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**COMPLAINT BY AFFECTED COMMUNITY MEMBERS IN RELATION TO THE SOCIAL AND ENVIRONMENTAL IMPACTS OF LONMIN PLC'S OPERATION IN MARIKANA**

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**1. INTRODUCTION**

- 1.1. This is a Complaint to the Office of the Compliance Advisor/Ombudsman ("the CAO") in relation to the social and environmental impacts of the operation of London Mining Plc's ("Lonmin's") Marikana mine in North West Province, South Africa ("the Marikana Mine"). The CAO is empowered to consider this Complaint as the International Finance Corporation ("IFC") commenced an investment in the Marikana Mine in 2007.
- 1.2. The Complaint is brought by the individual community members listed in Annexure A, and by the local community non-governmental organisation, Sikhala Sonke. All the individuals bringing the Complaint are women who live in and around the Marikana Mine and are directly affected by its impacts. Sikhala Sonke (which means "we cry together") is a local community organisation set up by women living in and around Marikana to represent the interests of those women. Throughout this Complaint, we will refer to the individuals and Sikhala Sonke together as "the Women of Marikana".
- 1.3. The complaint can be summarised simply: life in the informal settlements around the Marikana Mine is dire. There is an absence of proper housing, proper sanitation, proper roads, and accessible and reliable running water. The air and groundwater in the local communities are polluted by the operations of the mine. To the extent that the mine offers benefits in the form of employment, those benefits are offered least to women: despite promises from the IFC that its advice to Lonmin would substantially increase the employment opportunities for women at the mine, less than 8% of employees at the mine are currently women.

- 1.4. In short, the IFC-supported Lonmin operation has caused immeasurable harm to the local communities. Despite assurances by both Lonmin and the IFC that the IFC's investment would bring substantial community benefits, the facts on the ground prove otherwise.
- 1.5. In making this Complaint, the Women of Marikana have been assisted by the Centre for Applied Legal Studies ("CALs"). While CALs has the authority to draft and submit the Complaint on behalf of the Women of Marikana (see the Memorandum of Understanding at Annexure B), we should be clear that CALs is not the legal representative of the Women of Marikana. Given the nature of the CAO process, the Women of Marikana need no legal representation as such, but CALs will continue to facilitate their pursuit of this Complaint to the extent required.

## 2. SUMMARY OF COMPLAINT

- 2.1. The Complaint is split into four parts, as follows:
  - 2.1.1. **The Background** to the Complaint sets out the context of the IFC's investment in Lonmin, and highlights that a key objective of the investment was to enhance social development.
  - 2.1.2. **The South African Legal Context** sets out the obligations imposed on Lonmin by South Africa's Mineral and Petroleum Resources Development Act 28 of 2004 ("MPRDA") and sets out Lonmin's demonstrable failures to meet a number of those obligations in the years since the IFC's initial investment.
  - 2.1.3. **The Part A Complaint** focuses on the social and environmental realities of Lonmin's Marikana operation. The living conditions of local community members are squalid, housing is appalling, sanitation non-existent, and environmental pollution unacceptable. This state of affairs is a direct result of Lonmin's ongoing activities and the failure of the IFC-funded project to deliver its promised benefits. The CAO is asked to investigate

the social and environmental impacts of Lonmin's ongoing activities and to take steps to secure improvements on the ground.

2.1.4. **The Part B Complaint** is more formal and focuses on the IFC's failure properly to monitor its investment, its failure properly to ensure that its policies and standards were adhered to throughout the life of the investment, and its failure properly to ensure that its provisions, whether or not complied with, provided an adequate level of protection to the communities affected by Lonmin's ongoing activities. The CAO is asked to undertake a compliance investigation to reach conclusions on the IFC's failures and to make recommendations for remedial action to be taken.

2.2. The division of the Complaint into Parts A and B mirror the CAO's ability to pursue both a Dispute Resolution process and a Compliance Investigation. The Women of Marikana would welcome the opportunity to engage in Dispute Resolution with Lonmin to reach a negotiated solution to their Complaint. Clearly, in the event that Dispute Resolution was unsuccessful, the Women of Marikana would urge the CAO to conduct a full Compliance Investigation. However, the CAO may wish to consider conducting a Compliance Investigation irrespective of the outcome of the Dispute Resolution process. The IFC is complicit in seriously detrimental social and environmental impacts caused by an operation it supports. In those circumstances, the CAO may conclude that a successful Dispute Resolution process is insufficient, on its own, to maintain the credibility of the IFC.

