

## MEDIA STATEMENT

22 November 2018

### COURT RULING ON XOLOBENI A VICTORY FOR MINING-AFFECTED COMMUNITIES

For Immediate Release.

Oxfam South Africa welcomes the Pretoria High Court ruling against the Department of Minerals and Energy, and the Australian company, Transworld Energy and Mineral Resources (TEMR) over the right to mine in Xolobeni in the Wild Coast of the Eastern Cape.

The court ordered the minister of mineral resources to obtain full and formal consent from the Xolobeni community prior to granting any mining rights on their land. This after the Amadiba Crisis Committee launched a court action to protect their environment following the request by TEMR's application for rights to mine the titanium-rich sands at the Umgungundlovu area of Xolobeni.

As OxfamSA we celebrate this, not only as the victory for the people of Xolobeni, but for all the mining-affected communities in South Africa most of whom have for a long time endured brutal bullying at the hands of government and the mining multinationals.

The judgment stresses our long held belief which Oxfam across the world has been advocating for, that mining-affected communities have the right to agree or disagree to any development happening on their land which finds expression in the internationally recognized principle of Free, prior and informed consent (FPIC).

To protect the mining affected communities, including those in Xolobeni, the right to free, prior and informed consent is recognized under international law, and requires that the communities be informed about projects that may affect their lives, their land, resource and other rights in a timely manner, free of coercion and manipulation, and have the opportunity to approve or reject a project prior to the commencement of all activities.

As Oxfam SA we stand with and support the struggles of the communities living in mining areas and advocate for their right to choose and be consulted.

Speaking after the ruling OxfamSA Extractives Head Thembinkosi Dlamini said: "Free, prior and informed consent, an established human rights principle is all that the people of Amadiba have been demanding. We welcome this ruling which will go a long way in reminding government of its obligations under local and international laws to protect the interests of the people first," said Dlamini.

"The remarks by the Minister that the ruling is anti-development goes further to expose whose interests the government cares about and as an uncaring institution that is always ready to collude with multinationals in securing profits ahead of safe environment for its people that can be used by generations to come," Dlamini added.

"Government must remember mining host communities, and how its toxic collusion with the mining industry fails their efforts to secure a fair share of the proceeds from mining on their land," he added.

OxfamSA calls on government to respect this ruling and ensure they respect the rights of other mining communities to agree or reject the plans to mine on their land. The ruling also stresses the importance of consultation. A failure to uphold this ruling by the government goes against the grain of its constitutional duty to steward the interests of communities in balance with its wider developmental mandate.

While this is but one hurdle in a journey by many mining-affected communities, it is one that needs to be celebrated also in memory of all those who died in those communities fighting for the #Right2SayNo, including comrade Bazooka in Xolobeni.

ENDS

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<https://mg.co.za/article/2018-11-22-high-court-rules-in-favour-of-xolobeni-community-in-historic-mining-rights-case>

<https://www.iol.co.za/news/south-africa/gauteng/watch-xolobeni-community-scores-huge-victory-against-mining-18223575>

