



LEGAL RESOURCES CENTRE

NPO No. 023-004

PBO No. 930003292

National Office • 6th Floor Bram Fischer House • 25 Rissik Street • Johannesburg 2001 • South Africa • www.lrc.org.za

PO Box 9495 • Johannesburg 2000 • South Africa • Tel: (011) 838 6601 • Fax: (011) 838 4876 • Docex 278

Date: 2 October 2009

For immediate release

LRC submits expert evidence against mining in Xolobeni

On 28 September 2009 the Grahamstown office of the Legal Resources Centre (LRC) submitted two expert reports to the Minister of Minerals and Energy on behalf of the AmaDiba Crisis Committee (ACC). The reports were in support of the ACC's appeal to the Minister to set aside the mining right granted to Transworld Energy Minerals (TEM) at Xolobeni in the Eastern Cape.

One of the reports compiled by Jan Meyer, a soil fertility expert, provides that the heavy mineral mining operations planned by TEM have been discontinued in other jurisdictions such as Australia and New Zealand. TEM is a subsidiary of the Australian group Mineral Resources Commodities (MRC).

The report states that 'a significant amount of heavy mineral mining previously took place along the East Coast of Australia, New South Wales. However many of the mining operations in New South Wales have been asked to desist.'

The report also lists 10 reasons why the mining operations in New South Wales have been discontinued and describes several of them as relevant to the proposed mining at Xolobeni.

This means that TEM seeks to legitimise operations in South Africa regardless of their negative impact. The intended mining will adversely affect the traditional way of life of the Xolobeni community, some of whom have occupied the land for centuries, and will irreparably damage the coastline.

This matter began on 2 September 2008, when the ACC made an application to appeal/review the decision in terms of the Minerals and Petroleum Resources Development Act of 2002. The basis for the appeal/review is that the mining right was granted to TEM without sufficient and reasonable consultation with the Xolobeni community as an interested and affected party.

It is not known when the Minister will reconsider the decision to grant the licence but the Department has announced that the appeal/review will take place.

For further information contact the Legal Resources Centre:

Sarah Sephton
Attorney
0466229230
sarah@lrc.org.za

National Office:
Cape Town:
Durban:
Grahamstown:
Johannesburg:
Constitutional Litigation Unit:

J Love (National Director), K Reinecke (Director: Finance), A Reed (Director: Donor Liaison)
JW Pienaar (Director), A Andrews, CM Fortuin, S Kahanovitz, WR Kerfoot, C May, HJ Smith, LP Kubukeli
MR Chetty (Director), S Samuel
S Sephton (Director), K Govender
N Gobodo (Director), S Dhever, N Fakir
G Bizos SC, A Friedman, J Brickhill