

Community to prevent Atha-Africa's mining activity

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Stock image of mine water.

An interdict application opposing the proposed coal mine inside the Mabola Protected Environment and Ekangala-Drakensberg strategic water source area came before the Pretoria High Court on Tuesday.

Eight organisations challenged mining company Atha-Africa Ventures regarding the coal mine development as its intended area is a water hotspot for surrounding communities.

The court granted an order, which was mutually agreed upon, in which Atha-Africa gave the community coalition written consent that it will refrain from any mining or mining-related activities before giving written notice three weeks prior to the community's acting attorneys.

Atha-Africa also agreed to pay its own costs in opposing the community's interdict.

According to Catherine Horsfield, programme head of mining at the Centre for Environmental Rights, Atha-Africa demanded punitive cost orders against the community coalition and its attorneys – the Centre for Environmental Rights.

Horsfield released the following statement on the matter:

“The effect of the order is that Atha is now obliged to give 3 weeks' written notice to the coalition's attorneys before commencing any mining or mining-related activities. This is important because the coalition is challenging all the licences granted for this mine, and Atha and the coalition are not in agreement about what licences this mine would require.

In view of the irreversible damage that would be caused by mining in this important area, the coalition will take all steps necessary to prevent mining from commencing, including further court proceedings.

Atha-Africa's mining right required it to start mining within 1 year from which its environmental management programme was approved, which is today [Tuesday]. After the coalition's interdict was launched on 20 June 2017, Atha-Africa made application to the minister of Mineral Resources for an extension of this period.

The following legal challenges are still being pursued by the coalition:

1. The judicial review of the mining right, underway in the Pretoria High Court;
2. The appeal of the environmental authorisation, awaiting a hearing before a panel that will advise the Mpumalanga Environment MEC;
3. The appeal of the water use licence, awaiting hearing by the Water Tribunal;
4. The appeal of the environmental management programme, awaiting decision by the Department of Mineral Resources; and
5. A judicial review of the Environment and Mining ministers decisions to allow mining in a protected area, to be launched shortly.

Atha-Africa also still requires land use planning approval from the local authority. The coalition opposes such approval."

The coalition opposing this particular mine is Earthlife Africa Johannesburg, the Mining and Environmental Justice Community Network of South Africa, Birdlife South Africa, the Endangered Wildlife Trust, Federation for a Sustainable Environment, GroundWork, Association for Water and Rural Development and the Bench Marks Foundation.

Horsfield concluded by saying that the coalition opposes this mine because the proposed mine would be inside a declared protected area and a strategic water source area.

"It will threaten water security not only in the local area, but in the region," she said. "The damage that this mine would do to water resources cannot be undone.

"All these organisations are deeply committed to job creation and improving the quality of life of local people, but we also know that coal mining has devastated the lives, health and well-being of communities across the Highveld," she added.

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