community.

Figure 1: Map of the land occupied by customary communities as reflected by van Warmelo in 1935

In the decade prior to 2016, Wonderkop, which includes some older hostels, had grown by 66% or 8,700 people. That rate, which is on a par with Gauteng, is extraordinarily high by global standards. In 2011, over half the residents in Wonderkop, were working-age men. That compares with a national average of 32%, and around 40% for Rustenburg and Madibeng as a whole. Working-age men accounted for around 60% of the population growth in Wonderkop. Only around 35% of residents were women. Some 58% of residents said they lived alone, and 62% of residents had only one room.

Makgetla and Levin further claim that if you lived in Wonderkop in 2016 you were:

The population density in Wonderkop in 2016 was almost 400 per square kilometer. By comparison, Johannesburg averaged 2,700 people per square kilometre.

Poor housing conditions went along with weak social services. According to the Bojanala Integrated Development Plan, as a rule no educational facilities were provided in informal settlements because the education department considered them to be temporary. The children of migrant mineworkers attend schools located on the land of the Bapo bo Mogale in Wonderkop village outside the Nkaneng Informal settlement, in Majakaneng and in Bapong. This situation, the plan notes, had endured for over a decade, “obviously making it very difficult for learners in informal settlements to have a basic education” (BPDM 2013b, p 45). While most settlements had a health facility, Bojanala had just 31 police stations and magistrates offices to serve a million people (BPDM 2013b, p 45) (Makgetla & Levin, 2016).

These were the conditions that prevailed in 2016, two years before Sibanye-Stillwater took over the operation at Rowland mine, as part of absorbing all the operations of Lonmin in greater Marikana.

2.2. Objectives

In this research project we set out to:

- Understand the Sibanye-Stillwater operation’s relationship with, and impact on:
 - The near-mine community of Wonderkop, from the perspective of that community;
 - The employees, from the perspective of those employees and how they are treated; and
 - The physical and social environment.
- Evaluate whether Sibanye-Stillwater has lived up to its self-proclaimed aims and objectives in relation to the ethos of CSR, as defined by law and the Mining Charter;
- Assess the mine’s compliance with environmental standards.
- Establish whether things improved in Wonderkop after the takeover by Sibanye-Stillwater in 2019.

2.3. Scope and limitations

2.3.1. Scope

The overview in Figure 2 highlights the areas of investigation:

Workers	Accidents and fatalities	Retrenchments and restructuring	Compensation policies	Housing issues for current and retired workers
Environment and health	Impact on the environment and loss of land	Water resources and access to water	Air quality and dust / Health impacts	Tailings spillage
Community	Marikana Renewal project	Lack of access to information and lack of consultation and engagement	Grievance mechanism and its responsiveness	Social: GBV / transactional sex / safety of children / health access

Figure 2: Areas of investigation of Sibanye-Stillwater's operations

2.3.2. Limitations

Bench Marks Foundation operates with a very small staff and annual budget. The organisation would have preferred to extend the study to Sibanye's operations in the Free State, Gauteng and the North West provinces, but resource constraints forced us to concentrate on the Wonderkop community impacted by the Rowland Shaft. This is the community that was most affected by the 2012 Marikana Massacre.

3. Study Design/Methodology

3.1. Methodology

The study used a mixed method design, including a desktop review, household survey, focus groups, interviews visits to review the environment.

3.1.1. Desktop research

For the desktop research, we reviewed:

- All available documents on the formation of the company, its annual reports, environmental impact assessments, management plans and social and labour plans (SLPs).
- All available documents on the company's history, including its acquisition of assets from Anglo Platinum, Lonmin and Anglo Gold.
- All good practice compacts and agreements to which Sibanye-Stillwater is a signatory or party.
- Applicable legislation and guideline documents, including the *Mineral and Petroleum Resources Development Act* (MPRDA), *Best Practice Guidelines* of the International Council on Mining and Metals¹ (ICMM, 2024), and *International Good Practice Principles for Sustainable Infrastructure* of the United Nations Environment Programme (United Nations, 2021).

The purpose of the exercise was to get a better understanding of how Wonderkop, as a near-mine community next to Sibanye-Stillwater's Rowland Shaft, experiences its corporate neighbour.

3.1.2. Household survey

The research team trained fieldworkers that covered the entire Wonderkop village in a household survey. For the purposes of the survey, the Wonderkop community was divided into sections as indicated in Figure 3 below².

¹ These guidelines are now [broken down thematically](#) on the ICMM website.

² Section D and part of Section C of Wonderkop is known as Nkaneng.

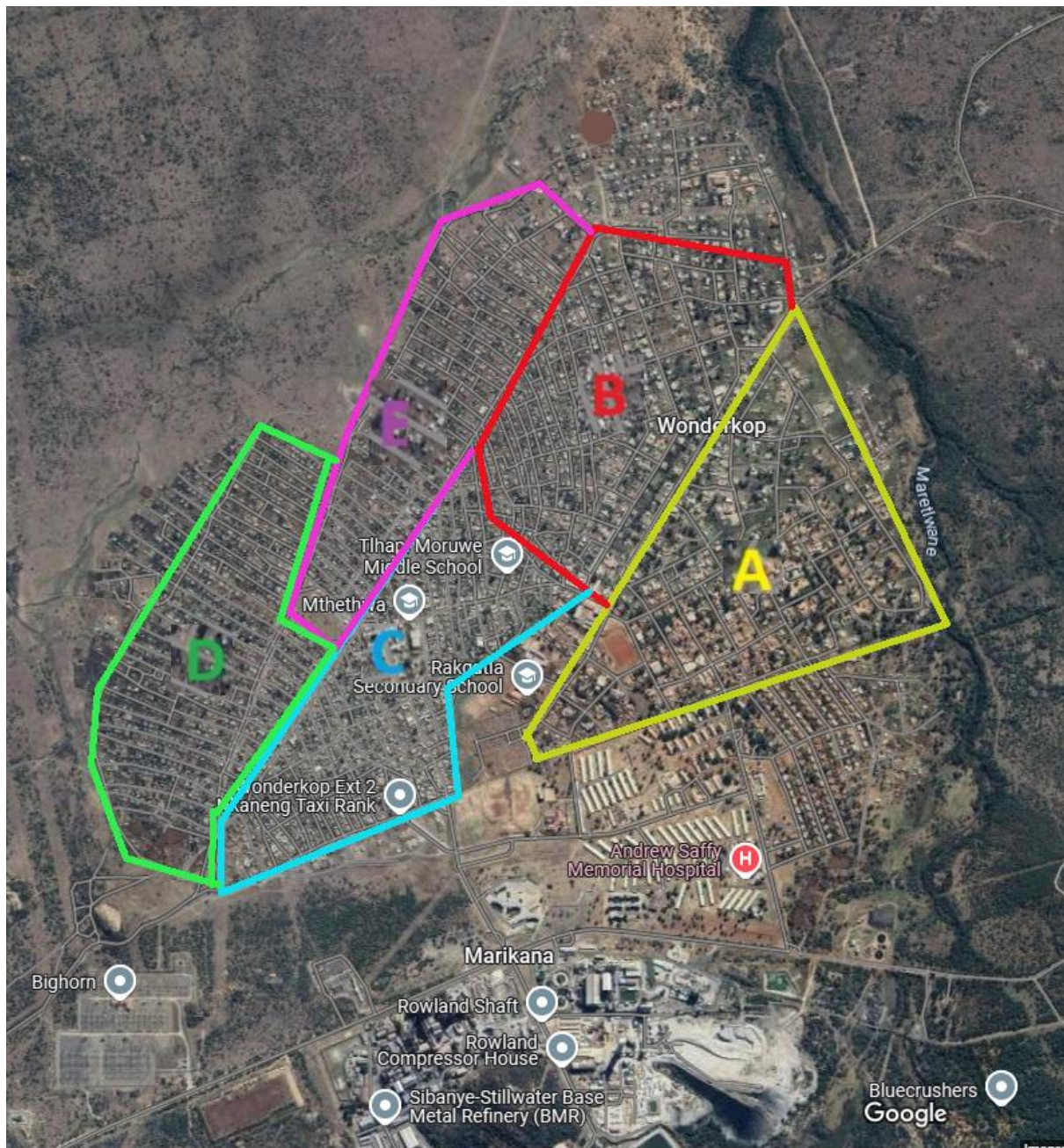


Figure 3: Wonderkop map showing sections covered by fieldworkers

The team created a survey questionnaire using Google Forms. Ten fieldworkers from the area were trained, in a day-long workshop, how to conduct the interviews using Google Forms on their phone. The survey was conducted over four days, between 30 July and 5 August 2024 in the five sections. The fieldworkers worked in male and female pairs for their own safety and to be gender-responsive. They selected every third to tenth house in their allocated section. In their identification of the households to be interviewed, they looked for diversity in the sample; for example, in the housing type, gender and age of the respondent. The fieldworkers entered the responses of the survey participants directly into the electronic form on their phone. Google Forms automatically generated statistical

charts and graphs. In addition, the raw data is available and can be used for further in-depth analysis.

There were 235 respondents: 52.5% were male and 47.5 % were female. Nearly one in four (22.5%) were young people aged 18-34. The age group 35–44 years had the largest representation, with 29.2% followed by those that who were between 45 and 54 years with 23.7%.

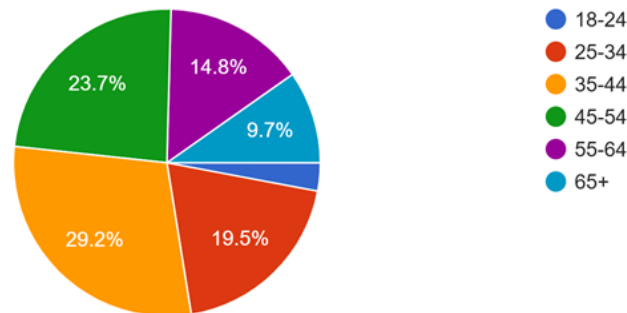


Figure 4: Age groups represented in the survey

The respondents were almost equally spread across the five sections, with a slightly higher response rate from section D (See Figure 5).

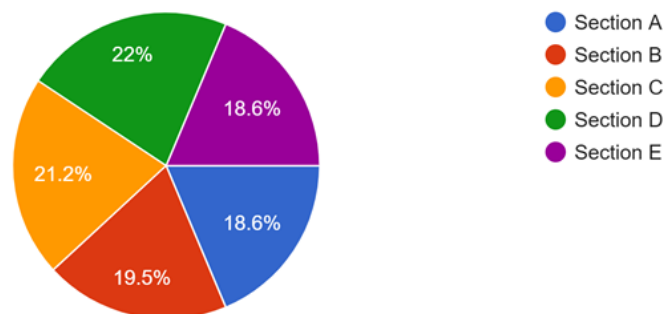


Figure 5: Spread of respondents across the five sections

Nearly half of the respondents (45.3%) had been living in Wonderkop, including Nkaneng, for more than 20 years. A further 23.3% had lived in the area for 15–19 years. Only 4.7% recently moved to the area and indicated they have lived there for less than five years. Two-thirds of the people that are new to the place live in section C.

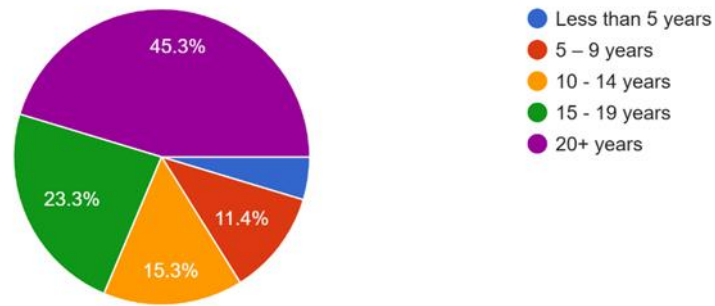


Figure 6: Number of years survey respondents lived in the study area

Tswana and Xhosa are the core ethnic groups represented in the area.

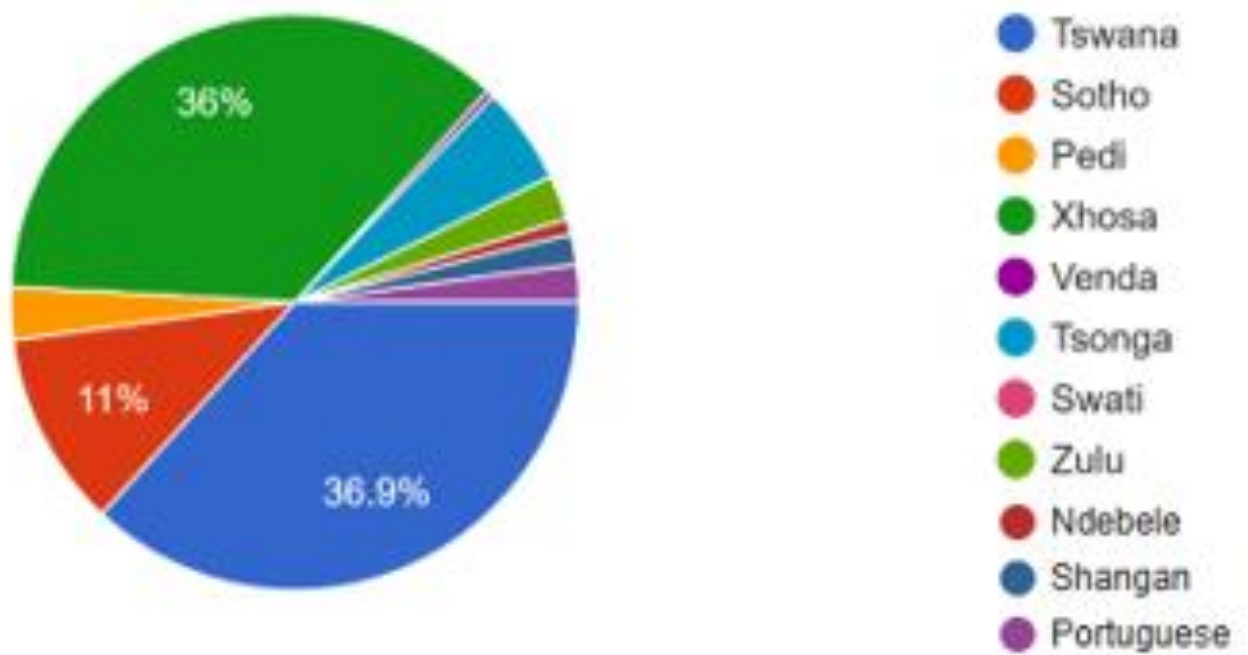


Figure 7: Ethnic groups represented in the survey area

Table 1 below shows that Tswanas had a strong presence in sections A, B and D, while Xhosas have a strong presence in sections C, D and E.

Table 1: Ethnic group by section

Ethnic group	Section A	Section B	Section C	Section D	Section E	Grand Total
Ndebele		1			1	2
Pedi	2			1	4	7
Portuguese			3		2	5
Shangan			3		1	4
Sotho	7	3	6	5	5	26
Tsonga		2	1	5	5	13
Tswana	24	38	1	15	9	87
Venda			1			1
Xhosa	10	1	32	25	16	84
Zulu	1	1	2	1	1	6
Grand Total	44	46	49	52	44	235

45.3% of the respondents were employed by a mine, and 80% of those worked for Sibanye-Stillwater (82.2%). Others worked for Samancor and Tharisa.

Only 15.3% of the respondents provided backyard accommodation to mineworkers, and 9.7% had a spaza shop or shebeen selling goods to mineworkers.

The above information reflects mine labour and migration policies over many years, since operations started under Lonmin in 1968.

3.1.3. Focus group discussions

The research team conducted a number of focus group discussions (FGDs), between 30 July and 5 August, with different categories of people: male mineworkers (including some unemployed), female mineworkers, a community group including community policing forum, a local unemployment forum, and representatives of the traditional council, a gender-mixed community group, women church congregants and elders, the Land Buyers Association³, and youth (between 18 and 35 years). There was one FGD for each category. These discussions were conducted according to established FGD guidelines and were recorded and transcribed. They were advertised by a key informant and community activist who does not want to be named for fear of retaliation by the company. Participation ranged between 10 and 25 members per group.

The male mine worker FGD included men actively involved in the community. Some are part of the Community Policing Forum, the mineworkers FGD and the traditional council.

³ The Land Buyers Association (LBA) is composed of the descendants of a group of community members who in 1926 pooled their financial resources together to obtain the land on which Sibanye-Stillwater now operates.

The community FGD was a mixture of men and women of all ages, from youths, through to pensioners. Some were born and raised in Wonderkop, and some came to Wonderkop mainly for work, and are now part of the community.

3.1.4. Other fieldwork

The research team conducted two interviews with representatives of the Bapo Sub-Council in Wonderkop, one with a key informant who was a senior member of the sub-council (on 1 August 2024), and the other with the head of the sub-council (on 2 August 2024). The first interviewee indicated that he also served on the clinic committee. We also interviewed a beneficiary of the bee-keeping project from the Marikana Renewal Programme on 2 August 2024.

In addition, the research team did walkabouts, with community members showing them places of interest and contention and took photographs.

3.2. Ethical considerations.

Two research team leaders both received up-to-date ethics clearance certificates.

Since the Wonderkop community falls under the Jurisdiction of the Bapo ba Mogale Traditional Authority, permission was obtained from both the office of the Kgosi (King) and the sub-chief (Dikgosana), (see Appendix B).

The interviewees were free to refuse to participate and if this happened, the interviewers simply left to the next house. If there were any questions the interviewees refused to answer, they were free to skip that question. Bench Marks Foundation is acutely aware that interviewees could be victimised by either the mine or by authorities, and this reason the interviewees were guaranteed anonymity and were not required to submit any personal details such as names, identity numbers or documents, or addresses.

All the participants in the study signed consent forms and were assured that their identities would not be revealed.

4. The regulatory environment

South Africa is signatory to several international conventions and agreements relating to human rights and the environment. All mining companies operating in South Africa are equally bound by the prescripts of the conventions and agreements. These are discussed in the section below, along with the legal environment defined by the Constitution of the Republic of South Africa, and the various laws derived from the Constitution relating to business, the environment and human rights.

4.1. UN and global

South Africa is a signatory to *the UN Guiding Principles on Business and Human Rights* (UN Guiding Principles), signed on 10 December 1948 (South African Human Rights Commission, 2018). However, the most important set of regulations to determine what responsibility mining companies have in relation to the issues in the mining industry in South Africa is the UN Guiding Principles of 2011.

These principles have been incorporated into a series of international frameworks and standards, among them the International Organisation for Standardisation (ISO) 26000, a leading standard for corporate social responsibility, the *OECD Guidelines for multinational enterprises on responsible business conduct* (Organisation for Economic Co-operation and Development, 2023), the *Performance standards on environmental and social sustainability*, and portions of the *Performance standards on environmental and social responsibility* (International Finance Corporation, 2012).

The work of developing the UN Guiding Principles began in 2005 when Professor John Ruggie was appointed by the then UN Secretary General, Kofi Annan, as Special Representative for Business and Human Rights. His mandate was to investigate and clarify five UN Guiding Principles on Business and Human Rights.

What is to be expected from companies operating in South Africa concerning human rights, according to existing norms?

In 2008, John Ruggie presented the framework of three pillars: “Protect, Respect and Remedy”: the duty of the state to **protect** human rights, the responsibility of companies to **respect** human rights, and access to **remedy** for those affected (Ochoa, 2008). The responsibility of companies in respecting human rights is a universal standard, existing over and above national laws, and applicable independently of the ability or willingness of states to fulfil their own human rights obligations (Ochoa, 2008). The framework formulates the concept of “know and show”, meaning that companies have a responsibility to be aware of and report how their operations, at all stages, impact human rights (Ochoa, 2008).

The next step in the process was the development of the UN Guiding Principles that specify the responsibility of companies to respect human rights and aim to function as guidelines for implementing the framework. It is clear from Ruggie's final report that the principles should not be seen as a new form of international law, but as a clarification of existing standards, and guidance on how these should be used (Ochoa, 2008).

According to these principles, the responsibility of business enterprises should, at a minimum, cover the rights expressed in the International Bill of Human Rights. This comprises the *Universal Declaration of Human Rights* (United Nations, 1948) and the most important instruments through which it has been codified: the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights* (United Nations, 1966), as well as the International Labor Organization's *Declaration on Fundamental Principles and Rights at Work*, including the Declaration's follow-up mechanism (International Labour Organization, 1998).

In addition, there are several standards for human rights that companies may need to consider, such as protection of particularly vulnerable groups, or international humanitarian law applied in situations of armed conflict. Depending on the company's operations, context, and size, different types of human rights can be at risk in different situations, but the framework makes it clear that all human rights should be safeguarded by all companies, irrespective of size or industry, including the principles of the Bench Marks Foundation (2002).

According to the UN Guiding Principles (2011), a company can be held responsible for an adverse human rights impact in three different ways:

- It may cause the impact through its own activities.
- It may contribute to the impact through its own activities or business relationships.
- It may be involved because the impact is caused by an entity with which it has a business relationship and is linked to its own operations.

When it comes to causing or contributing to adverse impacts, companies are required to prevent and mitigate potential risks and engage actively in remediation when an adverse impact has occurred. If the company, however, is involved in the adverse impact solely through linkage to a business partner (the third variant above), the company is required to try to influence its partner to prevent and mitigate future risks and stop ongoing adverse impacts. In this case, the company does not have to provide remediation (UN Guiding Principles, 2011). Regarding the identification and management of risks in accordance with the UN Guiding Principles, it is important to point out that this involves risks for individuals whose human rights can be adversely impacted, and not financial risks for the company. It is thus not a question of how companies should minimise business risks and injury to the company, but instead how companies live up to their obligations to respect human rights (UN Guiding Principles, 2011).

The severity of the adverse impact on human rights determines the priority that the company must give to the issue, no matter what type of connection the company has to the impact. In other words, it is not the company's own risk assessment that should steer the priority which adverse impacts receive, but how serious it is for the person experiencing injury, i.e. the risk to the person and human rights. In assessing what constitutes a severe human rights impact, the scale (how serious the effects are), the scope (the number of individuals affected) and its irremediable character (the possibility to reverse the situation and compensate those affected) should all be considered. In other words, an impact that is temporary, affects only a few, and can easily be reversed, is not as serious as an impact that permanently affects a large group of people, or cannot be reversed (for example, death or permanent injury) (UN Guiding Principles, 2011).

The UN Guiding Principles distance themselves from the concept of *sphere of influence*, which was used earlier to describe the responsibility of companies. A determination of responsibility is not made on the basis of how much control or influence a company has on a business partner which potentially contributes or causes damage (which *sphere of influence* often refers to), but instead on the basis of the severity of the human rights impact. The leverage a company has in a specific business relationship is practically decisive for how the company acts and is expected to act on the issue. According to the guidelines, leverage means the possibility to achieve change in the behaviour of the party that causes or contributes to a violation.

Examples of factors that are considered in evaluating leverage are:

- How large a supplier or customer the company is in relationship to the partner.
- How decisive the products or services the company provides are for the activities of the partner.
- Advantages versus disadvantages for the partner to continue or suspend the business relationship with the company.
- The possibility for the company to engage other interested parties, such as the state or industry organisations, with the aim of having the partner act (Ochoa, 2008).

