

## Coalition welcomes Mpumalanga MEC's decision to not exclude properties from the Mabola protected area

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The members of a civil society coalition that has been challenging mining company Atha Africa's proposed new coal mine inside a Mpumalanga strategic water source area, have welcomed the decision by Mpumalanga MEC **Vusumuzi Shongwe** to withdraw his notice of intention to exclude the area proposed for mining from the Mabola Protected Environment.

Shongwe in October 2018 published his intention to exclude the proposed mining area from the Mabola Protected Environment and had called on the public to submit their comments and objections.

The coalition submitted an objection to the proposed exclusion in December.

The coalition argued that the intended exclusion would not have been legally defensible. It added that it would have been obliged to apply to the High Court to set aside such a decision had it gone ahead.

The coalition further added that it "is reassured by the MEC's decision not to go ahead with the exclusion, and relieved that it does not have a further legal challenge on its hands".

Last week, the Pretoria High Court refused Atha Africa leave to appeal the November 2018 judgment in which the court set aside the original joint permission given to Atha Africa in 2016 by former Mineral Resources Minister **Mosebenzi Zwane** and the late Environmental Affairs Minister **Edna Molewa** for the new coal mine.

Should Atha Africa persist with its intention to mine for coal in the Mabola Protected Environment, it requires new permission from the current Environmental Affairs and Mineral Resources Ministers under the Protected Areas Act.

Without that permission, commercial mining may not proceed inside a declared protected area.

The eight coalition members are the Mining and Environmental Justice Community Network of South Africa, groundWork, Earthlife Africa Johannesburg, BirdLife South Africa, the Endangered Wildlife Trust, the Federation for a Sustainable Environment, the Association for Water and Rural Development and the Bench Marks Foundation. 

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