2.3. For the avoidance of doubt, this Complaint is not based on the tragic events of 9 - 16 August 2012 in which 44 people died in Marikana. It is instead based on the continuing social and environmental impacts of Lonmin's IFC-supported operations on the community of Marikana. These impacts were relevant to the context in which the tragedy of August 2012 took place, but they existed before that tragedy and have continued since. Consequently, this Complaint is substantially different from the Compliance Appraisal conducted by the CAO, dated 30 August 2013. Whereas that appraisal sought to determine whether there was a causal nexus between the social and environmental impacts of Lonmin's operation and the loss of life in August 2012, this Complaint is made irrespective of any causal nexus.

### 3. BACKGROUND TO THE IFC'S INVESTMENT

#### The investment

- 3.1. Lonmin is the world's third largest producer of platinum group metals (platinum, palladium, iridium, osmium, ruthenium, and rhodium). Although it is listed on the London Stock Exchange and headquartered in London, its operations are exclusively run from mines in North West and Limpopo Provinces in South Africa.
- 3.2. On 19 December 2006, the board of the IFC approved an arrangement with Lonmin involving: i) an equity investment of USD \$50m, ii) the provision of a loan facility of up to USD \$100m, and iii) the provision of advisory services. The loan facility was never activated, but both the equity investment and the advisory services were provided ("I&A project").
- 3.3. In relation to the equity investment, USD \$35m was intended for Lonmin's expansion plans, while USD \$15m was earmarked towards a Local Economic Development Programme ("LEDP") for the greater Lonmin community around its Marikana Mine. The LEDP was highlighted by the IFC as one of the key positive development impacts of the investment, it noted:

*"A major component of Lonmin's future plans is its community development activities. Lonmin currently has a robust community development framework in place comprising a newly invigorated development trust and a social and community based function within their corporate structure. Community development is a core component of Lonmin's charter and corporate strategy. Lonmin hopes to grow these programs beyond their current capacity and will supplement their in-house expertise with IFC's expertise in design and implementation. This project component is expected to have measurable positive impacts in the areas of HIV/AIDs prevention, Municipal Development, Gender equality and Local Economic Development..."*

- 3.4. In its Summary of Proposed Investment, the IFC noted that the key mechanism within South African law for the achievement of local community development was the performance of obligations contained within the MPRDA through the

creation and implementation of a Social and Labour Plan (“SLP”). Under the Act and its implementing regulations, SLPs must include a local economic development programme, which should include infrastructure and poverty eradication projects and measures to address the housing and living conditions of mine employees and ensure socio-economic empowerment of affected communities.

3.5. In this respect, the Summary of Proposed Investment recorded that:

*“The Company will work with the Department of Mines and Energy to set a timetable for the fulfillment of the undertakings in the Social and Labour Plan portion of their conversion application. Meeting these objectives will ensure that they are in compliance with the South Africa Mining Charter.”*

3.6. In parallel to the equity investment, the IFC’s advisory service project was also aimed at local economic development. It sought the development of a comprehensive program to strengthen the social sustainability of Lonmin’s business and included: i) local supplier development, ii) a supply chain initiative to increase job opportunities for the local community, iii) gender mainstreaming to help Lonmin reach its target to increase the proportion of female employees to 10% by 2009, iv) an HIV/AIDS mitigation programme, and v) a “local revenue management” programme, with the aim of ensuring a community development plan that properly coordinated resources from the mine, the local authority and the traditional tribal authority.

3.7. In relation to the I&A project as a whole, the Board Paper noted that the objective was:

*“to assist Lonmin achieve world class safety and efficiency throughout its mining operations, and to promote sustainable economic development in the area surrounding the mining operations. IFC partnership with Lonmin is aimed at building a long term partnership that has a significant development impact in South Africa and has a demonstration effect for sustainable development throughout Africa and the world.”*

3.8. The paper continued:

*“[i]f Lonmin, with IFC’s support, can achieve the objectives of the project, it will set a new standard for the mining industry’s relationship with the country and community in South Africa, and will forge a sustainable and mutually beneficial partnership with the community surrounding the operations.”*

3.9. On 13 March 2007, the contract between the IFC and Lonmin was signed and on 11 April 2007, the first tranche of \$15 million was provided for investment in LEDP projects. Further tranches were invested in August 2007 and November 2008 in order to facilitate Lonmin’s general expansion.

3.10. What is clear is that a key objective of the IFC’s investment was to facilitate the socio-economic development of the local communities affected by the Marikana Mine. On 13 March 2007, Lonmin’s Chief Executive, Brad Mills, announced that the IFC and Lonmin had agreed “a ground breaking partnership to facilitate sustainable community development” and said as follows:<sup>1</sup>

*“This innovative partnership reflects Lonmin’s continued commitment to the long term sustainability of the communities impacted by our operations and our strong support for the ongoing development of black economic empowerment in South Africa. This programme will ensure a substantial direct investment in our local communities which, in partnership with these communities, will be utilised to deliver real improvements to community wellness. We are delighted to have the assistance and technical expertise of the IFC in this area and look forward to working closely with them in the future.”*

3.11. The Business Day newspaper reported as follows:<sup>2</sup>

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<sup>1</sup> [https://www.lonmin.com/media\\_centre/facilitate\\_sustainable\\_community\\_development2007.aspx](https://www.lonmin.com/media_centre/facilitate_sustainable_community_development2007.aspx).