In cases in which a company lacks leverage in a business relationship, actions should be taken to attempt to increase leverage. The lack of leverage over a business partner, therefore, does not mean that a company avoids responsibility. If the business partner does not take actions to change a situation where people are suffering harm, a company can be forced to evaluate ending the business relationship. In such a case, the company must consider what adverse impacts for human rights such an ending can result in.

To meet their responsibility to respect human rights, business enterprises should:

- develop and maintain a public policy statement on meeting responsibilities for respecting human rights, realise and include this statement in internal policies

and processes, as well as through relevant communications and training for staff;

- continually conduct human rights due diligence to identify, prevent, mitigate and account for how they address their impacts on human rights; and
- provide processes for remediation of any adverse human rights impacts they cause or contribute to.

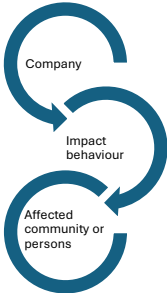
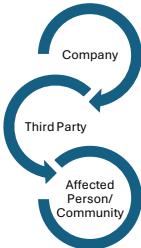
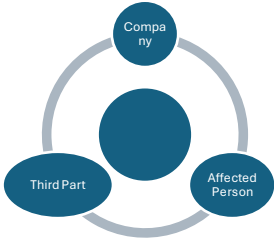
Management of risks should be communicated externally in such a way that stakeholders, especially those that are affected by the operations, can make an assessment as to whether the company has managed risks in a sufficient and adequate manner. It is especially important that companies which operate in high-risk contexts such as conflict areas publicly report on how they conduct their human rights due diligence.

According to the UN Guiding Principles, human rights due diligence is an ongoing process which a company should conduct, considering its specific circumstances (such as the industry, country of operations, size of the company), to meet its responsibilities in respecting human rights. A company should implement human rights due diligence to identify, prevent, mitigate and account for how it addresses adverse human rights impacts. The process should include an assessment of actual and potential impacts on human rights (UN Guiding Principles, 2011), and action on the observations, follow-up on measures taken and communication on which measures have been taken.

The following are examples of the three different forms of involvement in adverse human rights impact.

Examples of when companies can be seen to cause adverse human rights impacts:

- Routine racial discrimination by a mining company in its treatment of surrounding communities.
- Exposure of mineworkers to hazardous working conditions without adequate safety equipment.
- Being the sole or main source of pollution in a community's drinking water supply due to chemical effluents from production processes, such as seepage from tailings facilities into ground and surface water. Impacting the community's air quality by pumping toxic smoke from smoke stacks at processing plants. Failing to secure potentially hazardous facilities (Scheepers, 2022).

	
Examples of when a company can be seen to contribute to adverse human rights impacts: • Changing product requirements for suppliers at the eleventh hour without adjusting production deadlines and prices, thus pushing suppliers to breach labour standards to deliver. • Contributing, with other companies, to air pollution from emissions, even if the company, by itself, pollutes within a legally allowable limit. • Providing data about internet service users to a government that uses the data to trace and prosecute political dissidents, contrary to their human rights.	
	
Examples of when adverse impacts on, or the violation of, human rights have linkages to the company's operations, products or services through the company's business relationships, but where the company itself has not contributed to the negative effect or violation: • Providing financial loans to an enterprise for business activities that, in breach of agreed standards, result in the eviction of communities. • Supplying equipment, central to its activities, to a business partner which does not respect workers' rights. 	

Box 1: Examples of the three different forms of involvement in adverse human rights impact (United Nations, 2012)

4.2. South Africa

The mining sector in South Africa is regulated by law. In this section, the most central laws, relevant international frameworks and industry initiatives concerning business and human rights are presented.

4.2.1. Constitution of the Republic of South Africa, 1996

The Constitution of the Republic of South Africa is the basis of all statutory regulations. The Constitution was adopted in 1996 and was developed by Parliament after the abolition of apartheid in 1994. The Constitution guarantees several human rights that are highlighted in this report as not being respected, for example, the right to adequate housing (Section 26), the right to water and health (Section 27), the right to property (Section 25), as well as the right to an environment that is not hazardous to health or well-being (Section 24). According to the Constitution, the South African state has the responsibility for ensuring these rights.

4.2.2. The Mineral and Petroleum Resources Development Act (MPRDA)

The MPRDA of 2002 is the central piece of legislation regulating the mining industry in South Africa. The Act regulates prospecting, quarrying and production of minerals in South Africa. In terms of the Act, the South African government is responsible for the mineral resources of the country and decides who has the right to exploit these resources. For a company to be awarded mineral rights, a “social and labour plan” must be developed in which the company describes how it will contribute to community development in the region in which mining will take place. These plans have been criticised by several sources; however, due to lack of transparency – the companies often do not disclose the content – it is impossible for concerned stakeholders to determine whether the company complies with its commitments.

In accordance with the MPRDA, the Mining Charter has been developed to ensure that historically disadvantaged South Africans benefit from the exploitation of mineral resources. The Mining Charter, adopted in 2002 and updated in 2010, regulates several areas connected to sustainable development in the mining industry. One example is that all multinational corporations that supply products to the mining companies must budget 0.5% of their annual income from the mining companies for development projects for the local communities. The mining companies should also consult local communities and analyse their needs, prior to initiating development projects.

It is the opinion of the Bench Marks Foundation that, rather than just analysing the development needs of communities, mining operations should also predict the destructive and environmental impacts of their operations on communities and conduct prior community health impact assessments, to ensure that communities fully understand the implications of allowing mining to take place and have legal and material recourse to address harmful impacts.

Bench Marks Foundation also takes issue with the word “consult” in the legislation, as it fails to require a legal agreement between the mining operation and the community. The Foundation advocate for replacing “consult” with “negotiate”.

4.2.3. Additional permits and licences required to operate a mine

In addition to a mining right, a party wishing to conduct mining activities requires at least the following additional permits or licences:

- A further environmental detailed authorisation for the listed activities that will form part of the mining and mineral processing activities, should they not be covered by the environmental authorisation which forms part of a mining right, to comply with the requirements of the National Environmental Management Act 107 of 1998.
- A waste management licence in respect of inter alia management of tailings, in order to comply with the National Environmental Management Waste Act 59 of 2008.
- A water use licence in respect of use of any natural water sources, as well as to make provision for the treatment, storage and disposal of water in the mine itself and in tailings dams, to comply with the National Water Act 36 of 1998.
- An air quality license for the company’s metal processing plants at Marikana next to Rowland Shaft, to comply with the South African Air Quality Standards and adhere to the National Environment Management: Air Quality Act 39 of 2004.

Other licences depend on the nature of the mining activities to be undertaken, or the natural, social or cultural environment where the mining activities are to take place. The most notable would be licences for:

- The possession, processing and beneficiation of precious metals.
- The possession, processing and beneficiation of uncut diamonds.
- The possession, beneficiation, transportation and exporting of nuclear materials and radioactive materials.
- The destruction or relocation of archaeological sites or graves.
- Zoning of land for mining purposes in areas subject to town planning schemes.

Depending on the circumstances, many other licences, permits or authorisations may be applicable. The above list is not exhaustive and only serves to illustrate the most important and most common licences.

4.2.4. Closure and remediation of mining projects

In terms of Section 24 of the National Environmental Management Act 107 of 1998, the holder of a prospecting right, mining right or mining permit must provide acceptable financial provision for the rehabilitation, closure and ongoing post-decommissioning

management of negative environmental impacts. The financial provision may take the form of a cash deposit into the DMPR's bank account, a cash deposit in a rehabilitation trust account, a bank guarantee, or an approved insurance product provided by a recognised financial institution.

The way rehabilitation is to be done is prescribed in terms of a closure plan, which must be developed by the mining right holder and approved by the DMPR, after the cessation of mining activities. The contents of the closure plan will be dictated by the attributes of the environment, the nature and extent of the disturbances to be rehabilitated, the likely consequences of not rehabilitating (or partially rehabilitating) the disturbances concerned, the commitments and mitigation measures set out in the environmental authorisation and a value judgement as to the acceptable level of environmental degradation, which may remain after conclusion of rehabilitation.

In theory, the MPRDA makes provision for the issuing of a closure certificate upon successful finalisation of the remedial action set out in the closure plan. The issuing of a closure certificate terminates the holder's statutory liability for rehabilitation and potential claims arising from environmental degradation remaining because of mining activities. In practice, closure certificates are issued very infrequently, given that it is not in the government's interest to release mine owners from liability for environmental degradation, even if rehabilitation seems to be completed.

5. The company

5.1. Market context

There has been a massive downturn in the platinum market. In a recent press statement, Sibanye-Stillwater said:

The group financial and operating results for the six months ended 30 June 2023 (H1 2023) reflect the challenging global macro-economic and turbulent geopolitical environment, which has prevailed during 2023, with slowing global growth reducing demand for commodities, resulting in a significant decline in commodity prices other than gold during the period (Mining Technology, 2023).

Bench Marks predicted as early as 2007 that the transition to alternative energy would have a significantly impact on platinum prices (Bench Marks Foundation, 2012). The 2009 financial crisis saw the price of platinum collapse from US\$2 000 per ounce to around US\$700 per ounce. It never recovered. The impact of Covid-19 and the announcement by the European Union that no combustion engine vehicles will be sold in the European Union after 2035 (European Union, 2022), further suffocated the demand for platinum. The loss of appetite for platinum was reflected in the BHP Billiton takeover bid of the Anglo-American corporation, minus its platinum assets (Dempsey et al., 2024) although given evidence of previous price manipulation and current Anglo investment in platinum (and promotion of “green-Hydrogen” might counter this argument.



Figure 8: Historical platinum process

5.2. Brief chronology of Sibanye's evolution

In 2013, Gold Fields Limited unbundled its subsidiary, GFI Mining South Africa Proprietary Limited (GFIMSA), which was then renamed Sibanye Gold Limited. It consisted of the KDC (formerly Kloof) in Gauteng, Beatrix in the Free State and Driefontein mines in Gauteng, as well as an array of support service entities in South Africa. Gold Fields shareholders were given one share in Sibanye Gold for each of their Gold Fields shares.

Figure 9 below, from the company's website, summarises the history of Sibanye-Stillwater.

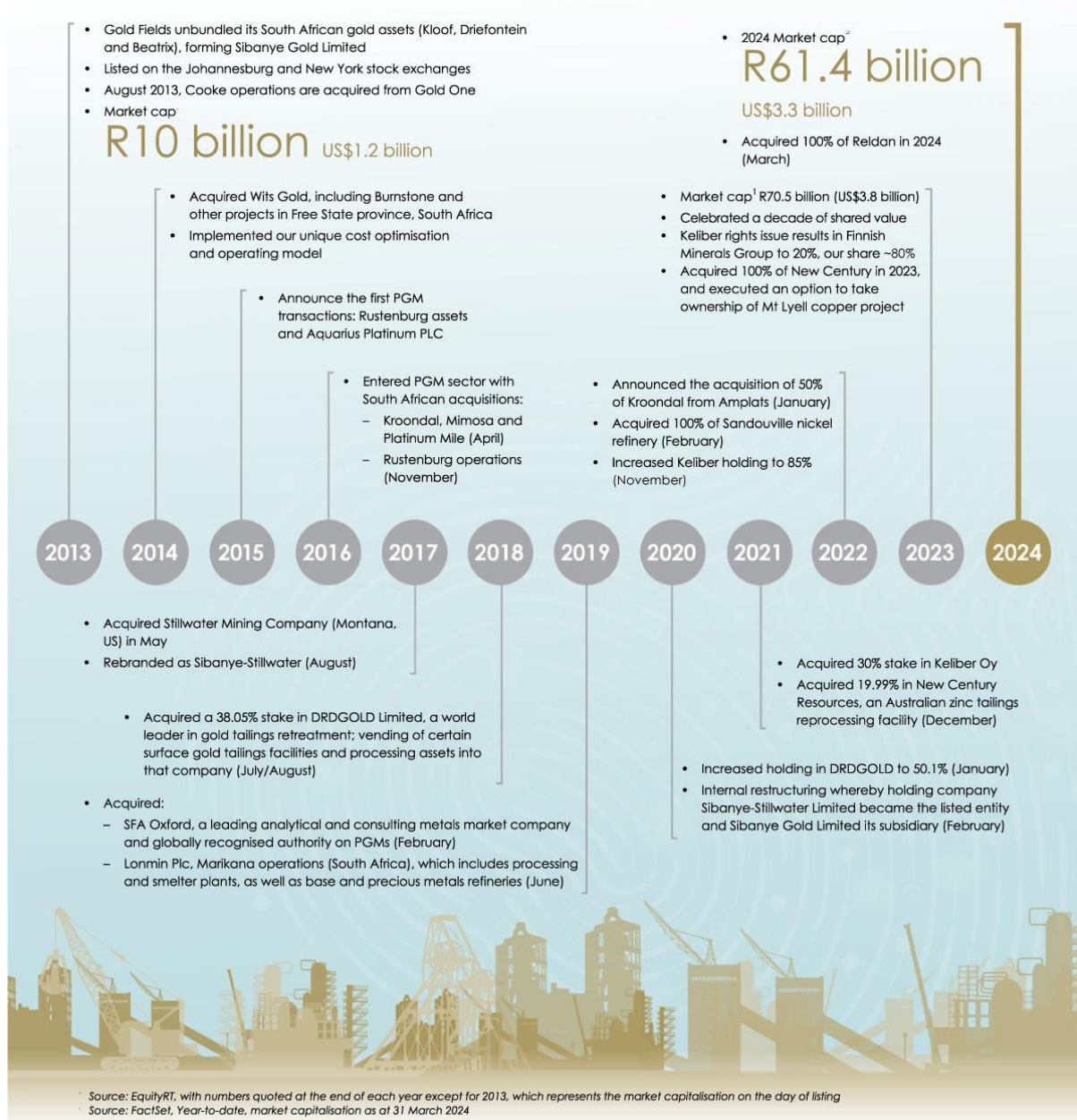


Figure 9: Sibanye-Stillwater history

The company immediately embarked upon a strategic growth plan which saw the acquisition, in the same year, of the Cooke operations from Gold One, and in 2014, of Wits Gold.

In April 2016, the company entered the platinum group metals (PGM) space, with an all-share offer for Aquarius Platinum (comprising Kroondal, Platinum Mile, a 50% shareholding in Zimbabwe's Mimosa mine and a number of exploration projects), as well as the acquisition of the Rustenburg operations from Anglo American Platinum Limited.

On 30 August 2017, following the successful purchase of the Stillwater mine in Montana, Sibanye Gold Limited began trading as Sibanye-Stillwater and reorganised its operations by region – Southern Africa and the United States.

In June 2019, Sibanye-Stillwater acquired Lonmin Plc, a top-tier PGM producer, and in November 2023, it acquired a 50% interest in Anglo American Platinum's Kroondal and Marikana PGM mines (Tharayil, 2023).

The enlarged group is the world's largest primary producer of platinum and rhodium, one of the largest producers of palladium and the leading recycler and processor of spent PGM catalytic converter materials.

In 2020, the group employed 84 775 people, mostly in South Africa. Its website currently reports that in 2023 it had 82,788 employees (including contractors). Thus, Sibanye-Stillwater is one of the top four private sector employers in South Africa and the largest industrial employer in the state of Montana.

According to their 2020 annual report, the company produced three million ounces of PGM and 0.98 million ounces of gold. By 2023 it was reporting production of 1.67 million ounces of PGMs, which represents a steep decline from the 2020 figure.

February 2021 saw the group enter the battery metals industry, with an investment in, and partnership with, Keliber, a leading European lithium project, based in Finland.

5.3. Ownership

5.3.1. Major shareholders

Sibanye's major shareholders are Public Investment Corporation SOC Ltd., UBS Group AG, Allan Gray, JP Morgan Chase & Co., Lingotto Investment Management LLP, and Gold One South Africa SPV (RF) (Pty) Ltd.

Sibanye-Stillwater is primarily listed on the Johannesburg Stock Exchange in South Africa. Additionally, it has a secondary listing on the New York Stock Exchange (NYSE) (Sibanye-Stillwater Stakeholder Information, 2024).

5.4. BEE and demographic representation

Gold Fields had a 15% Black Economic Empowerment (BEE) agreement with Tokyo Sexwale's Mvelaphanda Resources (McKay, 2020), a typical revolving door arrangement between mining corporations and senior politicians of the ruling party, a concern that Bench Marks has raised in many previous policy gap reports. Bench Marks Foundation has also expressed concern about the pollution of the democratic process due to funding of political parties and individuals and election support by mining companies. In 2020,

the Minister of Mining, Gwede Mantashe, accused Sibanye-Stillwater of stealing the BEE arrangement.

Speaking at the Junior Indaba, an online mining conference, Mantashe said that Sibanye-Stillwater had “stolen” the empowerment points awarded to Gold Fields from having completed an empowerment transaction in 2009. This was the deal in which Gold Fields sold a 15% stake in its South African gold mines to Mvelaphanda Resources, then owned by Tokyo Sexwale, a black industrialist.

Gold Fields subsequently de-merged its South African gold mines to form Sibanye Gold, the forerunner of the gold and platinum group metals producer, Sibanye-Stillwater. Mantashe said Sibanye-Stillwater had been “reckless” in claiming the empowerment from the transaction (McKay, 2020).

The BEE arrangements of Lonmin, prior to the 2018 Sibanye-Stillwater takeover, were also rather messy; they involved Cyril Ramaphosa’s Shanduka Group (see Figure 10 below). Lonmin created Incwala Resources in 2003, which had a stake in Lonmin along with other groupings, many of them community trusts. The Shanduka Group came to control Incwala until its stake was bought out by the Phembani Group, a company led by Phuthuma Nhleko, the former Chief Executive Officer (CEO) of the telecom company, MTN (McKay, 2021).



Figure 10: Article in Finweek (Klein, 2015)

Bench Marks Foundation has expressed concern about the fact that BEE shares in the mining sector are not given but are bought, involving bank loans that the black buyers of these shares, be it BEE companies or near-mine communities, struggle to repay. It usually involves an agreement with the banks in which the banks take 80% of every dividend

payout to the empowerment group as repayment for the shares. Market fluctuations, such as the 2009 financial crisis, make it impossible for the BEE “beneficiaries” to continue paying for the shares, as dividends by the mining company dry up.

The downturn in the platinum market mean that the BEE shares have become a poisoned chalice for communities and BEE firms. Traditional authorities bitterly complain about the bailiffs and debt collectors that these deals bring upon them; when PGM prices drop, dividends are not paid and loans to purchase the shares in the first place are not serviced (UNION36, 2014).

In 2021, Sibanye-Stillwater restructured the BEE deals that BEE companies and near-mine communities had with Lonmin, claiming to have written off billions of rands in the process. It offered new terms to the black-owned businesses who together had a 26% stake in Lonmin, first signed in 2003. Lonmin had previously impaired the loans, therefore this restructuring was a settling of management accounts that nonetheless reflected owed amounts. The new terms of the BEE structure featured a debt pile cut by more than half, to be repaid using a trickle-down dividend of 10% of their respective shares in Lonmin, renamed Marikana division, following Sibanye-Stillwater’s 2019 merger with the company.

According to a spokesperson for Sibanye-Stillwater, “billions of rands” was initially owed to Lonmin by the empowerment partners, which included Phembani Group and the Public Investment Corporation (McKay, 2021).

5.4.1. Board and senior management: too male, too pale.

Figures 10 and 11 provide a representation of historically disadvantaged people on the Sibanye-Stillwater board and in senior management.

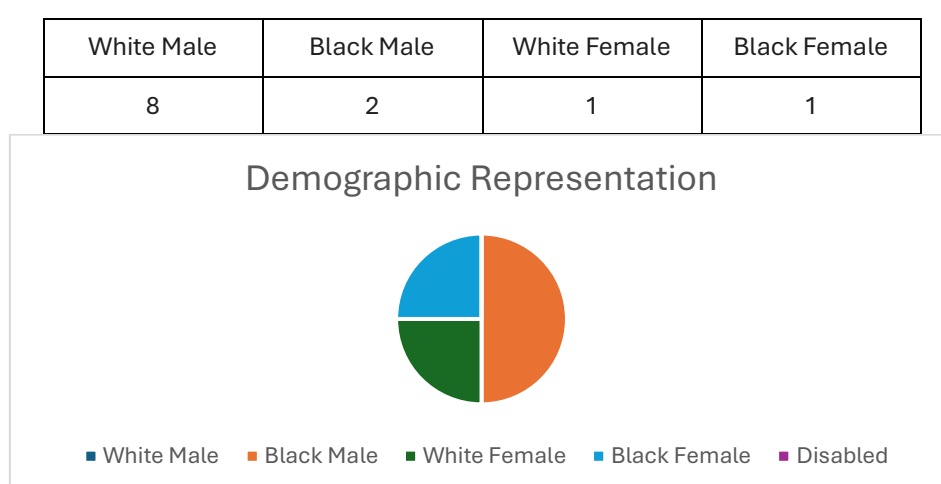
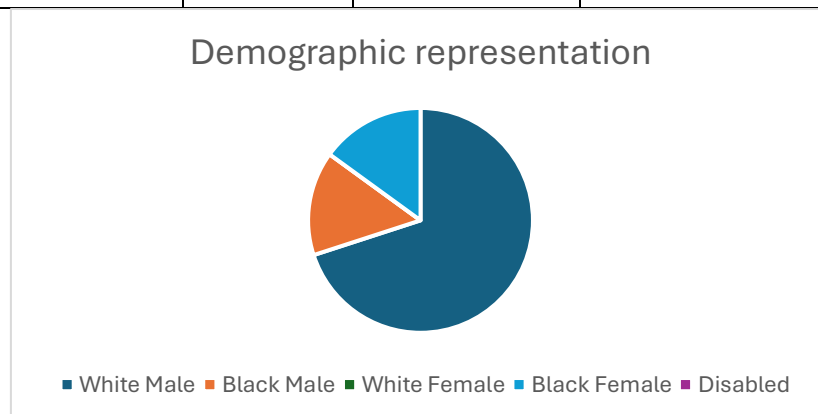


Figure 11: Numbers of historically disadvantaged people on the Sibanye-Stillwater Board (Sibanye-Stillwater, 2024)

White Male	Black Male	White Female	Black Female
14	3	0	3



Source: (Sibanye-Stillwater, 2024)

Figure 12: Number of historically disadvantaged people in Sibanye-Stillwater senior management

The preponderance of white men is self-evident. On the representation of women at board and senior management levels, the Commission on Gender Equality noted the following on the mining industry:

“Maintaining a persistently hostile and unwelcoming environment for women helps perpetuate the historical gender imbalances that characterise the mining sector in South Africa, despite numerous policies and legislative frameworks aimed at achieving gender transformation.

Some of the issues raised included:

- Management structures that continue to be male dominated
- The slow entry/intake of women into the industry despite tremendous legislative developments in the sector in the past decade or more
- Lack of career development opportunities for women

At the inception of South Africa’s democracy in 1994, the country was characterised by enormous socio-economic inequalities. These stem mainly from the policies and practices of the previous apartheid regime.

In its attempts to fast-track economic empowerment and transformation, the government introduced several policy and legislative changes. Among these were:

The Basic Conditions of Employment Act 75 of 1997.

The South African Employment Equity Act 55 of 1998

The Promotion of Equality and Prevention of Unfair Discrimination Act 2000

These, and more, formed part of a strong policy and legislative programme to rectify the injustices of the past by expanding opportunities for the historically disadvantaged, including women” (Zitha et al., 2021).

