

Coalition wins court order to postpone mining in environmentally threatened area

By [Catherine Horsfield](#)

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The Pretoria High Court has granted an order to the coalition of eight organisations challenging the proposed coal mine by Atha-Africa Ventures inside the Mabola Protected Environment and Ekangala-Drakensberg strategic water source area.



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The order stipulates that Atha-Africa has given the coalition a written undertaking that it will not commence any mining or mining-related activities before giving three weeks' prior written notice to the Coalition's attorneys. Atha-Africa also agreed to pay its own costs in opposing the Coalition's interdict.

In its opposition to the interdict application, Atha-Africa had demanded punitive costs orders against the coalition and its attorneys of record, the Centre for Environmental Rights.

The effect of the order is that Atha is now obliged to give three 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 do not agree 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 one year from which its environmental management programme was approved, which is 28 June 2017. 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.

Further court challenges

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' decision 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.

Coalition opposing harmful mining

The coalition consist of 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. These are non-profit organisations working to realise people's Constitutional environmental rights to clean air, clean water and health, and sustainable, decent jobs. They defend the rights of all interested and affected parties, particularly local people, to be consulted on new developments, and to benefit equitably from them.

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 also in the region. 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 they also know that coal mining has devastated the lives, health and well-being of communities across the Highveld.

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