<sup>2</sup> <http://www.resourceinvestor.com/2007/03/14/world-bank-body-to-put-150m-into-lonmin>.

*“The World Bank's private sector arm, The International Finance Corporation (IFC), took its largest stake in a JSE-listed company yet when it said yesterday that it would spend R370 million (\$49 million) to buy shares in platinum company Lonmin [LSE:LMI; JSE:LOL].*

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*Lonmin CEO Brad Mills said the plan was to use the cash to create “thriving communities” around Lonmin's projects so that when the platinum was depleted and the miners left, the communities would be “comfortably middle-class” and able to support themselves.”*

- 3.11 Both Parts A and B of this Complaint must be read in light of these assurances. They were assurances given not only to the Board of the IFC, but also to the local communities who would be affected by the ongoing IFC/Lonmin project. The assurances were clear: the IFC's investment would deliver substantial improvements in local economic development and would mitigate the negative social impacts of the Marikana Mine.
- 3.12 Eight years after the initial investment was made, it is transparently clear that no such benefits were delivered. To the contrary, the evidence submitted in Part A of this Complaint shows that the continuing operations at the Marikana Mine have had a substantially detrimental impact on the local communities living near it.
- 3.13 It is indisputable that Lonmin is responsible for these impacts. But the IFC must also face up to its moral responsibility. Because of the nature of the I&A project – including its focus on local community development, and its general investment in the expansion of the mine – it is impossible to separate the broad impacts of the Marikana Mine from the impacts of the I&A project. They are one and the same.
- 3.14 Through this Complaint, the Women of Marikana ask the CAO to acknowledge Lonmin's continuing breaches of the promises made to secure IFC investment. They seek the CAO's assistance in finding a negotiated solution to address Lonmin's manifestly negative impacts on its surrounding community. And they seek a finding that the IFC has manifestly failed properly to monitor its investment: the investment has not been compliant with Performance Standards on Social and

Environmental Sustainability (“Performance Standards”), and has not delivered on its promises to secure sustainable community development.

## 4. THE SOUTH AFRICAN LEGAL CONTEXT

### Legislative Framework

- 4.1 As noted above at paragraphs 3.4 – 3.5, the IFC’s investment in Lonmin was predicated on Lonmin’s delivery of local community development through the performance of obligations contained within the MPRDA by the creation and implementation of an SLP. In this respect, Lonmin’s failure to deliver adequate local community development since 2007 was not only a breach of promises made to the IFC, it was also a breach of its domestic legal obligations.
- 4.2 Although this is not the forum in which to set out in detail the nature of Lonmin’s failure to comply with its domestic legal obligations, it is relevant to this Complaint because, when deciding to agree the I&A Project, the IFC’s board presumed that Lonmin would comply with its domestic legal obligations. Accordingly, we set out below the legislative framework in summary form and briefly describe Lonmin’s failure to comply with it.
- 4.3 The Constitution of the Republic of South Africa, 1996 (“Constitution”) upholds the right of every individual to an environment that is not harmful to their health or wellbeing and to have the environment protected for the benefit of present and future generations.<sup>3</sup> As such the Constitution requires that legislation be developed to ensure the prevention of pollution and ecological degradation, the promotion of conservation and sustainable development.<sup>4</sup> The MPRDA is legislation designed to promote these objectives in the context of the extractive industries.
- 4.4 Enacted in 2004, the MPRDA is intended to, among other things: “acknowledge that South Africa’s mineral ... resources belong to the nation and that the State is the custodian thereof”; and “ensure ecologically sustainable development of

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<sup>3</sup> Section 24(a) and (b) of the Constitution of the Republic of South Africa, 1996 (“Constitution”).