Box 2: Quality for women in mining

While Sibanye-Stillwater posts impressive statistics about the percentages of women employed at the rock face, the composition of its board and senior management reflects serious demographic imbalances, when it comes to race, gender and disability. This reflects a serious resistance to transformation in the company and the industry as a whole.

5.4.2. No room for the disabled

The mining industry is a major contributor to disability in South Africa. Two-thirds of all occupational permanent disabilities among black workers in South Africa occur in the mining industry. A comparison of compensated permanent disability cases shows that the incidence of permanent disability among black mineworkers is several times higher than in any other South African industry. Most permanent disabilities sustained in mining fall into the category of 1–5% disability.

The basis of workers' compensation legislation involves workers giving up their common-law right to litigate for losses owing to occupational injuries (including pain and suffering) in exchange for guaranteed protection against income losses. However, the evidence suggests that compensation generally does not redress income loss. Most disabled black miners receive compensation payments that are lower than poverty datum levels, and high rates of inflation rapidly erode their real value. Since many black workers are repatriated after a disabling accident, the issue of employment becomes crucial (Leger and Arkles, 1989).

Tragically, the situation described here, from an article published in 1989, continued unchanged until 2012 (Spieler and Burton, 2012; see also Elriich, 2012 and 2018; Kistnasamy et al. 2018), and the Bench Marks Foundation is convinced that the situation has not improved sufficiently in 2024. While Sibanye-Stillwater claims that it has met its target of employing 1.6% disabled people in its labour force, exceeding the target of 1.5% set by the Mining Charter in 2018, our concern is that 60% of retired mineworkers in South Africa suffer work related disabilities (Clarity News, 2024), and many are retrenched in a manner that precludes them from making claims for workman's compensation, especially where lung function is involved (Q(h)ubeka Trust report., 2023). Bench Marks Foundation cannot accept that 1.5% or 1.6% jobs to the disabled is acceptable. Bench Marks has long complained that it is not.

We have noted in previous reports that mining is one of the the biggest contributors to deafness⁴ and to bone and spinal injuries in South Africa (Hermanus, 2000). In a policy paper on disability, the Presidency noted:

Among the yardsticks by which to measure a society's respect for human rights, to evaluate the level of its maturity and its generosity of spirit, it's by looking at the status that it accords to those members of society who are most vulnerable, disabled people, the senior citizens and its children. The concept of a caring society is strengthened and deepened when we recognise that disabled people enjoy the same rights as we do and that we have a responsibility towards the promotion of their quality of life. We must stop seeing disabled people as objects of pity but as capable individuals who are contributing immensely to the development of society (Office of the President, 1997).

The elephant in the President's office is the failure to recognise the major source of disability in the country — the mining industry — and the failure to include recommendations that would force the industry to take care of its labour force, and to ensure representation of disabled people in empowerment strategies, including the Mining Charter, and demographic representation at management levels in mining companies.

While the Department of Minerals and Petroleum reports significant declines in fatal accidents in the mining industry year on year for the past 15 years, it does not make the claim relative to the massive decline in deep level mining, especially in the gold and platinum mining sectors and the consequent drop in total number of workers employed over the same period. It also does not take into account the increase in informal survival miners who have occupied the many abandoned mines, and the increase in accidents and fatalities in this unregulated and undocumented sector. Sibanye itself has left many shafts under “care and maintenance” and retrenched thousands of workers since its inception, as shown elsewhere in this report.

⁴ “The South African Mine Health and Safety Council (MHSC, 2016) clearly articulates its goal as ‘every mine worker returning from work unharmed everyday: Striving for zero harm’. Moroe et al. (2018) argue that as far as ear and hearing health is concerned, this goal has not been realised despite the concerted efforts from the MHSC and the Chamber of Mines in South Africa. These authors present evidence that reveals the reality that approximately 73.2% of miners in South Africa are exposed to excessive noise surpassing the legislated occupational exposure limit of 85 decibel (dB), despite hearing conservation programmes (HCPs) implemented in the mining sector (Edwards, Dekker, Franz, Van Dyk, & Banyini, 2011; Strauss, Swanepoel, Becker, Eloff, & Hall, 2014). (Khoza-Shangase, Moroe, & Edwards, 2020).

5.5. Sibanye-Stillwater controversy: price fixing

The Bench Marks principles on financial integrity for companies read: “The company insists on honesty and integrity in all aspects of its business, wherever business is conducted.” Clearly this applies also to the buyers of South Africa’s minerals and raw materials.

Sibanye’s main client is BASF which has been purchasing the largest part of the platinum that Sibanye-Stillwater has been producing. While BASF plans to reduce its platinum purchases from South Africa, they have human rights and environmental due diligence obligations as a business operating within the EU, especially given the EU in an article titled Supply Chain Law. As such, BASF has a current and a legacy responsibility regarding human rights and environmental due diligence in the platinum production process of Sibanye-Stillwater.

In March 2023, Goldman Sachs, BASF, HSBC, and ICBC Standard Bank agreed to a \$20 million settlement over platinum and palladium price-fixing. The defendants were accused of sharing customer data, front-running expected price moves, and placing bogus ‘spoof’ orders (Stempel, 2024).

In this way, platinum-rich countries, like South Africa and Zimbabwe, have been short-changed by the major buyers of platinum, who have “settled out of court” for price-fixing for the metal — colluding to artificially inflate the price of platinum. The settlement, a mere slap on the wrist, allowed them to deny culpability.

Sibanye-Stillwater is the main supplier of platinum to BASF. As a major supplier, the company would be closely monitoring market trends, demand, and pricing for PGMs. If they observed unusual market behaviour (such as sustained high prices, despite demand fluctuations), they would have suspected that market manipulation was taking place. In addition, Sibanye-Stillwater would undoubtedly have close relationships with its downstream customers and therefore are likely to have been aware of pricing strategies. Yet they did nothing about it.

5.6. Sibanye’s acquisition appetite

Bench Marks Foundation has long held the view, frequently expressed in radio and television interviews, that Sibanye’s aggressive acquisitions policy of buying marginal and non-profitable mines does not constitute good corporate practice. It leads to mine abandonment, worker retrenchments and environmental degradation.

In 2013, Sibanye acquired the Kloof, Beatrix and Driefontein mines from Goldfields (Gold Fields, 2013). In the same year it acquired the Cooke operations from Gold One International (Adaramola, 2013), followed by Anglo Platinum’s Rustenburg operations in 2015 (Kotze, 2015). In 2016, Sibanye acquired Stillwater in the United States (Stillwater

Mining company, 2016), and in 2023, Anglo American Platinum sold Kroondal and Marikana PGM mines to Sibanye-Stillwater (Staff Writer, 2023).

In 2017, Sibanye-Stillwater shut down the Cooke gold mine, which it had bought in 2013, with about 7 000 workers laid off (Jamasmie, 2017). In 2019, Sibanye-Stillwater announced that Driefontein mine, which it also bought in 2013, was approaching end of life (Ninji, 2019); in the words of Neal Froneman, CEO of Sibanye-Stillwater: “For all intents and purposes it is mined out.” On 25 October 2023, Sibanye-Stillwater announced the following:

Mining operations at the Simunye shaft, Kroondal operation, ceased during Q4 2022... Operations at the 4 Belt shaft, Marikana operation, which already faced closure during the restructuring of the Marikana operation in H2 2019, continued operating for the last four years. However, it has now depleted its economically extractable reserves and reached the end of its life (Neetling, 2023).

In 2023, Sibanye-Stillwater announced the “restructuring” of the Kloof and Beatrix mine with a possible impact on 3 107 employees and 915 contractors (Carletonville Herald, 2024). Finally, in 2024, Reuters reported that “Sibanye flags loss after \$420 million US asset write-down” (Reuters, 2024).

So, mines acquired by Sibanye-Stillwater in rapid succession over the last decade seem to be shutting down as rapidly as they were bought. The figures show a jobs bloodbath. These retrenchments have a ripple effect on the near mine communities where the mining operation has all but smothered alternative economic opportunities, and, due to the importation of labour from labour sending areas, has created no jobs.

In addition, from the experience of the Bench Marks Foundation, this will lead to mine abandonment, which we seem to be observing at the Cooke shafts on the West Rand, where Sibanye-Stillwater has not closed and rehabilitated mines properly:

The Cooke operation was previously a large underground mining complex, consisting of four vertical production shafts, but the final underground workings were placed on care and maintenance during 2017. (Sibanye-Stillwater, 2024).

Mine abandonment also results in negative, polluting destructive environmental impacts, and the rise of what the media terms “illegal mining”.

Bench Marks is worried that this appetite translates into spending cuts in mine health and safety, negative community impacts and unrealised social and labour plans and eventually in worker retrenchment and mine abandonment creating conditions for a rise in illegal mining.

5.7. Safety

5.7.1. Fatalities and accidents

In addition to the unemployment crisis, Sibanye-Stillwater's public image has been rocked by fatalities and accidents at its operations. Figure 13 below shows Sibanye-Stillwater's record compared with other mining companies.

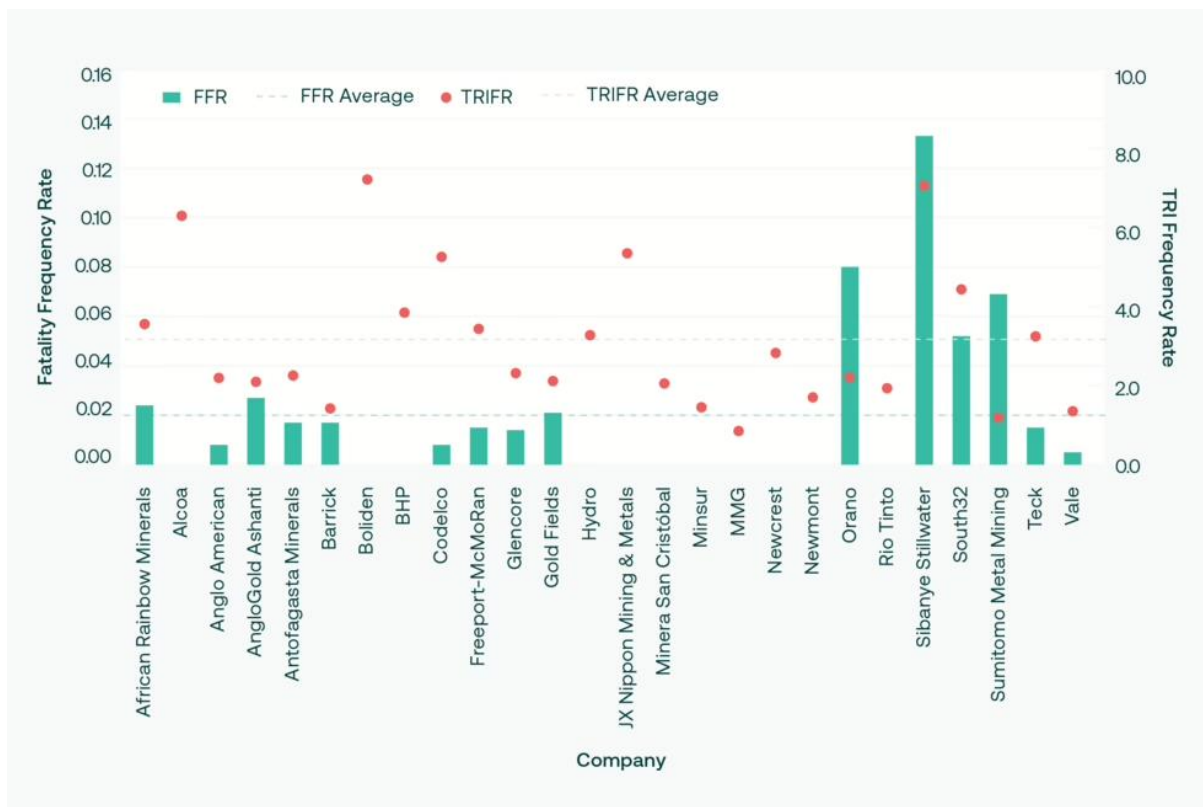


Figure 13: ICMM fatality frequency rate and total recordable injury frequency rate (2021) (Bates and Holwill, 2023)

This shows that Sibanye-Stillwater was, at the time of publication, hands down the leader of the pack when it comes to fatalities and accidents. The problem with accident statistics in south Africa is that details of injuries by number and type are often excluded from reports, leaving the public in the dark about the number of bone and spinal injuries. Falls of rock and rock bursts are among the most common causes of mine accidents in South Africa (Hermanus, 2000) and lead to bone and spinal cord injuries.

Some of the accidents that made the news nationally and around the globe are listed below:

January 2018 – 955 mineworkers were trapped underground for more than 24 hours when a storm caused a power outage and the mine's backup generators failed. Fortunately, none of them were injured but the incident raised serious questions about safety and preparedness for emergencies.

May 2018 – Seven mineworkers died in a cave-in due to a seismic incident at Masakhane min, part of the Driefontein operations. Four weeks later, another worker died in the same operations after a rockfall (Stoddard, 2018).

June 2018 – Three gold mine workers were reported dead at Sibanye-Stillwater’s Kloof operations. At the time of the report, it wasn’t clear what had caused the accident. Around the same time, 18 workers had perished at different Sibanye-Stillwater’s operations (Reuters, 2018). In the same month, Mineral Resources Minister Gwede Mantashe announced at a media briefing that: “We are very worried about the fact that out of 45 fatalities thus far, 20 are from one company.” Mantashe was referring to Sibanye-Stillwater (Gous, 2018).

October 2019 – The Association of Mineworkers and Construction Union (AMCU) issued a statement about three fatalities that had taken place at the Thembelani shaft that year. The mineworkers were victims in a fall-of-ground accident. The trade union also added that a health and safety steward at that shaft was suspended for raising safety issues at the mine (Karrim and Mitchley, 2019).

December 2020 – AMCU announced that a winch-related accident claimed the life of a mine worker at Sibanye-Stillwater’s Rowland shaft. In October of the same year, Sibanye-Stillwater said there had been eight fatalities at its operations that year – four at gold operations and another four at PGM operations (Mining Journal, 2020).

December 2021 – Three mineworkers died when the brakes of a loader operator failed, causing the operator to fall on top of two miners at the Beatrix Mine. The driver of the loader also lost his life (Nkunyane, 2021). In 2021, it was also reported that 18 employees had died at the company’s operations (Du Plessis, 2022).

January 2022 – The first fatality of 2022 hit Sibanye-Stillwater. A mine worker was reported dead at Sibanye-Stillwater’s Driefontein mine (Du Plessis, 2022). It was announced that the locomotive driver might have been struck either by the locomotive or a hopper on the mine premises (Parker, 2022a).

April 2023 – Four mineworkers were killed due to a collapse of a rock conveyor at the company’s Burnerstone project (Mining Technology, 2023).

November 2023 – the National Union of Mineworkers of South Africa (NUM) announced that it was taking to the streets to protest mine fatalities at Sibanye-Stillwater and Harmony Gold mines operations (NUM, 2023).

Three disasters – defined as an accident where 5 or more employees are killed – occurred in the gold and copper sectors last year. Seven (7) employees died in a seismic induced fall-of-ground accident at Sibanye-Stillwater’s Driefontein Gold mine in May 2018. In the following month five (5) employees lost their lives in a heat-related accident at Sibanye-Stillwater’s Kloof gold mine, and six (6) employees lost their lives in a fire and explosion related accident at Palabora Mining Company’s Copper mine in July 2018. Inquiries into each of the disasters are underway to assess the root causes and identify the necessary remedial action. (Chief Inspector, Mine Health and Safety).

Box 3: Chief Inspector of Mines report on Sibanye-Stillwater accidents

In the unfortunate event of a mine accident in South Africa, it is crucial to follow specific steps to ensure safety and compliance with regulations:

1. Immediate Response:

- **Ensure Safety:** Evacuate the area and provide first aid to injured individuals.
- **Alert Authorities:** Notify the mine’s emergency response team and the Principal Inspector of Mines immediately.

2. Medical Assistance:

- **Provide Medical Care:** Ensure that injured workers receive prompt medical attention.
- **Transport to Hospital:** If necessary, transport severely injured individuals to the nearest hospital.

3. Reporting the Incident:

- **Initial Report:** Report the accident to the Principal Inspector of Mines using the quickest means available and confirm it with the prescribed forms (SAMRASS 1 and 2) without delay.
- **Detailed Report:** Submit a detailed report within three days for accidents resulting in serious injuries or fatalities.

4. Investigation:

- **Internal Investigation:** Conduct an internal investigation to determine the cause of the accident.
- **Cooperate with Authorities:** Work with the Department of Mineral Resources and Energy (DMRE) during their investigation.

5. Communication:

- **Inform Families:** Notify the families of the affected workers and provide them with support.
- **Update Workers:** Keep all workers informed about the incident and the steps being taken.

6. Review and Preventive Measures:

- **Review Safety Protocols:** Assess and update safety protocols to prevent future accidents.
- **Training:** Provide additional training to workers on safety measures and emergency response.

Following these steps can help manage the situation effectively and ensure compliance with South African mining regulations. If you need more detailed guidance, the Department of Mineral Resources and Energy provides comprehensive resources and support.

Box 4: Steps to take in response to a mine accident (Mine Health and Safety Council)

Despite the clear requirements set out in Box 4, participants in the male workers FGD claimed that Sibanye-Stillwater is not reporting accidents, injuries and fatalities to the Department of Mineral and Petroleum Resources (DMPR) ⁵and the Mine Health and Safety Council. The workers suggest that the mine does not want to lose production time to make accident scenes and operations safe, before resuming production, as required by law.

Bench Marks is concerned that while Sibanye has taken over operations from Lonmin with its bad practices, mine workers interviewed indicate that mine health and safety standards in the Marikana operations leave much to be desired. The fatality history above associated with Sibanye show a poor health and safety culture. Productive bonuses contributes to the problem as it is an entrenched tradition.

5.7.2. Well-being, nutrition and mine safety

Previous Bench Marks Reports (Bench Marks Foundation, 2012) have pointed out that workers living on the living-out allowance in shacks in informal settlements do not eat healthy balanced diets. Having phased out single men's hostels, Sibanye no longer feeds workers in hostel mess halls at this operation. This was confirmed by Rachel Mahango in her 2020 thesis, *an assessment and comparison of dietary intake of miners: A case study of a South African mine*, published by Wits University. It focused on a platinum mine in Rustenburg.

⁵ Except for quotations, we have used the current name of the department, even though the name has changed over time.

The results showed that the mean energy intake of hostel miners (8,972.3 kJ) and non-hostel (8,361.6 kJ) miners was below the recommended mean energy intake of 12000 kJ for men doing light to moderate work ... Overall vitamin intakes for both hostel and non-hostel miners were below the dietary reference intakes except for niacin and vitamin B12 which met the requirements for both hostel and non-hostel miners. The mean minerals intakes were below the dietary reference intakes for the miners. Miners' fluid intakes were below recommended intakes. The BMIs of miners showed that most miners (70%) were overweight and obese. This could be attributed to miners' high muscle mass because of their hard-physical work. Eating habits during working hours revealed that seventy percent of the miners did not take anything to eat to work. However, sixty-eight percent of the miners always ate before going on shift duty. Forty percent of miners were always hungry during their shift duty. Miners' knowledge regarding nutrition showed that they had limited knowledge of what a balanced diet was (Mahango, 2020).

In previous studies Bench Marks Foundation pointed out that poor diet among mineworkers could be a contributory factor to high accident levels.

Bench Marks Foundation is also concerned that Sibanye-Stillwater reported feeding workers underground: “Nutritious supplements are provided to underground employees” (Sibanye Stillwater, 2019, p. 179). Joel Bakan eloquently describes how big corporations are creating monopoly markets for big, processed food companies, by drawing malnourished people into the web of the global processed food producers. Future life (see Figure 14 below) is owned by Pioneer Foods, one of the biggest food monopolies in South Africa.



Source:
<https://reports.sibanyestillwater.com/2019/download/SSW->

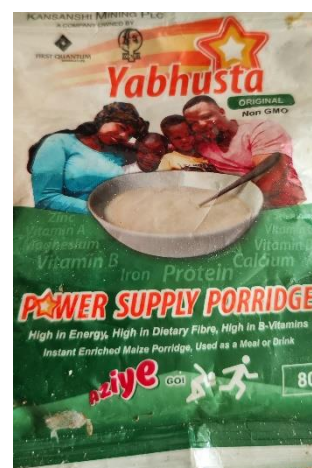


Figure 14: Example of processed food products given to mineworkers

Bench Marks Foundation found that mining companies, including Sibanye-Stillwater and First Quantum, push the products of processed food monopolies through supplements to workers, as well as social and labour plan feeding schemes in schools in poor

communities where they operate. The mining operation, by its very destructive nature, destroys the pre-mining, self-sustaining economies that exist before it arrives. Communities lose their land and cattle, the air and water are polluted, all other avenues of development are smothered, leaving households unable to feed their children and other members. The mineworkers in the informal settlements around the mines cannot find nutritious food in their immediate environment. Malnutrition and poverty are rife in near-mine communities. Not being able to plough their lands or maintain their herds:

impoverished people abandon traditional diets in favour of processed products – the leading cause, say experts, of an obesity epidemic that now exists alongside hunger and malnutrition in the Global South (Bakan, 2020, p. 50).

Also, alarming is the increasing merger between pharmaceutical monopolies and food processing monopolies into what Bakan refers to as “nutraceutical” monopolies claiming to have the solution to the food crisis in the Global South. The food crisis is systemic, it is exacerbated by mining and agribusinesses, the extractive industries that have a corporate colonial grip on the Global South. The real solution to this crisis will not come from the monopoly of processed food, but from protecting the land, the livestock, the air and water of communities, from predatory extractive corporations. Belinda Bozzoli and Mmantho Nkotsoe in “The Women of Phokeng” noted how the impact of mining crippled the ability of women to feed their families from the soil and forced them into alternative strategies of survival (Bozzoli & Nkotsoe, 1993). In the case of Wonderkop there are many women selling alcohol, food and cigarettes to workers, as well as engaging in transactional sex. Retrenchments do impact on the business of these, often women, small traders. In the case of malnourished mineworkers, the solution lies in proper lunch breaks during which workers can sit down at tables being served properly prepared and nutritious food, a luxury only afforded to mineworkers in the Northern Hemisphere.



Figure 15: Lunch at a remote mine site in Australia (Mentok27, 2021)

Future Life is not a solution, it is a pretence by Sibanye-Stillwater to “do good, by doing well” (Bakan, 2020, p. 52), as it prolongs the absolute time the worker spends at the rock face without interruptions, such as tea time or lunch time. The worker can consume the

Future Life bar while continuing to work uninterrupted by lunch and tea breaks; the profit margin is maintained.

Even though the company might claim to be providing Future Life on the advice of nutritional “experts”, these “experts” are dependent on mine income for their existence and will advise the mining companies accordingly.

In the FGD with twenty male employees, workers complained about being constantly hungry at work. Hunger distracts the attention of workers from the job at hand, which can lead to accidents and fatalities. Poor housing conditions, in a crime-ridden environment, result in a tension-filled labour force, another ingredient of poor health and safety standards. Retrenchments mean that fewer and fewer workers must pick up the slack of their retrenched colleagues, which is also a recipe for disaster and accidents. In the FGDs, workers also complained that they dare not report unsafe working conditions for fear of dismissal and retrenchment. The issue of nutrition, poor wages, inadequate housing and health and safety are interlinked in most South African mining operations, both in terms of mining legislation and management practices.

