

MEDIA RELEASE

27 October 2014

For immediate release

Biodiversity offset agreement for Mapungubwe vague, inadequate and unenforceable

The Save Mapungubwe Coalition raises serious concerns with the offset agreement, and requests public access to finalised annexures

1. On 8 October 2014, after several postponed signing ceremonies, Coal of Africa (CoAL), the Department of Environmental Affairs and SANParks signed a biodiversity offset agreement for CoAL's Vele Colliery mine near the Mapungubwe World Heritage Site. The conclusion of this agreement within six months is a condition of the authorisation given to the mining company in July 2011 to continue certain activities which it first began at the Vele Colliery without permission in 2010.¹
2. Notwithstanding the timeframe specified in the licence, and repeated requests from the Save Mapungubwe Coalition regarding the status of the agreement, it has taken more than three years to conclude. To our knowledge, no opportunities have been provided to any interested and affected parties to provide input into this agreement.
3. Moreover, the agreement eventually signed on 8 October 2014 is vague, inadequate and largely unenforceable. The content of the mining company's strategy for restoring the environment, as well as timelines for the various offset projects, have not been included. These details are contained in two annexures to the agreement, neither of which have been made available. The agreement does not appear to provide for any actual offset but rather a payment to SANParks. The primary purpose of the condition requiring the offset agreement was to increase the conservation area of the Mapungubwe National Park and World Heritage Site.² No mention has been made in the agreement of any increase in the conservation area.
4. The Save Mapungubwe Coalition is concerned about:
 - a. the extraordinary delay in finalising this agreement in accordance with the licence condition;
 - b. the exclusion of all interested and affected parties from the development of the agreement contrary to the licence conditions;
 - c. The failure to include the increase in the conservation area of the Mapungubwe National Park and World Heritage Site as an objective of the agreement;
 - d. the possible dangerous precedent set by the lack of clarity of the offset created by this agreement. The offset agreement is an important tool for ensuring that CoAL restores all of the ecosystems that have been depleted as a result of their mining activities; and

¹ https://www.environment.gov.za/mediarelease/environmentalauthorisation_coalfrica_velecolliery

² Clause 29 and 29.1 in the Section 24G Authorisation dated 5 July 2011.

- e. the relatively low value to be paid. R55 million in five equal instalments over 25 years (according to media reports) is not substantial in 2038 terms.
- f. The agreement terminates at the end of the “Life of Mine”, a term that is not defined, and which may mean “when CoAL decides to close the mine”. It is not clear what impact that would have on any funds still unpaid at that point.

“The offsets agreement is vital to protecting the integrity of Mapungubwe and keeping the impacts of open-cast coal mining on the area to a minimum,” said Robert Krause, researcher at the Centre for Applied Legal Studies which represents the Save Mapungubwe Coalition. “Given the push to accelerate mining in Limpopo, these measures will become increasingly important in safeguarding the archaeological heritage and unique physical environment of this region.”

The Save Mapungubwe Coalition - which consists of the Mapungubwe Action Group (MAG), Endangered Wildlife Trust (EWT), Association of Southern African Professional Archaeologists (ASAPA), the World Wide Fund For Nature South Africa (WWF SA), BirdLife South Africa (BLSA) and the Wilderness Foundation South Africa (WFSA) - is calling for the finalisation of all annexures to the biodiversity offset agreement and public access to these documents.

For inquiries, please contact:

Yolan Friedmann – CEO: Endangered Wildlife Trust

yolanf@ewt.org.za

011 372 3600

Simon Gear – Policy and Advocacy Manager: BirdLife South Africa

advocacy@birdlife.org.za

011 789 1122/ 0860 BIRDER

Dean Muruven – Water Source Areas Manager: WWF South Africa

dmuruven@wwf.org.za

011 447 1213

Melissa Fourie – Executive Director: Centre for Environmental Rights

mfourie@cer.org.za

021 447 1647