5.8. Retrenchments

Judging by its public image, and considering that it is the sector’s main employer, Sibanye-Stillwater is not faring well as a stable and consistent employer. Below are a few examples of the many layoffs that have rocked the company since its inception:

April 2013 – Not even six months after its formation, a new kid on the block, Sibanye-Stillwater, announced it would cut jobs in the aftermath of a fire accident that affected the operations of Beatrix West mine (Times Live, 2013).

September 2014 – Barely a year since the company made its debut, it announced that it had entered Section 189 facilitation processes to address possible job cuts in one of its gold operations, Cook 4 (Stoddard, 2014). At the time, the Reuters news agency reported that Sibanye-Stillwater would lay off 2 500 employees, roughly the number of people hired at Cook 4 (Stoddard, 2014), and they were in fact laid off.

November 2017 – Sibanye-Stillwater confirmed that it had made 2 000 layoffs at its gold operations (Stoddard, 2017).

February 2019 – Sibanye-Stillwater announced plans to cut 6 000 jobs at its gold operations (Business Standard, 2019).

January 2020 – Sibanye-Stillwater announced a decision to retrench 1 142 employees in its Marikana operation (Mining Technology, 2020).

November 2022 – Sibanye-Stillwater announced that 2 000 employees could lose their jobs in its gold operations. In a radio station interview with SAFM, James Wellsted, Sibanye-Stillwater’s Executive VP for Investor Relations and Corporate

Affairs, said: “the reality is that these mines and operations are mature and are coming to the end of their lives anyway” (Peters, 2022). Wellsted also mentioned load-shedding as one of the major hindrances contributing to productivity. He explained that in the next 10 to 15 years, Sibanye-Stillwater will have to reduce and consolidate its operations due to declining production. Furthermore, Wellsted said that Sibanye-Stillwater has put in place a rehabilitation fund which will “rehabilitate the operations, try and restore those areas to their prior pre-mining situations as much as possible. We’ll knock down the infrastructure, we’ll try and get it back to where it was, and then what we’ll try and do is implement [the restoration] with local communities, municipalities, etc.”

In April 2024, Sibanye-Stillwater announced plans to retrench 4 000 workers in its “underperforming” operations in South Africa (Banya, 2024). In the wake of this announcement, community members in Marikana, where the massacre happened, have threatened another bloodbath should the job cuts continue (Sadike, 2024):

The state of how Sibanye-Stillwater is treating the community is atrocious ... they use threats and retrenchments to suppress us so that we can fear them ... but they don’t know that what they are instilling in the community is hate”, said a community member in Marikana (Sadike, 2024).

As far as the Marikana mining operations are concerned, it seems that Sibanye-Stillwater’s intent is the gradual closure of operations. There were 29 000 employees at these mines in 2012 (Stewart, 2012), so the Marikana labour force has shrunk by some 6 521 workers since the massacre, shedding 5 000 jobs in 2019 (a year after Sibanye-Stillwater took over operations) (Mayer, 2019). Sibanye-Stillwater announced the closure of 4 Belt shaft in April 2024. The 4Belt shaft, which employed 1 496 workers and 54 contractors, was initially targeted for closure in 2019, but had continued operating, supported by a metal price rally since then (Reuters, 2014). Neal Froneman stated in 2019 that “[t]he proposed restructuring is contemplated to ensure the sustainability of the Marikana operation, which is not a going concern as an independent entity”.

While the review process concluded that certain shafts – most of which were at the end of their operating lives – would be affected, other shafts which had previously been at risk ... will continue to operate, thereby lessening potential job losses (Mayer, 2019).

The FGD of male mineworkers maintained that Sibanye-Stillwater is abusing the threat of retrenchment as a tool of intimidation, and the trade unions, including the NUM, have called out Sibanye-Stillwater for “capital barbarism” (Mining Review Africa, 2022).

Against the backdrop of these layoffs are the jaw-dropping remunerations that the company’s executives receive. In 2023, it was reported that the company’s shareholders

were unhappy about the fact that Neal Froneman’s remuneration, as Sibanye-Stillwater’s CEO, was a staggering R300 million at the time (Steyn, 2023).

In this situation of mass retrenchments, the Department of Home Affairs will find itself confronted with thousands of retrenched mineworkers, who overnight transition from being legal to illegal immigrants. The cause of this problem is the tardiness of fund managers in paying out the pensions, unemployment and other benefits to retrenched workers (see Box 5 below). These former workers often end up in informal settlements and in abandoned mines as zama zamas, often victims of criminal syndicates. A labour problem becomes a criminal problem and a source for conflict and tension in communities.

Stakeholders spearheading a project helping former mineworkers to access their unpaid employment benefits say they need more funding to fulfil their obligations. Benefits amounting to R10 billion have not yet been paid (Milazi 2022).

It is reported that some former mineworkers were previously denied access to employment benefits, such as compensation for occupational diseases. Trying to simplify the claiming process, the government, in collaboration with other stakeholders, is decentralising this office.

“We are hoping to get some additional funds to actually take this forward. The mining companies through the Minerals Council of South Africa have been very supportive. And have actually also provided some additional resources but we need much more resources to tackle this programme,” says Doctor Barry Kitnasamy from the national Department of Health.

Provincial chairperson of the Ex-Miners Council, Crosby Ncaba, says there is still a lot of work to be done to reach as many ex-miners as possible.

“Because of the finances, and we are waiting for the budget to be approved, we couldn’t reach certain areas. So, what we have reached it’s just the tip of the iceberg. And as such, we wish to meet all the other areas or the other people”, says Ncaba (Milazi, 2022).

Box 5: Plight of former mineworkers (Department of Labour)

5.9. Housing

In 2012, Bench Marks Foundation published Policy Gap 6, which was released at a press conference two days before the massacre. In that report we wrote the following about Lonmin’s housing policies:

The visits by the Bench Marks Foundation research team to Marikana convince us that the residential conditions under which Lonmin and other mine company employees live are appalling. This can be seen in the

proliferation of shacks and informal settlements, the rapid deterioration of formal infra-structure and housing in Marikana itself, and the fact that a section of the township constructed by Lonmin did not have electricity for more than a month during the time of our last visit. At the RDP township we found broken down drainage systems spilling directly into the river at three different points. Residents informed the Bench Marks Foundation team that they have been reporting the matter to both the Local Government and Lonmin for five years now, and it remains unaddressed. The Bench Marks Foundation team interviewed residents living next to the spills and found that children showed symptoms of chronic illnesses associated with such spills” (Bench Marks Foundation, 2012).

At the Farlam Commission, and in reports by the South African Human Rights Commission (Farlam et al., 2015) as well as Amnesty International (2016) following the massacre, it was agreed that the appalling conditions under which mineworkers lived were contributory factors to employee discontent and to the strikes that ended in the massacre.

Bench Marks Foundation notes with concern that the general housing conditions of workers at these mines remain unacceptable, that workers still reside in shacks in the Nkaneng informal settlement, on Bapo ba Mogale Land, next to Wonderkop village or in the various parts of Marikana. These include the RDP section where the same sewage spills continue, and access to consistent potable water remains a challenge.

For workers’ housing, Lonmin’s goal was that worker hostels should be converted to family housing by 2014 at the latest, and that all employees should be given the option to purchase their own homes. In various research reports since 2007, Bench Marks Foundation has found that most of the mineworkers are migrants. They do not want houses in the industrial polluted urban environment of the mines, most informants report that they would prefer worker owned housing in labour sending areas where they come from. Bench Marks Foundation fails to understand why South African mining companies cannot provide properly serviced accommodation for migrant workers, as they are doing in Australia. There should be standardised conditions for mine housing, health and safety, nutrition and working conditions globally.

The male workers FGD complained about the housing provided by the company, saying that the housing is poorly maintained; for example the sewage is flowing out into the community. The converted family units from the former single men’s hostels are cramped, too small, and not suitable for families. They also felt that it was not a safe environment for raising their children.

In addition, some retired workers have complained that Sibanye-Stillwater is removing them from their company houses. What measures has Sibanye-Stillwater put in place to enable workers to obtain ownership of houses?

5.10. Women

Research in South Africa has often focused on black men as the main victims of the migrant labour system and exploitation that came with the system (Wilson, 2001); yet, mining operations erode the rights of women as much as men.

According to the 1911 Mines and Works Act No. 12, boys under the age of sixteen and women were prohibited from working underground in the mining sector (Benya, 2017). Despite changes in mining laws post-apartheid, the Department of Higher Education and Training announced in 2022 that out of 9 438 students who graduated with mining-related qualifications, only 2 991 were females – a mere 32% (Mashaba and Botha, 2023). Additionally, in the mining workplace, women are a minority and often hold low-paying positions (Benya, 2017). The mining industry is still dominated by men, and with this domination, negative gender stereotypes that make women feel like outsiders persist (Mashaba and Botha, 2023). Among these stereotypes is that women are “weak and slow”, therefore unable to be productive and reach the required targets (Benya, 2017). These kinds of stereotypes inhibit the possibility of women advancing and getting promoted in the sector. Because of these stereotypes, gender becomes a determining factor, rather than merit, and often women are undermined by being given duties unrelated to their positions, including sweeping after a group of workers has eaten (Benya, 2017; Mashaba and Botha, 2023). Furthermore, women are subjected to double discrimination of harassment, ill-treatment and racism.

Sibanye-Stillwater claims that its initiative, *Our Women of Sibanye-Stillwater*, deals with issues around inequalities and barriers that might affect employment of women and ensuring a fair work environment (Sibanye-Stillwater, 2024). However, the female workers sing a different tune. The FGD of women workers highlighted that racism and discrimination against women are rife. When they negotiate to switch shifts, they are told in Fanakalo⁶ “thina hayifuni”, which translates to: we don’t want to. Even when they must see a doctor and take a day off, the foreman accuses them of not wanting to work.

My foreman once asked the human resources department to fire me because he claimed I was abusing sick notes. This is despite me working irregular shifts and not getting the opportunity to visit a doctor after work.

When you are sick, you still have to go to work because you are terrified of being fired. Again, when you show up at work sick because you don’t want to get fired, they ask you why you came.

⁶ Fanakalo was used as a common language among mineworkers whose native languages were different (Mesthrie, 2019).

Labour scholars such as Asanda Benya (2015) have argued that, despite the post-apartheid Constitution, the Bill of Rights, and other acts accelerating the inclusion of women in the mining sector, female workers are not shielded from safety and health hazards, or from being sexually harassed and even murdered.

Sibanye-Stillwater female workers raised various workplace challenges, including lack of access to information, mental health support, employees' privacy and well-being, pollution in the workplace, uniforms, and proper toilet and changing room facilities for women.

Female workers believe that women are generally disadvantaged in the mining work environment. They complain that the mine is failing them by not engaging and taking their grievances into consideration. They say the mine does not like the fact that female workers get pregnant because it affects productivity. This is a huge challenge, given that most women who work in the mining sector are of child-bearing age (Benya, 2017). The Mine Health and Safety Act of 1996 requires that, as soon as a female underground worker (who also works with hazardous chemicals) becomes aware of her pregnancy status, she must report immediately, to be moved to a safer work space (Benya, 2015).

Apart from pregnancy issues, the women complained that it is difficult to raise a child as a female mineworker. As a result of irregular shifts, they cannot spend enough time with their children, or care for them when they are sick. For example, taking a child to the clinic becomes a problem. Irregular work shifts also make it hard to spend time with their families and attend to family duties.

Sometimes they must leave very early in the morning to go to work, and the bus stop where Sibanye-Stillwater's buses pick up employees is far from where they live. For safety, they must hire men in the community to accompany them to the bus stop. They pay R50 each to have men patrol the area when they must go to work at night or early in the morning. But the men do not carry weapons. They only carry whistles to alert when there is danger. The fact that there is no police station in Wonderkop, and the only police station is in Marikana, exacerbates the problem, we therefore recommend a satellite police station in Wonderkop.

I work afternoon shift and knock off at 20:00. By that time there is no bus for me to get home. My female colleague once slept at the bus stop. There were no buses. There are taverns and a hostel nearby. Fortunately, nothing happened to her. She called her husband who was working night shift. When you tell your foreman that you want to switch a shift, you know what he says? I will say it in Fanakalo⁷: wena funile lo Sibanye. You applied to work here.

⁷ Fanakalo/Fanagalo is a pidgin language mainly used by mine workers in the workplace.

Sibanye didn't call you. And it's not Sibanye's responsibility to provide you with transport. He is a white man.

Also, on their way back from work, there is a risk that they can be attacked. Monica, a young female worker at Sibanye-Stillwater says she was almost attacked on her way from work:

I was coming from work, and it was very deserted. I saw four men approaching me and I was so scared. Luckily a man driving a gold car who was passing by noticed that the men were approaching me and he picked me up quickly and dropped me in a safe spot. It was on a Saturday. That incident haunted me. It was God seeing me through. If that driver didn't assist, I don't know if I would still be alive.

Despite all this, on its women and mining webpage, Sibanye-Stillwater (2024) acknowledges that gender-based violence is a pertinent issue in South Africa and claims to promote safety and to be committed to protecting women. To do this, the company says it offers anti-sexual harassment training in its induction programme, holds anti-sexual harassment campaigns and provides counselling to victims of gender-based violence.



Figure 16: Clips from Sibanye-Stillwater publication showing women in mining, 2024

Yet the mine, according to these workers, has failed to even provide gender appropriate uniforms for its women employees. Benya (2015) explained that the one-piece overall, which is suitable for men, forces women to strip before they use toilet facilities. However, taking clothes off breaches the Mine Health and Safety Act in that the work suit, head lamp, hard hat, and battery belt are meant to protect workers in case of an accident, such as when rocks fall. Taking off their clothes means women become exposed to accidents and can easily be sexually harassed in dark passages underground (Benya, 2015). In 2015, *City Press* reported that an intruder entered the change rooms of Anglo-American Platinum and raped a female employee (Tau, 2015).

When you go to the toilet to pee, you must take out the belt, unbutton here and there. It is so difficult to undress. The uniform is meant for men, not for women. It takes too long to take it off. Our toilets are also closely located to the men's

toilets. The toilets are also far, and you don't know who you might meet on your way there. They are also the old bucket system toilets, and they smell really bad.

The women raised concerns about the ‘smelly’ bucket system toilets that they must tolerate daily.

Bucket toilets

The separatist legacies of both colonialism and apartheid dehumanised black people and banished them to indigent homelands where housing, health care, clean water, and sanitation was inadequate (Atmore, 1992). After 1994, Sections 24 and 27 of the Bill of Rights in the Constitution afford rights “to access to sufficient water, an environment not harmful to health and well-being and the protection of the environment from degradation” (see Centre for Environmental Rights, 2011).

Back in 2006, in his state of the nation address, then President Thabo Mbeki declared that the South African government would “completely eradicate” bucket toilets in the established settlements by the end of 2007 (Anon, 2008). The then minister of Water Affairs and Forestry, Lindiwe Hendricks, promised that by the end of 2007, her department would eradicate 95% of bucket toilets that were in use in settlements established prior to 1994 (Anon, 2008). Lack of proper sanitation, especially for women, girls and people with disabilities, intensifies their vulnerability and impedes their other rights such as adequate health care (South African Human Rights Commission, 2014). Already, one of Sibanye-Stillwater’s employee interviewed for this report stated that she contracted an infection which she suspects she picked up from the bucket toilet at the Sibanye-Stillwater premises:

Box 6: Bucket toilets

5.11. Communications

Regarding access to information, consultation and grievances, workers complained that Sibanye-Stillwater uses Short Message Service (SMS) as the dominant medium of communication. As one of the participants in the female workers FGD put it:

I have been with this mining operations for eleven years, even back when it was still Lonmin. Sibanye doesn’t communicate properly with us. It uses SMSs. There are no longer meetings. Even when there is a strike, they just send an SMS. They don’t even use our ethnic languages such as Setswana or IsiXhosa. Not all of us understand English, we are not all educated. A lot of times we don’t know what is happening in the company. We don’t have access to important information.

According to Bagdady (2023), using SMSs to communicate with employees is a compliance gap that makes record keeping complex, because this medium of communication does not exist in the company’s servers. Furthermore, employees view it

as informal, unofficial and short-lived. In recent times, there has been a growing avenue through which companies can communicate effectively with employees – collaborative mediums such as Zoom and Microsoft Teams (Bagdady, 2023). Sibanye-Stillwater can easily take advantage of this evolving technology to bridge communication gaps.

However, the company claims the following under the title “Engaging with employees”:

Various structures and engagement forums facilitate dialogue between organised labour and management. These include communication channels with human resource managers at all operations, employee representative committees, a Group newsletter, the Group’s website, intranet and campaign-specific materials aimed at engaging with employees’ behaviour (Sibanye-Stillwater, 2013).

This is the verdict of one participant in the male workers FGD:

In the 48 years that I have lived in Wonderkop, no one has ever come down here to find out how we are living and what our conditions are. I want to thank the Bench Marks Foundation for doing so.

5.12. Unions

The female workers FGD said that, despite belonging to unions, Sibanye-Stillwater makes it clear that they are not hired by unions and that they work for the mine. The topic of unions brought a sombre mood among the female workers. Immediately their faces changed and there was fear. Some are not unionised because they are subcontracted labour. They are also hesitant to mention which trade unions they belong to and there is a clear sense of favouritism from the company:

In 2012, AMCU fought for us to get an increase. The mine favours NUM. If there is a case against 9 AMCU members and 1 NUM member, the 9 AMCU members get fired and the NUM member will remain. Even new employees are encouraged to join NUM, not AMCU.

Bench Marks Foundation has over the years expressed concern about the decline of trade unions in the mining industry effected through an increasing reliance on labour brokers, sub-contractors and a pattern of worker retrenchments that shifts the work load to fewer and fewer workers which in turn impacts negatively on worker health and safety.

5.13. Labour relations

The male workers' FGD started off with the words "They treat us like slaves". There was a palpable anger in the room as the discussion ensued. Each participant was given the opportunity to air their views on their experiences in the workplace and the labour relations situation at the Rowland shaft. There was a constant refrain about the lack of workplace safety and their daily fear of going underground. They alleged that any complaints about the company's failure to report accidents and injuries are met with threats of dismissal or retrenchment.

Linked to this was their fear of retrenchment, claiming that any complaints about workplace safety will get the complainant dismissed. Some reported that they feared reporting ill, even with a doctor's letter, as this might lead to dismissal. Others complained about housing provided by the company, saying that the converted family units from the former single men's hostels were cramped, too small, and not suitable for families. The men also felt that it was not a safe environment for raising their children.

The workers claimed that "there are illegal syndicates or ghost workers operating alongside them underground at Rowland Shaft, we are seeing people underground we do not know".

They also complained that wage increases did not keep up with inflation. They are constantly hungry underground at work, and the company does not provide them with meals except for occasionally receiving Future Life bars. They say that they have to report for work on time, but that the cages transporting them back to the surface after their shift is often delayed, causing them to "remain underground for up to ten and twelve hours at a time".

Bench Marks Foundation previously raised concerns about the productivity bonuses operating within the industry which leads to rock face team collusion between workers that compromise worker safety. Appropriate wages rather than bonuses would be preferable.

Sibanye should recognise the importance of unions and follow a reconciliatory and conflict management approach to unionised workers and not exacerbate tensions through their policies.

6. Mining operation effect on the Wonderkop community

6.1. Introduction

The ramifications of mining operations on host communities and the environment have been extensively covered in almost all, if not all, the Bench Marks Foundation policy gaps and reports. Despite the government introducing legislation that is meant to protect both communities and the natural environment, the social and environmental costs on the environment remain high and the economic benefits to host communities low (Pretty and Odeku, 2017). The DMPR is failing to hold mining companies responsible for the damages these companies continue to inflict in the natural environment (Pretty and Odeku, 2017). Overall, environmental governance remains weak in post-apartheid South Africa (Leonard, 2018).

Self-sustaining agriculture and even commercial agriculture have ceased around Marikana, as witnessed by the ruins of many commercial farms surrounding the mines. The Bapo ba Mogale people have lost grazing lands and cultivation fields to massive tailings dams, mine operations and rock waste sites. Boreholes have been impacted by dewatering and rivers polluted with bilharzia and toxic chemicals from seepage – impacts discussed in many Bench Marks Policy Gap reports in the past.

The only available economic activities remaining to villagers according to interviewees, are sex work to mineworkers, shebeens for the alcohol wants of mineworkers, and tuckshop sales of basic commodities. This reflects the levels of unemployment and poverty in the community. The town of Marikana itself resembles the chaos one finds in Katanga towns in the Democratic Republic of Congo, such as Kolwezi, Lekasi and Lubumbashi. HIV/Aids, alcohol and substance abuse (Funani, 2024), gender-based violence, and preteen and teen-age pregnancies are common (Department of Cooperative Governance and Traditional Affairs, 2023).

Lower respiratory tract infections among both adults and children as a cause of death may be the result of mineral processing plant air pollution in the form of smoke from smoke stacks and tailings dust. It is tragic that children are dying from malnutrition in an area that, until recently, was considered one of the richest mining areas on the planet (Sourav and Ngang, 2024).

Overall, the main findings of the initial desk top study are very similar in all the policy gaps. Even if mining is inherently invasive, mines in South Africa have left extreme destruction in communities where they operate and of the environment. Notwithstanding recommendations that Bench Marks Foundation has made over the years in the Policy Gap reports, we found that mining companies, regardless of claims to the contrary,

continue to engage in poor environmental and health and safety practices, either among their employees or in communities where they operate, or both.

Despite corporate social responsibility being a fashionable term among mining companies operating in South Africa, the good intentions that are written on paper are often not implemented (Cronjé and Chenga, 2009). It is unfortunate that most, if not all, near-mining communities are the poorest, and they are exposed to toxic waste emanating from mining operations (Cronjé and Chenga, 2009).

Mine tailings are not secured and signposted and often not fenced. Communities and domestic animals are exposed to dust and water contaminated with heavy metals emanating from the tailings. Mine operations use water excessively, depriving communities in which they operate of adequate access to water. Communities have suffered displacement, often without being properly compensated to make way for mining operations. Tailings occupy too much land which nearby communities are deprived of, impacting on self-sustaining agriculture. Mines do not employ people from nearby communities; mines do not contribute to the development of nearby communities; and, when mines shut down, abandoned shafts, pits, excavations and mine waste are left behind and become a hazard for communities and a haven for criminals.

6.2. Land

We heard detailed testimony on the situation with the land from the interviews we conducted with the two representatives of the Bapo ba Mogale sub-council and our FGD with the Land Buyers Association (LBA). First the LBA explained the history of the land.

Between 1924 and 1926, black landholders in the Marikana area pooled their resources and bought the farms from the colonial government where Sibanye-Stillwater is now operating. The names and contributions of each person participating in the purchase were carefully recorded. Bench Marks Foundation has copies of the six A4-size pages with signatures and the amounts contributed (See Figure 17 below).

The Pretoria News can confirm that Lonmin, one of the mining companies in the area, is paying or has already paid about R500 million into the Bapo ba Mogale trust account for the mining royalties, with a further R40m annually paid into a different account for development projects.

The Regional Land Claims Commission (RLCC) for North West and Gauteng confirmed this week that the claim was investigated and found to be valid but had now been referred to court. "The Wonderkop community lodged a land claim for portions 1, 3, 4, 5 and 6 of the farm Wonderkop 400 JQ. The farm is located in Rustenburg, Bojanala district, in the North West province.

The land claim was researched and was found to be compliant in terms of Section 2 of the Restitution Act 22 as amended", said RLCC spokesman Trevor Tshikhudo.

The claim is one of 83 land claims being processed by the department in North West while 270 claims are being processed in Gauteng.

According to the department, there are several other land claims around the Bapong village, including in areas such as Schaapskraal and Rooikoppies.

(Segwaelane/Bapong/Wonderkop Ke Kasi, Facebook, 2014).

Box 7: Lonmin social investment and controversies about land claims, 2014

Both representatives of the Bap oba Mogale sub-council noted that the community continues to lose land to the mining operation, particularly due to the living out allowance, the growth of the informal settlements around the mine, and the intention of the mine to construct new shafts on land to the north of the community, on the farm of Schaapkraal.

They also spoke about how the land around the Wonderkop hill used to be land for cultivation, and how, as children, they used the stone outcrop as a lookout point from which to observe and control cattle straying into their crops. Now the land is covered by the Nkaneng informal settlement and Eskom pylons feeding electricity into and out of the substation to the different shafts that constitute Sibanye's Marikana operations. Linked to the loss of land is the loss of grazing (Figure 18). They alleged that they are losing cattle to stock theft, due to the presence of migrants and informal settlements in the area falling outside of customary law, and therefore outside of their control.



Figure 18: Cattle roaming the streets as a result of the contestation between traditional farm grazing land and the mines



Figure 19: Cattle straying into areas that should be properly fenced, with access control

There is also the degradation of the soil. Land Buyers Association members echoed the view of the Bapo Traditional Authority that the dust pollution emanating from the tailings not only makes community members ill, but that it renders land infertile. They also noted that the land around the infamous Koppie, where the massacre occurred in 2012, was once fertile land where they planted their crops. They fondly remember sitting on the Koppie, surveying and guarding their crops against baboons and cattle, as it provided them with an excellent vantage point.

The representative of the Land Buyers Association also expressed his dissatisfaction with the company's plan for two new shafts on community land to the north of the community.

There are many academic studies showing that dust pollution from platinum mining renders the soil sterile.

Environmental pressure from mining activities such as those from the platinum sector occurs through the fine-grounded slurry from the processing plants, with its associated extracting chemicals that reach the tailings disposal facility (TDF). It is important that the effects of these activities on the environment are examined, especially in South Africa where there is a general paucity on [sic] data pertaining to pollution from platinum mining. The aim of this study was to do a preliminary assessment of the possible effects of platinum TDFs on the surrounding soil environment from a microbial perspective that might be used as a possible indicator in future environmental assessment studies. This was achieved by using enzymatic analyses

(β -glucosidase, urease, phosphatase and dehydrogenase activity) and signature lipid biomarkers.

From a soil physical perspective there was a significant difference between the soil at the TDF site in comparison to the sites situated further along (increasing distances away from TDF) the area investigated. Chemically the soil on the TDF had higher C, N, NH_4 and K levels in comparison to the other sampling sites, as well as higher Cu and Ni levels. Results from the enzymatic activities indicated a decrease in activity further away from the TDF, although the sampling site the furthest away from the TDF had the highest viable biomass as indicated by the phospholipid fatty acids (PLFAs) (Maboeta et al., 2006).

Box 8: Study findings on the impact of platinum tailings dust on surrounding soil

Box 8 above indicates that the chemical composition of soils closer to the tailings is different from that of soils further away as windblown dust increases nearer to the tailings and decreases as the distance from the tailings increases. Given the close proximity of Wonderkop to the tailings the community is impacted both in terms of the health of the community and the productivity of their soil.

6.3. Water

6.3.1. Threat from climate change

During the FGDs, residents noted that they used to have boreholes and wells in the community but that these have all dried up. This could be the result of climate change, the impact on water availability as explained below, or the boreholes and wells having dried up due to mine dewatering.

Freshwater availability, already critically limited in southern Africa, will be reduced in future because of decreasing rainfall and increasing evaporation. Because of climate change, these impacts will amplify as the level of global warming increases. Water quality also decreases in a warmer, drier southern Africa, increasing the risk of water-borne diseases (Scholes and Engelbrecht, 2021).

6.3.2. Threat from tailings

The location of the mine tailings, elevated above and upstream from Wonderkop, could pose a risk to the community. All the tailings have stormwater overflow points. Excessive rain on the tailings and the tailings water return dams⁸ could cause flooding down the Maretlwane River and past the Wonderkop community as was the case in late March, early April 2025.

⁸ Tailings return dams, also referred to as “toeholds” or “evaporation ponds”, are usually situated on the corners of tailings facilities and serve to catch any seepage or overflow from tailings dams.



Figure 20: The proximity of major tailings facilities to the Marelwane River located on a sloping elevation above the Wonderkop community (the yellow arrows denote down slope).

The risk of severe storms, including intense tropical cyclones and very intense thunderstorms, increases with climate change in southern Africa. As a result, the risk of loss of life, injury and damage to infrastructure also increases. Severe highveld storms due to climate change could also cause the tailings facilities upstream from Wonderkop to break. There are several examples of this in the history of South African mining disasters, notably the 1994 Merriespruit Disaster (Engels, 2024), the 1974 Bafokeng Platinum Disaster (Rudd, 1979) and more recently, the 2022 Jagersfontein disaster (Bench Marks Foundation, 2023).

A related, but smaller-scale phenomenon, is the increase in frequency of very large thunderstorms, known as super cells, some of which may be associated with high winds (tornadoes). Some evidence exists for a greater frequency of extreme rainfall, hail and damaging wind events associated with thunderstorms over parts of the South African interior. Associated with such storms are the risk of hail damage to crops, people, livestock and assets, localised flash flooding and mudslides (Scholes and Engelbrecht, 2021).

Then there is the failure to protect the community from the tailings dam. From a visit to the Rowland Shaft tailings and water return dams it was clear that these facilities are not properly secured, and that animals and people can easily move in and out despite a child having drowned in one of their facilities a year earlier and the obvious dangers posed. As the youth FGD said:

There is also a tailings dam around here that was not fenced. Children were coming back from school, and they decided to go for a swim there. One of them drowned. It wasn't safe and should have been fenced.

Figure 21 shows the tailings pond where the child drowned on 21 July 2023.



Figure 21: Tailings water return pond where a child from the Wonderkop community drowned on 21 July 2023

The youth FGD observed that the drowning of children in tailing dams is becoming synonymous with mining towns where, often, such dams are not fenced. In 2022, the *Mail and Guardian* reported that a 10-year-old girl, Mapula Raleholi, drowned in Durban Deep, adjacent to an unrehabilitated mine in Johannesburg (Bega, 2022). Earlier that year, another child, 11-year-old Thabang Zulu also drowned close to a defunct mine in Slovoville, Johannesburg (Bega, 2022).

From the interviews with the sub-council it merged that, after the Jagersfontein tailings disaster on 11 September 2022, and the drowning of the child in a tailings pond at the Rowland Shaft in 2023, the mine did consult the sub-council briefly about disaster management. In that consultation, the mine promised to set up disaster management teams and do disaster management exercises with the community. However, it is alleged that these efforts were not sustained and eventually petered out. There are assembly point notices in the community, but there is no sustained training or processes.

In Matjhabeng, there are complaints that Sibanye-Stillwater's tailings are spilling onto agricultural lands.

6.3.3. River pollution

In the FGDs, the elderly respondents all related how they used to fish and swim in the river, but now it is lifeless and too polluted to swim in. According to one fisherman in the male FGD, effluent has been discharged into the river. He has observed this numerous times.

Sometimes I did find dead, dead fishes. Yes. They were dying. So, and then, I reported, I reported the matter to those people of the environment department of Sibanye, since they said that they would give me some bottles to take samples so that they would take it to the lab and find out what can be the cause.

Given the elevation of the tailings above and in close proximity to the Maretlwane River, storm water overflow and seepage from water return ponds all flow into the river. Of concern also is the canal from the mine sewage works that also leads directly into the Maretlwane River. The stream from the sewage works into the river is full of condoms (Figure 22). The water that comes from the mining operations is operational sewage. Moreover, plastic and rubber condom materials in the stream give off chemicals, further compounding the water pollution. The rubbers are also dangerous for the creatures living in or drinking from the river and could harm livestock if ingested (Niwagaba, 2019). This is a worrying and even alarming situation.



Figure 22: Condom-laden stream from Sibanye-Stillwater sewage works into Maretlwane River



Figure 23: Sewage works from which a canal/stream of condom-laden water flows into the Maretlwane River

In the women's FGD, an elderly church woman showed us a video of dirty water coming from Sibanye-Stillwater operations that flood her yard and impact the structure of her house:

Every time these people [Sibanye-Stillwater] open their water pipes, the dirty water ends up flooding my yard and affecting the structure of my house. I have tried many times to speak to Mmereki [Sibanye's Social Performance Officer] and each time he promised to come, but he never did. Please Sibanye people, come and see the damage your dirty water is doing to my house and backrooms.

Half of the respondents to the survey had challenges with water. These included water shortage, dirty water, especially after a shut down, contaminated water, and water cut off without notice. Some phrases used by respondents include: "lack of water for the whole weekend or up to nine days...water only in the mornings or at midnight...dry pipes... slow running water...lack of pipes...water access points being very far from where they lived."

And then there is the effect of the water pollution from consuming it. Table 2 below shows the leading causes of death in the district.

Table 2: Leading causes of death in the Bonjala District

LEADING CAUSES OF DEATH:			
Adults		Children	
1	HIV/AIDS & TB related complications	1	Diarrhoeal Disease
2	Tuberculosis	2	Lower respiratory tract infection
3	Lower respiratory tract infection	3	Preterm birth Complications
4	Hypertensive Diseases	4	Birth Asphyxia
5	Cerebrovascular Accidents	5	HIV/AIDS related complications
6	Interpersonal Violence	6	Malnutrition including severe acute malnutrition
7	Trauma due to road traffic accidents	7	Neonatal Sepsis

Source: (Department of Cooperative Governance and Traditional Affairs, 2023, p. 14)

Two of these leading causes of death in the district are “preterm birth complications” and “birth asphyxia”. There is a possible link between these and elevated levels of nitrates and nitrites due to platinum mining in water accessed by communities through the river, wells and boreholes⁹.

The activities of livestock owners, traditional healers and when people revert to the river when there are water cuts puts the community at risk, the impact also affects heritage and cultural practices associated with the river.

6.4. Sewage and drainage

The 2012 Bench Marks report found that sewage and drainage systems in Marikana were broken (Figure 24) and that this was the possible cause of many gastric problems and of possible cholera outbreaks. Many children in the community suffered from diarrhoeal illnesses. It is disappointing that 12 years later the situation remains unchanged.



Figure 24: Overflowing bulk sewage points (Photos from Policy Gap 6, 2012)

⁹ There is plenty of academic literature that claims that there is generally such a link between PGM mining, elevated levels of nitrates and nitrites and infant deaths. However, it needs to be proven in the case of Wonderkop.

Both the sub-council key informants complained that the proliferation of backyard dwellings rented to migrant mineworkers impacted negatively on the sewage infrastructure of the village.

6.5. Air / dust

6.5.1. Historical context

In October 2013, Bench Marks Foundation published *Policy Gap 7, Coping with Unsustainability*, noting that Lonmin serially did not comply with air quality standards set by the Departments of the Environment and Minerals, Petroleum Resources and Energy. At the same time, we found that the 2004 Sustainable Development Report (SDR) commits the company to meet “air quality permit requirements”. Yet, the SDRs all contain admissions of exceeding the limits set by the permit.

A new Air Quality Act changed the measurement in 2005 to one that was less onerous. It contained different limits for residential and industrial areas. Lonmin exceeded both residential and industrial dust pollution limits every year up to 2012. On average, the SDR reported 90% compliance with the permit. No sanctions are reported. The situation with sulphur dioxide is a tale of Lonmin exceeding permitted limits, of those limits being increased without explanation and of Lonmin then again exceeding the increased limits. In 2003, Lonmin emitted more than eight and a half times the limit of 4.8 tonnes per day. Policy Gap 7 did not investigate for how long this had been going on. In 2004 and 2005, Lonmin was probably in breach of the 4.8 tonne limit. In 2006, the company was compliant because of the first of the unexplained increases in the legal limit from 4.8 to 8.3 tonnes per day. In each of the following three years, Lonmin was in breach of the new limit. In 2011, the limit was increased again to 17.9 tonnes (more than three times the original limit) and Lonmin seems to have got the increases under control. By 2012, the emissions have decreased to just above the previous, lower limit of 8.3 tonnes (Bench Marks Foundation, 2013).

Figure 26 shows the daily air quality readings for particulate matter in the air (PM₁₀), taken in 2019 from air monitoring stations in Marikana (orange), Boitekong (blue) and Reatile (green). PM₁₀ refers to coarse dust particles which are typically derived from tailings dust in mining areas. Heavy metals known to be commonly present in platinum tailing materials are chromium (Cr), nickel (Ni), copper (Cu), aluminium (Al), zinc (Zn), lead (Pb), manganese (Mn) and iron (Fe) (Jubileus, 2008). All these metals could, in excess, be harmful to the public, if inhaled or ingested.

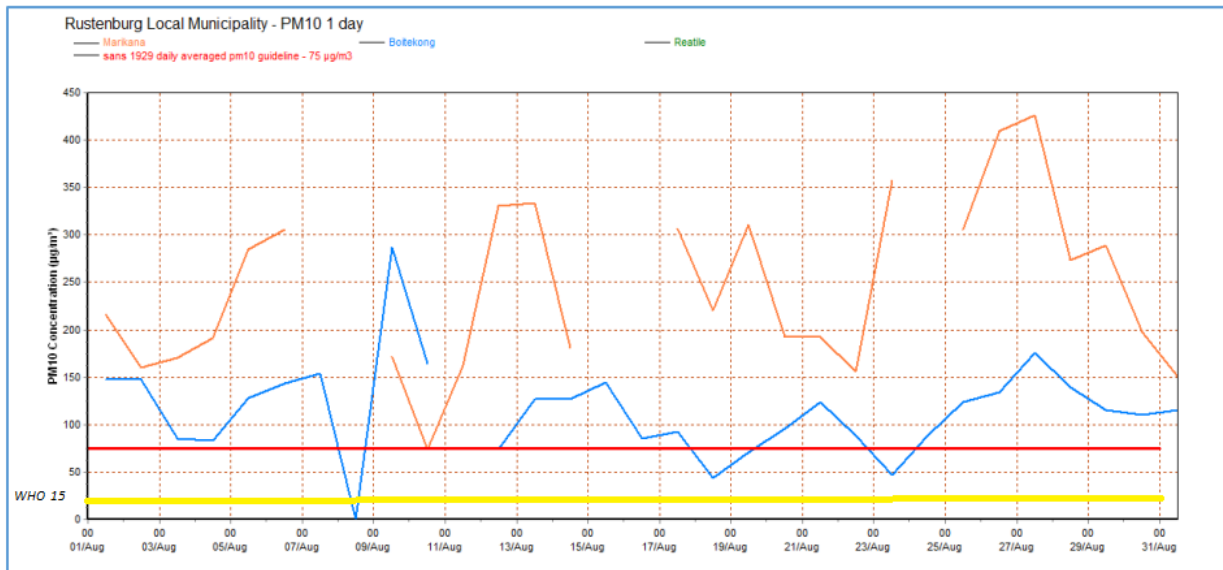


Figure 25: PM10 daily average concentrations at the RLM monitoring network stations for August 2019 (Mpanza, 2019)

Figure 26 shows actual emissions present for the Marikana area compared with South African standards (which are very relaxed) and World Health Organization standards (which are stricter). Sibanye-Stillwater is the main operational company in the Marikana area followed by the Tharisa mine.¹⁰

6.5.2. Current air quality

Sibanye-Stillwater claims that it aims to create sustainable communities in the areas where it is operating, even beyond mining and mine closure and rehabilitation (Sibanye-Stillwater, 2024) and that it is concerned about community health and well-being. The air quality around the Marikana Community centre is never very good. The station is within a 5 km radius of the smoke stack of the Sibanye-Stillwater processing plant.

¹⁰ The straight yellow line in the graph indicates the indicative air quality level set by the World Health Organisation. The straight red line indicates the South African National Standard for clean air.



Figure 26: Emission from the smoke stack at the processing plant

The dust blown from the mine tailings also poses a risk to the community and to the surrounding soil quality.

Both representatives of the sub-council complained about air pollution from the smelter and dust from the tailings. They also indicated that they are not represented on either the mine's environmental impact management committee or the disaster management committee.

The women's FGD complained that the community is exposed to air pollution and dirty water from Sibanye-Stillwater operations.

The men's FGD said that the issue of environmental pollution revolved around the smelter, the tailing facility, and the river. One participant mentioned that he understood little about the fumes from the smelter; however, the white clouds coming from the chimney are suspicious. "Some of us we are suffering from chronic asthma. See my pump. I was not born asthmatic, but as I grew up, I started having difficulties."

The youth FGD said that they believe that living in a community exposed to air pollution will impact their life span.

We are coughing here in Wonderkop. There is a chimney at Sibanye operations. The smoke that comes out of that chimney is killing us. That smoke also smells really bad.

And the female workers FGD complained about how they are exposed to pollution at work and at home in Wonderkop. They fear for their health because the emissions from the smelter engulf their community.

The smelter affects us as employees, and when we go back home, we are still affected by it. Our children are exposed to this smelter from Sibanye.

I'm exposed to the pollution when I work. During working hours, my eyes become so painful.



Figure 27: Sibanye-Stillwater operations in proximity to communities

6.5.3. Monitoring the air quality

On visits to the tailings and the community at Wonderkop, the Bench Marks team observed a single dust bucket (Figure 30).



Figure 28: Air pollution at Marikana



Figure 29: Sibanye-Stillwater dust bucket

In previous reports, Bench Marks reported the limitations of the dust bucket system to measure air quality because:

- the mine does not report to the community on the monthly findings;
- the system is not effective or accurate; and
- the technology dates back to 1976 and is not really appropriate for the 21st century.

There are currently two air monitoring stations in Marikana, one situated at the Marikana Community Centre, south-west of Wonderkop, the other located in Wonderkop itself, referred to as the Wonderkop Sibanye station. The Wonderkop Sibanye station is located upwind from the Sibanye-Stillwater processing plant, next to Rowland shaft. Figures 31 to 34 below give IQAIR readouts for both monitoring stations on 22 July 2024¹¹. IQAIR, or Air Visual, is a global air quality monitoring application which can be freely downloaded from Google Play. It combines satellite readings with earth station and Department of the Environment readings on a 24-hour basis. Bench Marks Monitors use it to assess air quality in the communities where they reside.

¹¹ IQAIR is a Swiss based company that operates the world's largest free real-time air quality information platform and engage an ever-growing number of global citizens, organizations, and governments, including the South African Government.

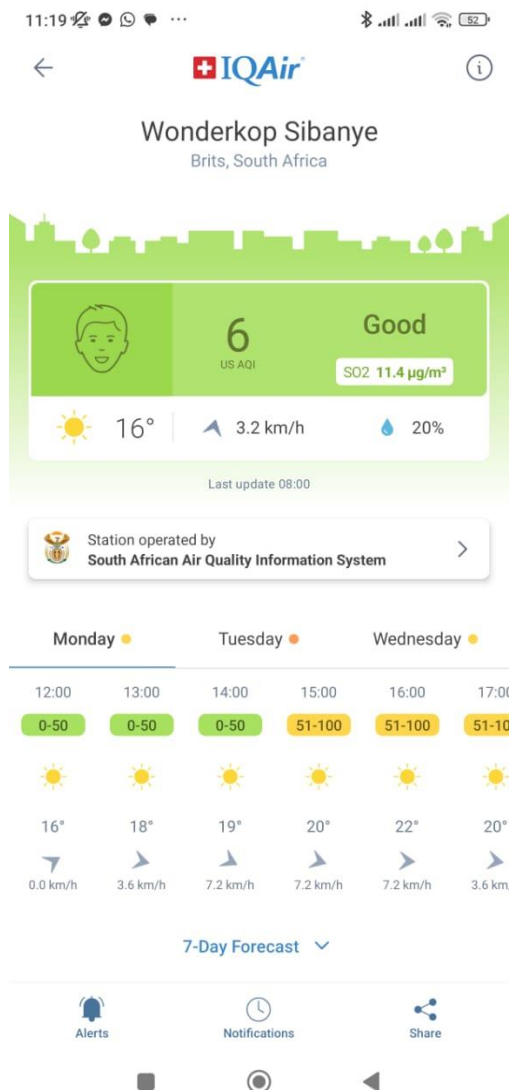


Figure 30: Reading of the Wonderkop Sibanye Air Quality Station

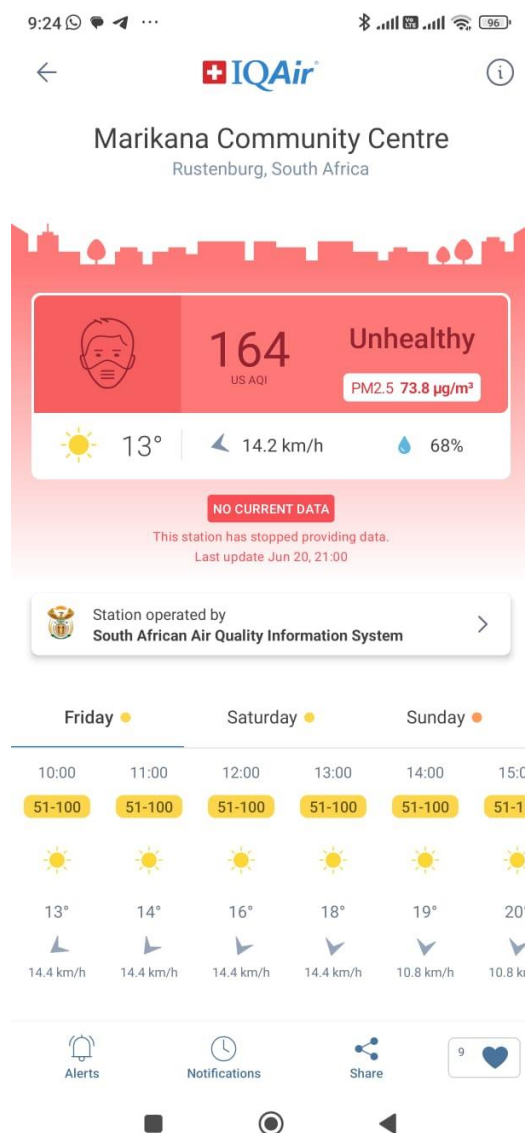


Figure 31: Reading of the Marikana Community Centre Air Quality Station

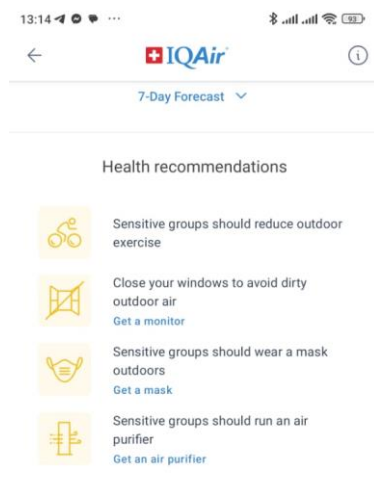


Figure 32: IQAir health recommendations



Figure 33: IQAir pollutants

Figure 32 shows that the Marikana Community Centre monitoring station is clearly not working. It shows exactly the same reading for three consecutive days, and in fact it has given the same reading day in and day out since January 2023.

Figure 33 gives the recommendations to residents as a result of the polluted air. Figure 34 shows the following pollutants:

- PM2.5 particles are floating particulate matter in the air measuring 2.5 micrometres in diameter or less. A PM 2.5 particle is so small that it can be absorbed into the bloodstream upon inhalation. For this reason, it is typically the pollutant posing the greatest health threat.
- O3 refers to Ozone which is a gas formed by ultraviolet radiation (sunlight) and oxygen molecule. Ozone is a naturally occurring compound in the atmosphere that plays a vital role in blocking harmful ultraviolet rays from the sun. However, at ground level, ozone is toxic. Ozone is created by sunlight acting on NO_x and volatile organic compounds in the atmosphere. Nitrogen oxide in the communities under review here is emitted by the Sibanye-Stillwater minerals processing plant.
- Nitrogen dioxide (NO₂) is a major contributor to the formation of smog and a precursor to many harmful secondary pollutants, including ozone and particulate matter. It is emitted by the mineral processing plant and vehicles in the Wonderkop and Marikana communities.
- Sulphur dioxide (SO₂) is a colourless gas. It belongs to a group of highly reactive gasses known as oxides of sulphur. They easily react together to form harmful compounds such as sulphuric acid, sulphurous acid, and sulphate particles.

- Sulphur dioxide come from industrial activities such as the smelting and processing of minerals where coal is burned in the process, and from vehicle exhausts.
- All the gases mentioned here cause respiratory problems, increased cardiovascular disease, asthma, lung tissue damage, and premature death.

The fact that the Wonderkop air quality station readings do not vary from day to day, or from month to month, implies that the monitoring station is dysfunctional or has been switched off. Either way, the community at Wonderkop is unable to monitor the air quality.

6.6. Housing

To say that the greater Marikana area, including Wonderkop, the RDP section, Marikana Town and Matditlhokwa, are experiencing a housing crisis is an understatement. The housing stock is in a very poor condition due to:

- Overcrowding, because of the housing policies of the mines in the area;
- The relatively shallow shaft mining and blasting, causing houses to crack;
- The tailings plumes below communities too close to tailings dams, causing wet walls.



Figure 34: Photos showing cracked housing and damp in houses in Wonderkop (Photo: community member)

6.7. Crime

6.7.1. Increased crime, unemployment, poverty and the living out allowance

The sub-council interviews explained that the impact of the migrant workers receiving a living out allowance from Sibanye-Stillwater and residing in Nkaneng informal settlement, land of the Wonderkop traditional authority, has been a steady increase in violent crime, especially ***gender-based violence***, often occurring on weekends; yet the Wonderkop clinic is closed on weekends and poorly provided for. The injured and sick from Wonderkop are expected to go to the clinic in Majakaneng, 20 kilometres away, on poor roads and with a non-existent public transport system. As the representative of the Bapo Traditional Council succinctly put it: “Often illness or injury in Wonderkop spells death over weekends.”



Figure 35: Wonderkop Clinic, crying out for corporate support

The traditional authority claims that the migrant workers from the Eastern Cape, Lesotho, Mozambique, etc. set up their own traditional courts and law and order formations and that they do not recognise the authority of the Bapo Kgosi and Traditional Council, making it difficult to maintain law and order. Mining in South Africa, in our experience, causes the collapse of customary law increasing lawlessness and crime.



Figure 36: The underfunded clinic at Wonderkop

The men's FGD reflected on the increasing crime in the Wonderkop community. One participant shared a personal story of his brother walking up to a car with no tyres. According to the participant who was part of the Community Policing Forum, crime is rife at the informal settlement, with robbery, housebreakings, killings, and kidnappings. Considerable attention was drawn to the impact of cable theft in the community, which is believed to be uncontrollable. It causes power interruptions in the community. They approached the mine security to provide support for their patrols but to no avail. Another participant suggested that Sibanye-Stillwater can benefit the community in fighting crime by integrating their surveillance cameras on the communities' high mast lights and supporting community patrollers. While crime is a national crisis, efforts to reduce and combat it depend on cooperation in society. This failure to contribute to community safety runs contrary to the work of the CEO of Sibanye-Stillwater when he said:

We believe business should be a main component of the socioeconomic ecosystems in which we operate as the economic partner. A well-functioning ecosystem creates superior value and sustainability for all participants in the ecosystem (Froneman, 2023, 15 August).

The impact of the gradual closure of the operations and labour retrenchments in the Marikana area in general and at Rowland shaft in particular has exacerbated crime in Wonderkop.

6.8. Roads

If we compare the lack of investment in Wonderkop roads and infrastructure with the overinvestment in Mooiooi, where the white supervisory employees were accommodated during apartheid, the contrasts are stark. One would have thought that, post-1994, mining companies would have changed their social spending to invest more resources and funds in near-mine communities neglected during apartheid. This is unfortunately not the case.

Given that the land belongs to the Bapo ba Mogale, one would have thought that they would be one of the wealthiest traditional communities in Africa, as these mines are historically the third biggest producers of platinum on the planet.

But Wonderkop is underdeveloped. It lacks sport and recreation facilities; it lacks the kind of infrastructure that one would associate with a normal town; and the roads, as in the rest of Marikana, are atrocious (Figure 37).



Figure 37: Roads in Wonderkop

6.8.1. Poor road infrastructure and unprotected rail crossings

Both respondents from the sub-council complained about the poor roads. Despite the fact that Lonmin started mining in Marikana in 1968, the road from Wonderkop to Marikana town, which passes the Koppie where the infamous massacre occurred, remains unpaved and in an appalling condition. The roads in Wonderkop itself are in a terrible state. The rail crossing in Marikana town remains unguarded and continues to pose a serious risk to road and pedestrian traffic (see Figure 38), although Bench Marks Foundation, in numerous reports, has repeatedly requested that it be addressed.



Figure 38: Unguarded rail crossing in Marikana, 2012 and 2024

6.9. Failure to provide local jobs

It was no coincidence that, during the FGD with the Wonderkop youth, the discussions centred around lack of jobs, lack of career opportunities, skyrocketing crime, and Sibanye's failure to engage with and provide opportunities for their community.

The issue of unemployment is very serious in this community. Unemployment is extremely high. Sibanye should assist and consult with us. Sibanye should work on empowering the youth, addressing gender-based violence and assisting with health services.

This statement reflects community frustration with high levels of local unemployment and leads to intergroup conflict and even xenophobia.

On its website, Sibanye-Stillwater advertised¹² a 12-month youth entrepreneur development programme. Applications closed on 22 January 2024. Apart from registering on the website, the advert stated that interested youth could visit Sibanye-Stillwater centres to register. Yet, the youth in Wonderkop complained that they didn't know about it. They said that Sibanye-Stillwater never engages with them and that they have no knowledge of opportunities that Sibanye-Stillwater is offering for their community.

In an effort to establish their right to operate in certain communities, mining companies often resort to manipulating residents of such areas by promising them jobs (Leonard, 2018). Such promises end up just as promises, according to the youth in Wonderkop. They believe that Sibanye-Stillwater should assist with learnerships, bursaries, and education facilities, promote entrepreneurship and assist with sports development.

They hire outsiders, not the people from here. You find that someone from Soshanguve (Pretoria) works there. You ask yourself how that person ended up working there when the people who live here don't have jobs.

6.10. Poor or absent local services

6.10.1. Limited clinic / health care

Research often focuses on the social and economic impact of mining operations on women, yet limited work has been done on the health impact (Leuenberger et al. 2021). In the Wonderkop interviews, only negative perceptions dominated in terms of health services provided in the area. There is only one clinic located in Wonderkop serving the entire community. The Andrew Saffy Memorial mine hospital at Rowland Shaft does not

¹² See Sibanye-Stillwater Youth Programme advert: <https://www.sibanyestillwater.com/wp-content/uploads/2023/12/Sibanye-Stillwater-Youth-Programme-advert.pdf>

provide access/services to community members and caters only for Sibanye staff. One woman in the women's FGD said she was once denied access and told that the hospital only serves mineworkers, not the community. Another one said she was told that she could only be assisted if she paid money.

The head of the sub-council expressed his dissatisfaction with the fact that the Marikana Renewal Programme did not consider improving the clinic in Wonderkop. The clinic has no ambulance and does not operate on a 24-hour basis or on weekends. He wondered why the Marikana Renewal Programme focused its spending on expanding the clinic in Majakaneng, when the Marikana massacre occurred in Wonderkop.

The youth raised challenges that come with lack of access to health services. The local clinic is under-resourced and serves a large community. It also closes at 16:00, leaving community members stranded in case of an emergency at night.

We don't get proper health services. The local clinic is under-resourced. There is no use to go there because I won't get the assistance I want.

There is a hospital, but it belongs to the mine and offers services to their workers. You go there they won't help you. They would want you to pay first no matter how injured you are and whether you don't have money or not. There was an incident when my brother was stabbed, and it was at night. When we took him there, we were told they wouldn't help him without paying first. We had to run around and borrow money in the middle of the night.



Figure 39: The Andrew Saffy mine hospital belonging to Sibanye-Stillwater

In the survey:

- 79.7% said that they had access to health care in their village or community.
- 70.4% used the local clinic when they needed health care.
- More than half (53.4%) described health care as poor (on a 3-point scale of excellent, good, and poor), while one-third (34.7%) said that health care was good.

6.10.2. Recreation facilities for children

A number of the FGDs were concerned about the lack of recreational facilities in general, and in particular for children.

The community FGD discussed what difference the community would like to see for their children. One participant who has an interest in football said: “I have opened a football club of under 9 years to 17 years. in this team I have observed bad behaviours of kids smoking drugs, use of hubbly (pipes)¹³”. Even with initiatives such as these, there are limited facilities: “There is only one playing field in the village” (Community FGD, 2023).

The women’s FGD was equally vociferous:

We, our children and grandchildren, and the community, need a park. Sometimes we long to go to a park with our grandchildren and rest there. We don’t have a park where we can relax as a community.

Sibanye is really hurting us as a community. You see we are talking right now? But there won’t be any change. There is no going forward. We are tired of even talking about Sibanye because nothing changes.

The male workers FGD also complained that the mine showed little interest in their living conditions and made no effort to provide sport and recreation facilities or opportunities. In talking about this, they referenced their comments to what the situation was like under Lonmin, noting that Lonmin maintained sport facilities, offered professional coaching and supported worker football and athletics teams.

The maintenance and support for sport and recreation facilities, though not comprehensive under Lonmin, have deteriorated under Sibanye according to informants.

6.11. Communication / community engagement

“It is a recurring theme that the company never respond to the community”. That was the summary view of the men’s FGD.

The community FGD also had little praise for Sibanye-Stillwater. There was a feeling of despondency and people were resigned to hopelessness. Some in the community FGD said that they had been raising complaints about Sibanye-Stillwater without success. Those who knew about it complained that the Sibanye-Stillwater grievance mechanism “was useless”, and that the company failed to respond to grievances registered. Others did not know how or where to complain. They felt that it was inappropriate to complain to

¹³ A ‘hubbly’ or ‘hubbly’ is a hookah or water pipe.

the traditional Kgotla, as the traditional authority was not responsible for negative mine impacts.

One of the participants was concerned that Sibanye-Stillwater had taken over from Lonmin, and they were caught by surprise. They were surprised to see the abrupt change. The participant raised this frustration saying in Setswana “*Sibanye se tsene ka Bokhukhuntswane re sa itse*. Loosely translated it means “Sibanye sneaked in without our knowledge”. This deep feeling of lack of transparency has given rise to speculation in the community.

And the youth FGD told of their experience:

We once heard through the grapevines that Sibanye was conducting a meeting with some people in the community. But we were shocked because the meeting wasn't made public. No youth structures were invited. There are no clear lines of communication. We don't even know which office to go to if we want to discuss community-related issues with Sibanye.

These FGD perspectives were devastatingly supported by the survey. Of the 236 respondents:

- 88.1% said that the mining company has never consulted with them and their community.
- 91.1% said that the mining company does not respect their human rights and dignity.
- 91.9% said that the mine does not communicate with them in their own language.
- Over 90% have never seen or read the mine's Environmental Management Plan, SLP, Disaster Management Plan, or Closure and Rehabilitation Plan.

While few said that they had attended a meeting where Sibanye-Stillwater was present, there was deep suspicion of the main objective of such meetings. Some said they were opportunistic; they served the company:

When they [Sibanye-Stillwater] come it is also because they want something in return. They say whatever they want. The next thing you see is their machines surveying our land.

In 2023, the community stopped Sibanye-Stillwater's exploration machines and drove them away, complaining there had been no consultation. In a later meeting with Sibanye-Stillwater, which Bench Marks Foundation personnel attended, they placed the exploration issue onto the agenda without the prior knowledge of participants, and then went ahead with the exploration.

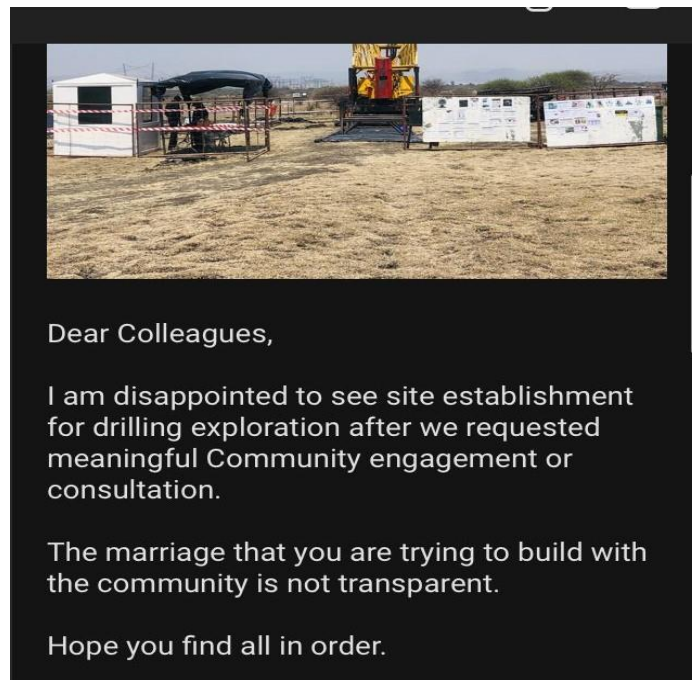


Figure 40: Message from a Wonderkop community leader

While engagements are the best way to deal with issues and problems, it is important that they are not abused by being converted into a ‘consultation’ about a project without warning.

Consultations about prospecting and further encroaching on community land requires proper engagement as defined in law and also must be based on resolution passed by the traditional council.

6.11.1. Lack of consultation with Traditional Authorities

On 4 July 2023, the research department of Bench Marks Foundation attended a workshop co-hosted by the North West Provincial House of Traditional Leaders and Corruption Watch. The feeling among traditional leaders, including those of the Bapo ba Mogale, was that of seething anger and discontent with the behaviour of mining corporations in the province. Sibanye-Stillwater still uses the pejorative “tribal” instead of the more acceptable “traditional” Authority.

The trouble with Tribe (Lowe, 2001)

The general sense of tribe as most people understand it is associated with primitiveness. To be in a tribal state is to live in an uncomplicated, traditional condition. Most African countries are economically poor and often described as less developed or underdeveloped. Westerners often conclude that these societies have not changed much over the centuries and that African poverty mainly reflects cultural and social conservatism. Interpreting present-day Africa through the lens of tribes reinforces the image of timelessness.

The truth is that Africa has as much history as anywhere else in the world. It has undergone momentous changes time and again, especially in the 20th century. While African poverty is partly a product of internal dynamics of African societies, it has also been caused by the histories of external slave trades and colonial rule.

In the West, "tribal" often implies "savage."

When the general image of tribal timelessness is applied to situations of social conflict between Africans, a particularly destructive myth results. Stereotypes of primitiveness and conservative backwardness are also linked to images of irrationality and superstition. The combination leads to portrayal of violence and conflict in Africa as primordial, savage and unchanging. This image resonates with traditional Western racist ideas and can suggest that irrational violence is inherent and natural to Africans. Just as particular conflicts elsewhere in the world have both rational and irrational components, so do those in Africa.

Box 9: The trouble with "tribe"

Among the issues of concern was the lack of “consultation” between the mining corporations and the traditional authorities.

At this workshop, traditional authorities, including the Bapo ba Mogale, expressed their unhappiness with the way mines engaged with them as custodians of customary lands and laws, and as representatives of customary communities. They complained about the loss of land, the impact on water, and the burgeoning informal settlements that have sprung up on their land, occupied by employees of the mines who are receiving the living out allowance, but who do not recognise the traditional authorities who are the custodians of the land. They complained about the violence, crime, drugs, alcohol and substance abuse, sexually transmitted diseases and child pregnancies that accompany these “invasions”. The problems expressed here all relate to the super exploitation of the cheap labour system, and the lack of decent housing policies.

According to the head of the sub-council, the mine never initiates meetings; it only attends meetings requested by the traditional authority. He indicated that he was aware of the channels of communication; however, the people are not aware of how to report grievances. This was born out by the survey:

- 91.1% said they do not know any channel to address an issue with the mine if they had a problem with Sibanye-Stillwater.

And also by all the participants in the FGDs, who said they had no idea where to report to the community.

In the community FGD, they pointed to the community leadership, saying they have not raised any complaints with the mine, and they do not know where to raise complaints should they feel aggrieved about problems with the mine, such as the dust and emission from the smelter. They say they have never directly raised their issues with the mine, and they would not know how: *“Ga re itse, remo lefifing (We don’t know, we are in the dark).”*

6.11.2. Talking to NGOs, not to the community

Sibanye is not spending money on communities, but on NGOs. Why are they not talking directly to the affected community rather than to NGOs who are not part of the community?

This question was raised by a participant in the community FGD.

Bench Marks Foundation often receives e-mails to participate in the Sibanye-Stillwater *dipitso*¹⁴ and NGO dialogues where other NGOs, some directly funded by Sibanye-Stillwater, are present. For example, Sibanye-Stillwater organised an NGO dialogue online in 2021 which was in essence a monologue –a charade rather than an honest exchange of views. In the meeting, they controlled the agenda, and lined up the NGOs aligned with the mine because of funding and work collaboration, to dispense censored criticism and praise singing. So the ‘dialogue’ is like a theatre play, with every actor carefully selected to take their position, while the rest of the participants are the audience. The play is desperately seeking legitimacy.

This strategy solicits civil society cooperation as validation of its corporate activities. This blurs the accountability line between civil society organisations and their constituencies, leaving a vacuum, and disguising a failure to directly engage with affected communities.

The company has a large public relations machinery that includes the undermining of genuine dialogue with civil society. Their non-governmental organisation (NGO) dialogue is a curated conversation that is one-sided.

Joel Bakan (2020) noted that corporations often involve NGOs in certification processes (such as those of John Ruggie, Industrias Metálicas de Monclova SA de CV (IMMSA), the Initiative for Responsible Mining Assurance, as “pliant allies rather than independent watchdogs when they partner with corporations, not least because they often rely on their corporate partners for funds”. Bakan (2020:78) quoted Peter Dauvergne:

¹⁴ Pitso refers to a traditional, customary meeting; it is a Tswana word.

By becoming part of the corporate structure, NGOs, ‘start shifting what they’ve been demanding.’ No longer do they vigorously push, criticise, and challenge corporations – instead they become cooperative supporters, muting their criticism, and becoming passive parts of the system.

Box 10: Cooptation theory

As an example of attempted co-optation, when a Bench Marks Foundation team visited Sibanye-Stillwater tailings on 14 February 2024, following the drowning in 2023, they heard complaints about the tailings from the community. Sibanye-Stillwater officials transported the team to the tailings. On the way, the mine officials suggested that Bench Marks write down its concerns in a statement which would then be integrated into a statement by Sibanye, for joint release, that will see “everyone happy.”

- Women’s focus group discussion, including church people

The ramifications of mining operations on host communities and the environment have been extensively covered in almost, if not all, the Bench Marks Foundation policy gaps and reports. Despite the government introducing legislation that are meant to protect both communities and the natural environment, the social and environmental costs on the environment remain high and the economic benefits to host communities low (Pretty and Odeku, 2017). The DMPP is failing to hold mining companies responsible for the damages these companies continue to inflict in the natural environment (Pretty and Odeku, 2017). Overall, environmental governance remains weak in post-apartheid South Africa (Leonard, 2018). For women who either live or work in mining host communities, the failure to regulate mining operations and ensure that they are not harmful to communities, has presented endless problems. According to the Centre for Environmental Rights (Muponde, 2021), these problems include the following:

- Mining impacts the quality of agricultural land where women work to sustain their families’ livelihoods (degradation of soil and water affect crop production).
- Polluted water poses health risks. Women must be caregivers to family members who are affected by mining operations.
- Women who live in host communities are also likely to experience violence, often prostitution is rife in such areas, and they are exposed to HIV/Aids and sexually transmitted illnesses. Young girls are often exposed to underage sex and teenage pregnancy.
- Women who work in the mining sector are subjected to discrimination and still account for only 12% of mine labour in South Africa. They are also subjected to low paying jobs, sexual violence and physical violence from male colleagues.

Furthermore, women are still seen and not heard. When mining companies engage with communities for entry to operate in their area, it is often men who are invited to such negotiations (Lekwadu and Lekganyane, 2022). Consequently, few women benefit from a mine operating in their communities. If anything, women end up becoming housewives of mineworkers and providing care to family members who are affected by pollution from mining operations. When a mine closes, it is women who bear a double burden of job losses and added domestic responsibilities (Kentse et al., 2021).

The relationship between Sibanye-Stillwater and the community of Wonderkop has been frosty from the beginning when the mine took over from Lonmin post the Marikana Massacre:

“They explained that they were going to make changes including a new road close to where people died and that they were going to build a stadium. We explained to them that those developments they were talking about were not being done here in the community and that whatever developments the mine is introducing should be in line with our needs as a community.” – *Maria*

Community engagement is crucial for addressing various social issues, including gender-based violence. The women who took part in this report, comprising church leaders and community elders, emphasised the importance of education for the youth and support structures for mental health. There was concern about the future of their children and grandchildren; their seemingly bleak future in a crime-infested community with no career opportunities.

“Companies like Sibanye come here to take minerals and go. They are not invested in this community. They don’t care.” – *Ntswaki*

Generally, women in many African communities are already disproportionately impacted by poverty, crime, sexual exploitation, rape and HIV/AIDS (Lekwadu and Lekganyane, 2022). In mining communities such as Wonderkop, the women mentioned that they grapple with health issues, poverty, poor service delivery, gender-based violence, safety and environmental challenges that emanate from living close to a mine. They long to spend the remaining years of their lives in a safe environment with their offspring.

“We, our children and grandchildren, and the community, need a park. Sometimes we long to go to a park with our grandchildren and rest there. We don’t have a park where we can relax as a community.” – *Kedibone* (a church woman).

“Sibanye is really hurting us as a community. We see we are talking right now? There won’t be any change. There is no going forward. We are tired of even talking about Sibanye because nothing changes.” – *Dolly* (church woman)

Research often focuses on social and economic impact of mining operations on women, yet limited work has been done on the health impact (Leuenberger et al., 2021). In

Wonderkop, only negative perceptions dominated in terms of health services provided in the area. There is only one clinic serving the entire community. The mine hospital does not provide access to community members. One woman said she was once denied access and told that the hospital only serves mineworkers, not the community. Another one said she was told that she could only be assisted if she paid money.

Yet the women participants reported that it is the mine whose operations impact the overall health of the community. The community is exposed to air pollution and dirty water from Sibanye-Stillwater operations. They questioned why Sibanye-Stillwater only hires outsiders who have contributed to disrupting the social fabric of their community:

“The men who work for the mine take advantage of girl children. They give our girls money and lure them with it. They rape our girls then use money to get out of the sticky situation. We have young girls becoming pregnant.” – *Kedibone*

Lekwadu and Lekganyane (2022) asserted that mining operations in communities can bring various criminal activities that have a huge impact on women.

“Two dead bodies were discovered in recent years. One of these was a girl who had been raped and murdered. We discovered her body here in the church premises. Nobody knew who had killed her because there are no CCTV cameras to guide us. You see our community used to be small and manageable before the mine population increased. Now there are a lot of people we don’t know. This means crime has also increased. We live in fear” – *Dolly*.

The women bewailed the fact that the police station in Wonderkop was closed some years ago and centralised at Marikana, which is far from Wonderkop.

“I also remember the story of a girl who survived attempted murder. She was raped near one of the church windows. They knocked her teeth out. They beat her with stones. God is merciful – it wasn’t her time to die. They dragged her from the streets and raped her here in the church premises! It was later discovered that the man who raped her was a mineworker who came here to work. He is not from here.” *Kedibone*

“We live in so much fear. By 5 o’clock pm, my doors are already locked. Even during daytime, we lock because we are afraid. I have four girls. It’s a problem to raise girl children in a community that is so unsafe. I always worry about them. – *Ntswaki*

“We tell our girls not to leave the house at night because they might end up as victims. The same guy who raped the girl had raped and killed another girl at a different church. He was becoming a serial rapist had he not be caught.” – *Kedibone*

While the Constitution of the Republic of South African states that every person has the right to live in an environment that does not harm them (cited by Pretty and Odeku, 2017), an elderly church woman – *Ntswaki* – showed us a video of dirty water coming from Sibanye-Stillwater operations that flood her yard and impact the structure of her house:

“Every time these people [Sibanye-Stillwater] open their water pipes, the dirty water ends up flooding my yard and affecting the structure of my house. I have tried many times to speak to Mmereki [Sibanye’s spokesperson] and each time he promised to come, but he never did. Please Sibanye people, come and see the damage your dirty water is doing to my house and backrooms.” – *Ntswaki*

Both women from the community and those employed by the mine alike indicated that Sibanye-Stillwater and Lonmin were bad, but they chose Lonmin as “a better devil”. This is despite Lonmin’s messy history that incorporated the Marikana Massacre. After purchasing Lonmin’s operations, Sibanye promised that it would “create a new legacy through healing and hope in collaboration with all shareholders” and carry on with reparations for those affected by the Massacre (Parker, 2022). These are among many of the promises of Sibanye-Stillwater building homes for the families of the deceased mineworkers (not just in the North West province, but in Mpumalanga, Eastern Cape and Lesotho as well); building schools in host communities; supporting business development and job creation (Sibanye-Stillwater, 2024). Sibanye executive vice president of stakeholder relations, Thabisile Phumo, added:

“The programmes we have been running in Marikana include corporate social investment and SLP projects. Like all SLPs, these contribute to social services and improved living conditions in communities around Marikana operations.” (See also Parker, 2022).

Yet, the women interviewed had no knowledge of any project Sibanye-Stillwater has done or is doing in their community. Below is how they compared the two companies, Sibanye-Stillwater and Lonmin:

Difference between Sibanye and Lonmin

Lonmin	Sibanye-Stillwater
“Lonmin was far much better than Sibanye. Lonmin did assist school children from the community.” – *Blessing* Lonmin offered bursaries. They sometimes supported debates at schools around here.” –*Tshireletso*	“Sibanye brings people from outside and empower them, instead of helping people in this community where it operates.” – *Blessing* “I can’t show you even one project that was brought by Sibanye in this community. Go and ask people from other areas, maybe they can tell you what Sibanye has done for them. Here it has done nothing.” – *Zombo*

“Lonmin offered examination preparedness and support (EPS) programmes to high school students in Wonderkop.” – *Oratilwe*

“Sibanye has done nothing to engage with the youth. They even fail to call us to community meetings.” – *Tobetsa*

Box 11 Focus group discussion comparing Sibanye with Lonmin

Overall, the women participants believe Sibanye has done nothing but negatively impacted the social fabric of the Wonderkop community. Without Sibanye, they believe their community would be better off.

7. Marikana Renewal Programme

7.1. Introduction

7.1.1. The company's view

When Sibanye-Stillwater took over the Lonmin operations around Marikana in 2018, they were in disarray, both in terms of actual mining and in terms of SLP implementation. Lonmin came under intense scrutiny following the Marikana Massacre in August 2012 in which 44 people died, 33 through direct police action, and the Farlam Commission into the Massacre, followed by the longest strike in South African mining history in 2014. The 2018 takeover by Sibanye-Stillwater was itself contentious as the trade union AMCU not only contested the takeover but itself also offered to take over the Lonmin operations in Marikana. It is against this background that Sibanye-Stillwater came into the picture and suffered the Covid-19 lockdown in 2020.

Sibanye-Stillwater's response to the multiple challenges that emanated from this scenario found form in the Marikana Renewal Programme. According to Sibanye-Stillwater:

Marikana Renewal aims to create a positive legacy by contributing to the delivery of tangible, sustained, long-term socio-economic value and positive impacts to enable the Marikana communities, as well as the broader district, to continue and to flourish, long after mining has ceased (Sibanye-Stillwater, 2024).

The programme is a flagship project of Sibanye-Stillwater which says it is aimed at healing and improving lives. It is divided into three sections under the headings Honour, Engage and Create (Sibanye-Stillwater, 2020). Each of these will be critically assessed in the discussion below.

7.1.2. The community's view

The community's view was that the renewal project has to do with the widows and not the community in general, and the community demonstrated little knowledge of it. This is more telling of the renewal programme, that its impact is yet to multiply. A beneficiary commented on the Fact Sheet in Figure 43. He believed that it is just used for public display, for example, "the bee farming project does not exist." One of the beneficiaries of the project dismissed it as a scheme for money-making for those high up in the offices(see Section 6.1.3.2 below). The project was supposed to benefit unemployed people in communities around Marikana. The informants believe that this project was in fact hijacked by outsiders.

While Sibanye-Stillwater's Marikana Renewal Project is gaining media currency, there is still a sense among local communities like Wonderkop that this is a project to exclusively address the direct victims of the Marikana massacre. Only one participant had been to a meeting about the project in Mooinoi, 11 kms away. This is how he explained the project:

"This Marikana Renewal Project, we went to see it in Mooinoi. Actually, we are hearing about it. There are a lot of people we did not know. In Mooinoi, they were speaking about air pollution and the building of mega city. But I have not seen their projects around" (Men FGD, 2024).

There was a resigned understanding in the group that the Marikana Renewal Project is designed to serve people other than locals. This attitude also suggests the level and content of engagement of the project with the Wonderkop community.

The men raised their concern about the future. There is a deep concern about the security of the community, the future of the youth and the sustainability of their environment.

- Only 7,2% of the respondents said that the mining company operating near their community supports community projects. Road infrastructure, construction, refuse removal and water and sanitation infrastructure were mentioned by respondents in interviews as things the company should do but doesn't.
- 98,7% had never heard of the Marikana Renewal Programme and not one had ever been consulted in the Marikana Renewal process.
- 97% of the respondents said that they have never attended a community meeting organised by the mine.

Bishop Thabo Makgoba (patron of the Marikana Renewal Programme), Thuli Madonsela (former Public Protector and main speaker at the Sibanye-Stillwater-organised Marikana Commemoration in 2020 and 2022), Dr Imtiaz Sooliman (Gift of the Givers, main speaker at the Marikana Commemoration in 2023), and Mamphela Ramphele are among the luminaries of South Africa that Sibanye-Stillwater have lined up to sell the narrative of the "Marikana Renewal" or "Marikana reimagined". Meanwhile, the ordinary members of the community in Wonderkop, living right next to Rowland Shaft where the massacre occurred, claimed, in FGDs and in the survey, that most of them have never heard of the Marikana Renewal Programme or benefited from it at all.

In its interactions with Church leaders in the near-mine communities of Marikana, Bench Marks Foundation found little or no evidence that the Marikana Renewal Programme has been discussed with community faith-based leaders and their congregants in Wonderkop; yet, the company's publicity material is replete with photos of the Head of the South African Council of Churches, Archbishop Thabo Magoba (Figure 41). Lonmin, prior to 2012, also used Bishop Desmond Tutu in a similar manner.



Figure 41: Video title, [Marikana Renewal, 2022](#)

7.1.3. Honour

7.1.3.1. The company's view

This part of the renewal programme honours the 44 lives that were lost through action, including:

- **Caring for the families.** This is a priority and Sibanye-Stillwater committed to providing 16 houses for the widows and families who had not yet benefitted from the AMCU Trust. In addition, the offer of counselling to the widows and their children remains.
- The **Sixteen-Eight Memorial Trust** was founded by Lonmin in September 2012. On the acquisition of Lonmin, Sibanye-Stillwater committed to continue funding the educational needs of the dependants of those who died, up to and including tertiary level.
- A memorial to those who died, the **Wall of Remembrance**, was unveiled in August 2021 at Sibanye-Stillwater's Marikana offices. The memorial bears the names of all the deceased to ensure they are honoured and that we remember them.

7.1.3.2. The community's view

On housing: according to Lonmin, caring for the families was a priority, and Sibanye-Stillwater committed to building 16 houses for the widows and families who had not benefitted from the AMCU Trust.

To date, 15 of the houses have been handed over to the families. Each widow selected where she would like her house to be built. The houses are in the Eastern Cape, Mpumalanga, North West province (Mahikeng), Northern Cape (Kimberley) and Lesotho (Sibanye-Stillwater, 2024).

However, the Marikana Renewal Programme addresses the needs of only 16 out of 44 families impacted by the massacre. The housing costs of the remaining families have been externalised to AMCU. The matter of proper housing for those employees and their families who survived the massacre and continue to work for Sibanye-Stillwater, some 23 479 employees (Sibanye-Stillwater, 2023), remains largely unaddressed.

Surely, the Renewal Programme should address the conditions which led to the massacre, not only in terms of the widows of those who died on that fateful day, but in terms of the underlying causes of the unrest that led to the massacre, one of which is the housing conditions of its employees. The narrow focus on the housing needs of the widows deals with the symptoms of the social unrest, after the fact, rather than with the causes thereof (Haffejee, 2024).

Bench Marks Foundation has long called on the industry to review its housing policies, scrap the living out allowance and bring housing conditions on par with mine employee housing conditions in North America and this example in Australia:

“Fly-in, fly-out” Agnew Gold Mine comprises New Holland and Waroonga, both of which are underground operations 23 km west of Leinster and employ more than 600 staff and contractors. Each year it produces more than 200,000 ounces of gold. The majority of Agnew’s 650-strong workforce live permanently in Perth and commute to site on a fly-in, fly-out roster. Agnew offers a suite of services to its workforce including:

- free gym,
- a wet mess and
- outdoor sports facilities.

Agnew also boasts a new accommodation camp and solar plus wind renewable energy farm. It is just over an hour flight from Perth or a 20-minute drive from Leinster. Employees fly to site on a chartered jet departing Perth Airport’s Terminal 2 twice weekly (Gold Fields, 2023).

It is unacceptable that South African mines are surrounded by squatter camps (misnamed informal settlements) due to the failure of South African mines to provide proper, dignified housing for their employees. There needs to be global uniformity in working and living conditions.

On wages: this global uniformity must include globally comparable wages, going beyond just living wages. The wage gap between South African and Australian mineworkers is completely unjustifiable. The weighted mean wage for the lowest paid categories in mining in the United States is US\$16.21 per hour (Itkin, 2021); the rand-dollar exchange rate fluctuates — on 30 September the average for 2024 was R18.37 to the dollar. In South Africa, the average general mineworker’s salary is R177 600 per year, which works out at

R91.08 per hour (that is US\$4.96 per hour: 30% of the US wage). Entry-level positions start even lower, at R146 730 per year (Talent.com, 2024). Sibanye-Stillwater operates in both the United States and South Africa. It is time to challenge this global wage gap.

The mine wage scale model used in South Africa is out dated, and derives from Apartheid practices, it is time to adapt to global best practice.

On employing the families: the widows and families of the deceased were offered employment, initially by Lonmin and later Sibanye-Stillwater, following the massacre.

Since 2013, 21 widows or their 23 elected representatives have accepted the offer of employment and most continue to be employed. Three people have opted for voluntary severance packages (Sibanye-Stillwater, 2024).

This involves 23 recipients out of a total of 44 people. It leaves the question open — what happened to the other 21? Bench Marks Foundation is also concerned about how the increasing trends of retrenchment in Sibanye-Stillwater mines (see Section 4.9) will impact on the employed widows and their families.

The 23 people who accepted the offer of employment, mainly women replacing their husbands who were massacred in August 2012, were family caregivers, mostly from labour sending areas: the Eastern Cape, Lesotho and Mozambique. These women had to step into the boots and overalls of their husbands and enter the dangerous workplace of underground mining, leaving behind grandmothers and children to take care of the families deprived of their breadwinners as a result of the massacre.

Bench Marks Foundation, together with the Norwegian Development Minister, met with Natascha Viljoen, who headed processing at the Marikana operation in 2012, but seemed to manage public relations and damage control in her interactions with the Farlam Commission and the media at the time (Quintal, 2012). Bench Marks raised concerns when Ms Viljoen suggested that jobs be offered to the widows or other family members to replace the massacred workers. We suggested that families be compensated the full wages of those workers till retirement, and their pensions after retirement (Mhlana, 2015).

These are some comments from women about this policy:

I do not want to take my husband's place in the mine; every day in that job will remind me of him.

Who will take care of my family and children at home if I replaced him?

*They should instead compensate me his full wages until retirement for having taken him away from me. *Gwen**

In indigenous cultures in South Africa, it is considered taboo for a person to go deeper underground than the grave of an ancestor, a sentiment often heard from striking mining

workers saying, “we are the living dead, we are daily buried, so shooting us does not matter”.

Bench Marks Foundation considers the policy of the mining industry to replace workers who die on their operations with family members as immoral. This policy has racist undertones as it is not practiced in Australia, North America or Europe.

On the memorial: both AMCU and civil society complained about the fact that the wall of remembrance is located at the Sibanye-Stillwater management offices of the company instead of at the Kopje where the massacre occurred (Madubela, 2022).

7.1.4. Engage

7.1.4.1. The company’s view

As the Sibanye-Stillwater website puts it:

Sibanye-Stillwater understands that the processes of healing and socio-economic development require meaningful engagement, participative social planning and the collaboration of all stakeholders. Implementation of this engagement process – the Letsema process – is being facilitated by ReimagineSA¹⁵.

Reimagine South Africa “uses the inclusive Letsema process in its role as coordinating agent of the renewal programme and its multiple stakeholders”. This process “follows six stages of engagement:

- Co-discover
- Co-initiate
- Co-inspire
- Co-communicate
- Co-create (1)
- Co-create (2)

Again, in the words of Sibanye-Stillwater (2024) on the Marikana Renewal Letsema process:

Sibanye-Stillwater acquired Lonmin, including its Marikana operations, in 2019 and in so doing, took over the operation of the mines that had been at the

¹⁵ The Sibanye-Stillwater website describes Reimagine SA like this: “Founded in 2016 by a team that includes Dr Mamphela Ramphele, ReimagineSA seeks to embed Ubuntu in daily interactions. Using the Letsema Process, ReimagineSA facilitates trust-building conversations that promote an inclusive and collaborative approach between parties to ensure the delivery of tangible and sustainable programmes for the benefit of communities and beneficiaries.”

centre of the Marikana tragedy in August 2012. We recognise and acknowledge the legacy of the events that unfolded in the days before and after the tragedy, and in the three years since acquiring Lonmin's assets, have sought to reach across the chasms created between stakeholders by focusing on healing, hope and renewal. The Marikana Renewal seeks not only to address the legacy, but also to promote healing and provide socio-economic redress that will facilitate the sustainability of the communities around the Marikana operation.

A key element of Letsema is continuous engagement and, thus far, the stakeholders below have been engaged in a process led by the Anglican Archbishop of Cape Town, Thabo Makgoba:

- The widows and families.
- Families and Chiefs in the labour sending areas.
- Bapo ba Mogale and other tribal authorities.
- Community-based faith and spiritual leaders .
- Community Engagement Forum stakeholders, including Rustenburg and Madibeng municipal office bearers and councillors.
- Non-governmental organisations (NGOs).

There is a tendency to fund sweetheart NGOs instead of the community directly . The 'stakeholders' are civil society and NGO formations, seemingly to the exclusion of the communities.

As part of the process, Sibanye-Stillwater promised a series of *pitso*¹⁶:

Renewal Pitso Series:

As part of the Marikana Renewal programme, a series of Pitso will be held annually. These multistakeholder dialogues are designed to encourage information sharing relating to the following themes: healing; socio-economic development and land management.

The dialogues aim to foster accountability and shared responsibility among stakeholders, rooted in the Letsema process's iterative 6-steps [of stakeholder engagement] (Marikana Renewal, 2022).

7.1.4.2. The community's view

On the co-optation of prominent public figures: a closer look at the list of "stakeholders" in this engagement process is warranted. Letsema itself is run by a

¹⁶ Pitso refers to a customary meeting, it is a traditional Tswana word.

celebrity politician, Dr Mamphela Ramphele, CEO of Reimagine South Africa. Sibanye-Stillwater has a cohort of favourite NGOs, partly or fully funded by the company,

The process was kicked off by Archbishop Thabo Makgoba, head of the South African Council of Churches. The Marikana Renewal Programme website is flooded with photographs of the bishop seeking reconciliation for the corporation over the unsavoury Lonmin Marikana Massacre, on behalf of the deceased workers (Sibanye-Stillwater, 2024). Meanwhile, in 2024, shaft closures have seen thousands of workers, including many in Marikana, being thrown into the streets through retrenchment. Should more attention not be paid to the living?

On the legacy: despite the company saying that it wants to “address the legacy”, the issue of culpability/responsibility is ignored. The result is akin to putting plasters on the festering sores, instead of dealing with the causes of the disease.

Sibanye-Stillwater steadfastly refused to use the word “massacre”, preferring instead to use the ‘neutral’ term “tragedy”.

Massacre, noun: An indiscriminate and brutal slaughter of many people.

“The attack was described as a cold-blooded massacre.”

Massacre, verb: To deliberately and brutally kill (many people).

“Thousands were brutally massacred by soldiers.”

Tragedy, noun:

An event causing great suffering, destruction, and distress, such as a serious accident, crime, or natural catastrophe (Oxford Dictionary).

Box 12: Massacre vs tragedy

“Tragedy” does not assign responsibility, it merely describes an event; “massacre” assigns culpability or responsibility; someone carries out a massacre, is responsible for killing many people.

On stage management of the process: Bench Marks Foundation staff participated in one of these engagements in 2022. Other NGOs present included the Centre for Applied Legal Studies, Legal Resources Centre and Southern Africa Resource Watch. It involved a tightly controlled and managed tour by Sibanye-Stillwater of its Marikana SLP projects. Yet all the projects visited were in Baphong and Majakaneng. *Not a single project was in Marikana, or the Wonderkop community itself.*

7.1.5.Create

7.1.5.1. The company's view

Significant value has been paid out to the community.

In Marikana in 2023, dividends to the value of R186,55 million were paid out to Bapo Ba Mogale LED Trust, Lonplats Marikana Community Development Trust and Lonplats Employee Share Ownership Trust (R225 million in 2022). The trusts play a key role in community upliftment by offering bursaries to local learners and support for small business development, agriculture, early childhood development, health, as well as crime prevention and GBVF [gender-based violence and femicide] prevention. Monies from the trusts were also used to donate ambulances and first-responder patient transporters for the benefit of communities (Sibanye-Stillwater, 2024).

Box 13: Extract from Marikana Renewal Programme, 2024

Figures 41 and 42 show some of the projects that have been delivered and their impact:



Figure 42: Section of the Marikana Renewal Programme for the 2023 Fact Sheet (Sibanye-Stillwater, 2023a)

KEY FACTS AND IMPACTS



Nine women were identified from among local community subsistence farmers to participate in this **R200,000** project



Seed boxes, eco-tunnels, water storage tanks and sprinkler irrigation provided as well as fencing to **protect the vegetable garden**



Extensive training provided covering farming skills transfer, business management and capacity building to support a thriving vegetable garden



The project will **support** people with disabilities, comorbidities and those in various home-based care centres in the community



Long-term market access secured



Through this project, we aim to give back to the communities in which our employees live and help mitigate the impact of HIV/AIDS by promoting small-scale farming to improve and sustain food security and livelihoods.*

Mandla Khosa, Project Lead, Supervisor Social Responsibility, Sibanye-Stillwater

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Figure 43: Key facts and impacts (Sibanye-Stillwater, 2023)

Vegetable projects have been important elements of the programme:

Sibanye-Stillwater has been actively involved in several vegetable projects in Marikana, aimed at promoting sustainable agriculture and improving local food security. One notable initiative is the Vegetable Tunnel Garden Project. This project, implemented in partnership with U Can Grow, involves setting up eco-tunnels to create a favourable environment for growing various vegetables.

The project aims to:

- Create employment opportunities and improve livelihoods in the community.
- Promote sustainable vegetable cultivation, contributing to local food security.
- Support vulnerable groups, including people with disabilities and those in home-based care centres.

Additionally, the Marikana Agri-Hub was launched to advance socio-economic development through agriculture. This initiative focuses on re-skilling former mineworkers and people from mining areas, providing them with opportunities in agriculture.

These projects are part of Sibanye-Stillwater's broader commitment to the renewal and socio-economic development of Marikana. (Sibanye-Stillwater, 2022).

Box 14: Marikana Renewal blurb by Sibanye-Stillwater, 2022

7.1.5.2. The community view

Projects far from Wonderkop: The “Marikana Renewal” Projects referred to are between 15 and 20 km away from Marikana and Wonderkop, the two communities directly affected by the 2012 massacre. The new Leokeng High School is not accessible to learners from either Marikana or Wonderkop.

The Marikana Massacre took place at Wonderkop, right next to the Wonderkop village, not in Bapong or Majakaneng, 21 kms away (Figure 44).

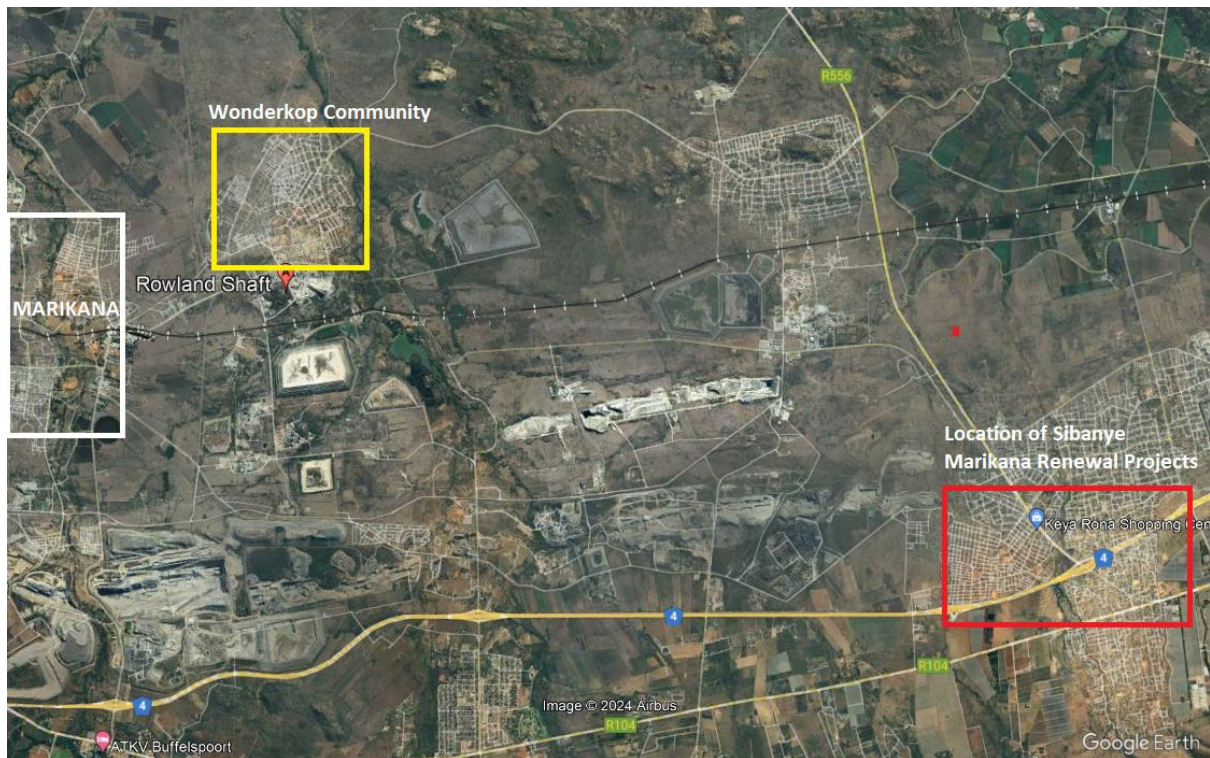


Figure 44: Location of Sibanye-Stillwater's renewal projects vis-a-vis Wonderkop and Marikana

The Marikana Agri-Hub is not located in Wonderkop or Marikana, but in Silindi, Eastern Cape, and involves 9 women, at a cost of R200 000.

The Sibanye-Stillwater-sponsored Mineworkers Development Agency Agrihub is in Karee Street, Mooinooi, and not in the Town of Marikana, or in the Wonderkop Village. Mooinooi is the overdeveloped product of apartheid spatial arrangements, constructed to accommodate white supervisory staff of the mines in Marikana, and stands in strong contrast to the underdeveloped communities of Marikana, Wonderkop, Segwaelane, Bapong and Majakaneng. The Mineworkers Development Agency (2023) was started in 1978 as an initiative of the National Union of Mineworkers. The animosity that exists between NUM and AMCU explains why the project is not located anywhere near Sibanye-Stillwater's Rowland Shaft, which is AMCU territory. This begs the question, is Sibanye-Stillwater financing the project to undermine AMCU?

Projects for PR not the community: Wonderkop community members, residents right next to Rowland Shaft where the massacre took place in 2012, complained that "Sibanye's projects are for NGOs, not for the community". We have seen how few from the survey had even heard of the Marikana Renewal Programme or any mine-related projects in their community.

One of the supposed beneficiaries of this programme informed the Bench Marks Foundation that they benefited very little and that they were "used to create photo opportunities for Sibanye".

It would seem as if the carefully guided and managed “tours” by Sibanye-Stillwater are publicity exercises aimed at influencing the media and public perceptions of Sibanye-Stillwater, instead of dealing with the lived experiences of workers and community members, and the impact of the mining operation on those whose needs are seemingly ignored.

During the company tours, one of which some Bench Marks staff members attended, little or no opportunity was offered to visitors to interact with, question, community members, except for one or two, paraded and coached by the mining company itself. And the PR certainly works for some - Box 14 below is the response of the South African Government News Agency.

The Marikana Renewal Programme seeks to promote healing and provide socio-economic redress that will facilitate the sustainability of the local communities.

Sibanye-Stillwater benefits communities through mandated Social and Labour Plans (SLPs) and various corporate social responsibility projects.

As part of the SLPs, Sibanye has delivered 22 projects in the areas of education, 13 projects in health, 6 projects in welfare, 10 projects in economic development, four projects in social infrastructure and four projects in road infrastructure.

As part of the Letsema Process, which lies at the heart of the Marikana Renewal Programme, the patron has visited families in the Eastern Cape and Lesotho and key stakeholders in Marikana.

The Government Communication and Information System visited the areas of Marikana in July, to look at the projects by the company in partnership with government and stakeholders.

Some of the projects is (sic) the first phase of the Leokeng Secondary School, which was completed in late 2021, the newly extended Majakaneng Clinic and the Majakaneng Agricultural Project.

(South African Government News Agency, 15 August 2022).

Box 15: South African Government News Agency praise for the Marikana Renewal Programme

Projects not supported: the company visit which Bench Marks attended focused on a high school constructed by Sibanye-Stillwater, a clinic which they expanded and a small back yard vegetable project (see Figures 44 and 45).

- For the ‘vegetable project’, from the observations of the research team, it would seem as if Sibanye-Stillwater rolled out a number of vegetable aquaponic “tunnel frames” to numerous households in Bapong and Majakaneng. An informal discussion with a Sibanye-Stillwater employee revealed that these frames were rolled out without proper training or support.



Figure 45: Vegetable tunnel frame according to the glossy PR material



Figure 46: Vegetable tunnel frames in reality - most are in various states of dereliction

- At Rakgatla Secondary School in Wonderkop, Bench Marks Foundation fieldworkers found a very big billboard displaying a laptop computer (Figure 47). On further investigation, the team asked some teachers at the school if there was a computer centre, with computers possibly donated by Sibanye-Stillwater. The response was: “we have a room, but there are no computers ...” It appears that Sibanye-Stillwater is donating “free Wi-Fi only”.



Figure 47: Sibanye-Stillwater advertising board - "What good is wi-fi without a computer centre?"

- On this visit it became clear that there was no impact mitigation assessment (dealing with the negative impact of the mining operation on its near-mine communities) or any community needs assessment. The intent of the Marikana Renewal Programme is therefore like other world economic forum type projects, as Anand Giridharadas referred to in Bakan, and further elaborated by Bakan (2020), put it: “what they are also saying is that the kinds of change we ought to pursue are the kinds of change that kick something back to the winners.”¹⁷ In other words, change is pursued to yield profit for investors and corporations, not to give citizens what they truly need. And while the two may sometimes align, they don’t necessarily, and they often diverge (Bakan, 2020).

Failed SLP projects: at the time of the Marikana Massacre, Lonmin had several SLP projects that had failed. The most significant one was a R20 million vegetable project about which Bench Marks reported:

The Bench Marks Foundation is also concerned about the poorly planned and executed multi-million-rand Lonmin hydroponics project near Marikana. The project provided work for about 120 people from Marikana, but it is claimed by the community that an alleged dispute between the company and the sub-contractor who managed the project, led to its collapse. The research team visited the abandoned project and found, despite the state-of-the-art equipment installed, that it was in wrack (sic) and ruin (Bench Marks Foundation, 2012).

When Sibanye-Stillwater was asked about this abandoned project during a Marikana Renewal Project field trip in 2021, the company did not even know that it existed. Instead, we were taken to the backyard vegetable project in Majakaneng.



¹⁷ Bakan attended a World Economic Forum gathering in Switzerland as part of the research process towards his book, *The New Corporation, How Good Corporations are Bad for Democracy* and interviewed corporate and civil society participants. He exposes the inhumanity of the programmes of modern corporations and how they subvert public good while pretending to promote it.

Figure 48: Abandoned, multi-million rand CSR project

Dishonest project description: Figure 49 below shows what is claimed to be organic chicken production.



Figure 49: The Agrihub "organic" chicken farming

It is clear from this photo, on the Sibanye-Stillwater website, that this chicken farming is not organic. Organic chickens must have access to the outdoors and be able to engage in natural behaviours. Conventional chickens are typically raised in confined spaces with limited access to the outdoors (Yadav, 2024) .

Project beneficiary's testimony: One of the beneficiaries of the bee farming project linked to Marikana Renewal shared the experience in an interview: "Since I got accepted into the project in 2022 with four others, I could see that everything was running smoothly." However, as time progressed, he began to be confused: "We were told that we would sign a contract, and later we were given uniforms and thereafter shown our beehives."

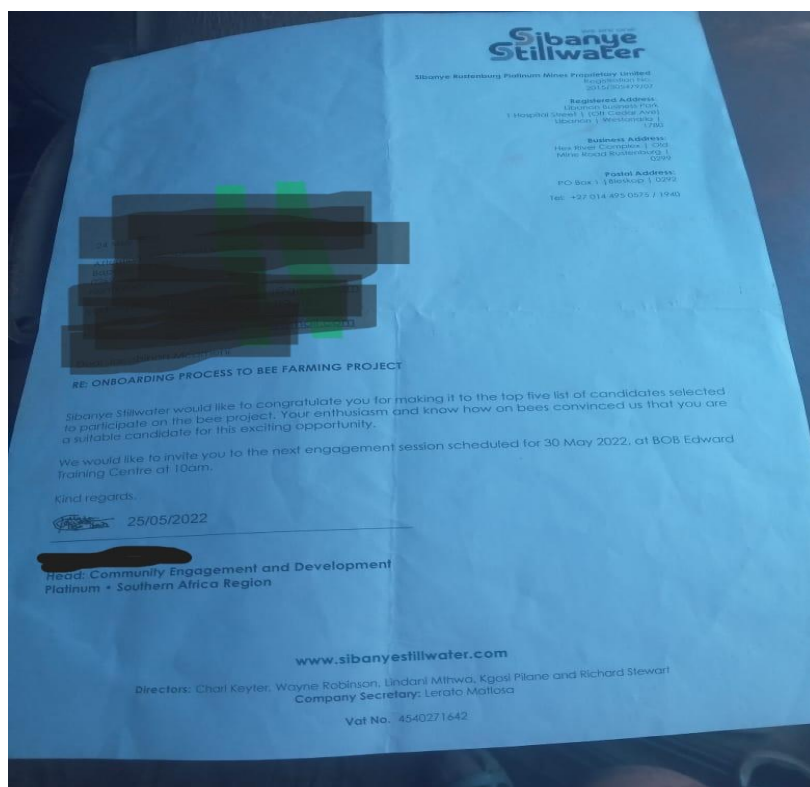


Figure 50: Letter from Sibanye-Stillwater confirming appointment as a candidate for the bee-keeping project

This rekindled his hope as he had been longing for such an opportunity. He has been unemployed for a while and had not been given any opportunity in his life. Little did he know that complications lay ahead.

While he was shown the bee hives, they were never handed over:

We were never given the beehive as per the promise; at the launch we were told that there are 100 beehives, and they will be shared amongst the five beneficiaries ... We were called by Sibanye people to go to Mmamogales kraal to the farm where the beehives were, and they took us a video.

He remembers that on that day they were promised that they would look into the budget of the project. This has not come to pass. This frustrated him and he reported to the project manager, who further increased his concern:

I reported my frustration to the project manager. He's responsible at Agri-hub. He came to see us and said he heard our complaint. However, when we raised the issues with him, his demeanour changed and he told us we must just shut up, we should not say anything or comment. We must accept anything they give us and if we are still interested in this project, we know what we must do, we must not say anything. In essence, we were threatened.

From this time the treatment towards him changed, and most of the Sibanye-Stillwater personnel linked to the project started treating him with some attitude. As this is not an

opportunity to lose, he went further to look for information from the local economic development (LED) unit of the mine, but he was further frustrated: “LED was not aware if the project has started because it has been reviewed before and was not to be implemented because there was no budget for the project.” He also received information that honey was harvested and sold to a known BEE company. Nearly two years into the project, this has left him so “confused”.

8. Comparison with Lonmin

Despite the Marikana Renewal Programme, the view of the community was universal: Lonmin, for all its sins, had been better than Sibanye-Stillwater.

Both women from the community FGD and those employed by the mine alike indicated that Sibanye-Stillwater and Lonmin were bad, but they chose Lonmin as “a better devil”. This is despite Lonmin’s messy history that included the Marikana Massacre. After purchasing Lonmin’s operations, Sibanye-Stillwater promised that it would “create a new legacy through healing and hope in collaboration with all shareholders” and carry on with reparations for those affected by the Massacre (Parker, 2022). These are among many of the promises of Sibanye-Stillwater building homes for the families of the deceased mineworkers (not just in the North West province, but in Mpumalanga, Eastern Cape and Lesotho as well); building schools in host communities; supporting business development and job creation (Sibanye-Stillwater, 2024). Sibanye-Stillwater Executive Vice President of Stakeholder Relations, Thabisile Phumo, added:

The programmes we have been running in Marikana include corporate social investment and SLP projects. Like all SLPs, these contribute to social services and improved living conditions in communities around Marikana operations. (See also Parker, 2022).

Yet, the women interviewed had no knowledge of any project Sibanye-Stillwater has done or is doing in their community. Table 3 below shows how they compared the two companies, Sibanye-Stillwater and Lonmin:

Table 3: Focus group discussions comparing Sibanye-Stillwater with Lonmin

Lonmin	Sibanye-Stillwater
“Lonmin was far much better than Sibanye. Lonmin did assist school children from the community.”	“Sibanye brings people from outside and empower them, instead of helping people in this community where it operates.”
Lonmin offered bursaries. They sometimes supported debates at schools around here.”	“I can’t show you even one project that was brought by Sibanye in this community. Go and ask people from other areas, maybe they can tell you what Sibanye has done for them. Here it has done nothing.”
“Lonmin offered examination preparedness and support (EPS) programmes to high school students in Wonderkop.”	“Sibanye has done nothing to engage with the youth. They even fail to call us to community meetings.”

Overall, the women participants believe Sibanye-Stillwater has done nothing but negatively impact the social fabric of the Wonderkop community. Without Sibanye, they believe their community would be better off.

The men's FGD also jumped straight into crude comparisons between Sibanye-Stillwater and erstwhile Lonmin. This wave of nostalgia is a widely held sentiment in Wonderkop. It signifies the gradual declining relationship between the community and the company.

Even if you can look at the surroundings of the mine itself when it was Lonmin, the mine roads and property were taken good care of. But now you can see there's no more Lonmin. They don't even care about what is happening around their premises. They are just there to make money. They don't even care about the communities. That's Sibanye.

This was how a middle-aged man in the FGD, who had lived in Wonderkop for most of his life, characterised the current relationship with Sibanye.



Figure 51: Stadium in Marikana, August 2024

The attitude that Sibanye-Stillwater has led to the deterioration of living conditions stems from the belief that valuable assets instrumental to the community's well-being are neglected and left to decay. As one participant in the men's FGD said:

With Lonmin, the stadium was covered with grass, there was renovation, it was taken care of with access control and security. Now there are a lot of youths hanging around the stadium doing drugs, and the condition of the stadium is bad. Sibanye does not care where the youth of Marikana are playing.

The hierarchy of needs of the community is being neglected by not maintaining facilities that have community value and were provided for by Lonmin before Sibanye.

9. Conclusions

As a company, Sibanye-Stillwater fails to reflect the demographics of the country in its leading structures, retaining an overwhelmingly white male dominance. It has embarked on an acquisition strategy that leads to widespread retrenchments as well as failure to provide a safe working environment.

As an employer, Sibanye-Stillwater fails to provide properly for women in the workplace, with the result that the proportion of women in the workforce remains low and the women workers remain unhappy and at risk (see section 4.10, paragraph 2). Women are numerically few and they are trapped in the lowest paying jobs, and fear arbitrary dismissals. It also fails to communicate appropriately with the workforce, with the result that employees, both male and female, see it as a poor employer. It discriminates against its South African workforce by paying them and treating them dramatically worse than their counterparts in the US and Australia, like other mining companies mining in Africa they do not follow global best practice and standards, there should be global parity in wages and working conditions.

As a neighbour, Sibanye-Stillwater continues to pollute the land, water and air of the local community, causing it great harm. In doing so, it fails to adhere to global and national regulations or to ensure that its customers do. The DMPR and the government generally fail to enforce regulations on environmental standards. It also puts the local community at great risk through the poor management of its tailings dams.

Through its failure to provide proper housing or security for its employees, it helps to create an environment in the community which encourages divisions crime, and in particular violence against women. And it fails to open productive channels of communication with the community, calling meetings only when it is in the company's interest. Its relationship with the community is one sided and abusive

Sibanye-Stillwater is viewed so negatively by the Wonderkop community that the majority see it as behaving worse than Lonmin, the previous owner, which presided over the Marikana massacre.

As an 'agent of renewal', it says that it wants to make good after the Marikana massacre but fails to recognise or address the nature or causes of that disaster. It has put forward a so-called 'Renewal Programme' which is more public relations than practical renewal. It engages in a stage-managed way with NGOs and media rather than in a real way with the community itself. The community experiences selective benefits for a few from Sibanye's projects, and the vast majority don't even know of the programme's existence. Its projects are poorly supported and inappropriate. It claims to be renewing while in practice it continues to worsen conditions through mass retrenchments.

In short, Sibanye-Stillwater fails to live up to its claimed expectations of itself and has created a deeply alienated and angry workforce and community.

10. Recommendations

10.1. To government

1. Given that the DMPR is clearly overstretched, the mining industry should no longer be answerable to a single department but fall under the jurisdiction of relevant departments (environment, health, labour, and economic development) for their line functions.

10.2. To Department of Minerals and Petroleum Resource

1. Given the decline in the mining sector, effectively plan for a transition to medium- and small-scale mining and a post-mining economy.
2. Monitor and ensure proper, regular, appropriate consultations with communities, in their languages of choice.
3. Ensure the publication and implementation of all Social and Labour Plans.
4. Require all mining companies to:
 - 4.1. inform the Dept of Home Affairs timeously of mine closures and retrenchments, including full lists of foreign nationals that will be affected.
 - 4.2. engage with the DMPR, the trade unions, pension and other fund managers and the Department of Labour to ensure that retrenched workers make their way back to labour sending areas fully compensated and content.
5. Ensure that all mining operations adhere to all provisions of the global and domestic regulatory regime.
6. Develop proper and consistent standards of communication and community engagements.

10.3. To Departments of Environment and Health

1. Play a more active role in ensuring compliance with all applicable standards on air and dust pollution.
2. Ensure that the clinic remains open 24 hours a day, 7 days a week and is supplied with an ambulance.
3. Ensure that all air pollution monitoring systems in and around mining operations are fully functional at all times and publish their results to the local community.

4. The issue of nutrition, poor wages, inadequate housing and health and safety are interlinked in most South African mining operations, both in terms of mining legislation and management practices and should be addressed in relevant legislation.

10.4. To North West Provincial Education Department

1. Engage with the community about their concerns that current education policies are detrimental to the Setswana language and culture.
2. Deal with the concern of the community that the new high school is scheduled to be built in Bapo instead of Wonderkop.

10.5. To Department of Forestry, Fisheries and the Environment

1. Play a more active role in monitoring the air and soil situation in near-mine communities, and take the necessary corrective and regulatory actions against environmental transgressions.

10.6. To Department of Land Reform and Rural Development

1. Provide support for small-scale farming in near-mine areas.
2. Provide support for the initiatives of the Marikana Renewal Programme.
3. Provide support for agricultural projects that form part of SLPs in near-mine communities.

10.7. To Department of Water and Sanitation

1. Ensure that the sewage works servicing the mining operation stop decanting highly polluted water into the Masetlwane River.
2. Provide more effective oversight over the impact of the mining operation on water in the area. Particularly seepage into surface and ground water from tailings.

10.8. To Sibanye-Stillwater

1. Prepare for mine closures:
 - 1.1. Ensure that marginal mines that are near depletion and no longer profitable are properly closed and rehabilitated, and that there are sustainable post-mining economic plans and projects in place to mitigate the impact of mine closure.
 - 1.2. Provide long-term training for when Sibanye-Stillwater discontinues its operations.

2. Review your aggressive acquisitions policy; it risks widespread closures, with all the risks they bring.
3. Make improvements for all workers:
 - 3.1. Ensure workers get a genuine voice in workplace issues.
 - 3.2. Address safety issues raised by workers especially around the long hours underground.
 - 3.3. Maintain workers housing and review the housing regulations for those that have worked for the company for a long time.
4. Treat women workers fairly and without discrimination, accommodating their needs as women in the workplace.
 - 4.1. Provide transport for women who have to arrive at work early or stay at work late, and fix the Appollo lights.
 - 4.2. Provide educational opportunities and short training courses for women mineworkers.
 - 4.3. Eliminate gender bias and give women opportunities that are too often reserved for men.
5. Invest in the community.
 - 5.1. Provide learning facilities, such as libraries, in Wonderkop and other near-mine communities.
 - 5.2. Invest in building, fixing and maintaining community infrastructure, including roads and housing.
 - 5.3. Fix and maintain sport and recreation infrastructure and provide sport coaching and support services.
 - 5.4. Fix the facilities at the graveyard: the ablution blocks are in a state of disrepair.
6. Protect the community.
 - 6.1. Fence and secure waste facilities to prevent children from drowning there and to prevent livestock from drinking toxic water or becoming stuck in the mud;
 - 6.2. Implement security measures such as an annual tailings drill.
 - 6.3. Ensure that the Environmental Incidents Register is available to the community
 - 6.4. Do effective dust mitigation on tailings and waste facilities to prevent toxic mine dust from blowing into the community and households.
Control and reduce pollution from the smelter and processing plant into the community.
 - 6.5. Create emissions transparency by immediately restoring the Wonderkop air pollution monitoring station and the Marikana Community Health Centre air pollution station to full working order and publish, to the Wonderkop community, a weekly report of the data they produce.
 - 6.6. Provide education to the community on the emissions and their health implications.
7. Improve communication
 - 7.1. Review your grievance mechanism to make it more accessible and meaningful, monitor the mechanism and make the results transparent.
 - 7.2. Involve the community in disaster management planning and environmental monitoring, as well as in planning for mine closure.

- 7.3. Adopt a non-selective approach when dealing with communities and meaningfully consult an inclusive array of community members when formulating and implementing SLPs. Base SLPs on community needs and ensure transparency on SLP progress.
- 8. Prevent corruption
 - 8.1. Stop giving ward councillors power to suggest and select people to hire.
 - 8.2. Spend less money on NGOs and publicity advertising the Marikana Renewal Programme and more resources on the Wonderkop community, which is the community that was most affected by the massacre.
 - 8.3. Guarantee protection to internal and external whistle blowers, for example, community members.
- 9. To BASF:
 - 9.1. Reflect on and review your due diligence practices.
 - 9.2. Continue to put pressure on Sibanye-Stillwater to address local grievances and commit to improving human rights and environmental due diligence obligations.
 - 9.3. Consider what direct contribution you can make to strengthen socio-economic development in the area of Sibanye's operations

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