<sup>4</sup> Section 24(b)(i), (ii) and (iii) of the Constitution. See also the Preamble which provides that “South Africa belongs to all who live in it”; and section 25(4)(a) which provides that the nation’s commitment to bring about equitable access to all of South Africa’s natural resources is a public interest.

mineral ... resources and to promote economic and social development”.<sup>5</sup>  
According to the South African Constitutional Court, the MPRDA —

*“constitutes a break through the barriers of exclusivity to equal opportunity and to the commanding heights of wealth-generation, economic development and power. It seeks to address the injustices of the past in the economic sector of our country in a more balanced way, by treating individual property rights with the care, fairness and sensitivity they deserve.”*<sup>6</sup>

- 4.5 In terms of the MPRDA, extractive corporations operating in South Africa with old order mining rights, i.e. mining rights granted before the enactment of the MPRDA, would have to apply for the conversion of those rights to new order mining rights. In order for this conversion to take place, certain conditions would have to be met. The most relevant condition for the conversion of an old order mining right to a new order mining right, for the purposes of this Complaint, is the submission of a SLP.<sup>7</sup>
- 4.6 A SLP is a requisite part of any application for a prospecting and mining right, without which a company cannot mine or prospect legally in South Africa. The SLP is a detailed plan on how the mining company will develop the community and the mine’s labour force. The plan is a five year plan that is renewable every five years. The mining companies must report on their progressive realisation of their respective SLPs annually.
- 4.7 The Mineral and Petroleum Resources Development Regulations (“MPRD Regulations”) set out the purpose, content and monitoring mechanism for SLPs.<sup>8</sup> The objectives of SLPs are stated to be:
- a) To promote employment and advance the social and economic welfare of all South Africans;
  - b) To contribute to the transformation of the mining industry; and

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<sup>5</sup> Preamble, MPRDA.

<sup>6</sup> *Agri South Africa v Minister for Minerals and Energy and Others* [2013] ZACC 9, para 73.

<sup>7</sup> Schedule II, section 7(2)(f) of the MPRDA.

<sup>8</sup> GN R527 in *Government Gazette* 26275 of 23 April 2004 (“MPRD Regulations”).

- c) To ensure that holders of mining rights contribute towards the socio-economic development of the areas in which they are operating.<sup>9</sup>

4.8 For this reason, the SLP should provide for a human resource development programme, which must include the mine's plan to achieve 10% women participation in mining and 40% historically disadvantaged South Africans' participation in management within five years.<sup>10</sup> The SLP should also include a local economic development programme, which itself should include infrastructure and poverty eradication projects and measures to address the housing and living conditions of the mine employees.<sup>11</sup> Further the SLP should align with the integrated development plans of the local municipalities.<sup>12</sup>

4.9 Once an SLP has been submitted to the Department of Mineral Resources ("DMR"), its content becomes binding on the mining company.

4.10 Lonmin submitted an SLP for its two divisions (Western Platinum Limited and Eastern Platinum Limited) ("Lonmin's SLPs") in 2006.<sup>13</sup> Those SLPs contained commitments in relation to, *inter alia*, housing, local economic development, environmental management, gender mainstreaming, education, and black economic empowerment. As noted above at paragraph 3.5, the IFC's financing to Lonmin was in part for the operationalisation of its SLPs.

#### **Lonmin's material failures to meet its SLP obligations**

4.11 CALS has provided a comprehensive assessment of the performance of Lonmin's SLP obligations in Annexure D. It is not necessary to repeat the detail of that Annexure here, save to note that in the following key areas, Lonmin failed to deliver on its SLP obligations:

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<sup>9</sup> Regulation 40 of the MPRD Regulations.

<sup>10</sup> Regulation 46(b)(v) of the MPRD Regulations.

<sup>11</sup> Regulation 46(c)(iii) and (iv) of the MPRD Regulations.

<sup>12</sup> Regulation 2.2(b) of the Housing and Living Conditions Standard for the Minerals Industry, GN 445 in *Government Gazette* 32166 of 29 April 2009 ("Housing Standards").

<sup>13</sup> Annexure C.

4.11.1 In respect of **housing provision** to the local community, Lonmin promised 5000 houses by 2011. Instead, it built only three of those houses. Similarly, Lonmin promised to convert 114 hostel blocks into family units. Instead, it converted only 60 of those blocks. As a consequence, the informal settlements adjacent to the Marikana mine have grown at an unprecedented rate, and well beyond infrastructure capacity.<sup>14</sup>

4.11.2 In respect of the **provision of water and sanitation** to the local community, Lonmin spent only R14.5m of a promised R25m over the SLP plan period.<sup>15</sup> Consequently, the provision of water and sanitation to the wider Lonmin community is substantially lacking.

4.11.3 In respect of Lonmin's **gender mainstreaming** commitments,<sup>16</sup> Lonmin promised to achieve a level of 10% for women in mining, and 11% for women at the mine, by 2011. Instead, the actual 2011 figures were 4.9% for women in mining and only 7.7% for women at the mine.<sup>17</sup> Consequently, there is a continuing underemployment of women from the local communities in the mine.

4.11.4 In respect of its commitments to improve **environmental conditions**, Lonmin has regularly exceeded legal limits on the emission of dust and sulphur dioxide, and its existing solution to these problems appears to have caused severe groundwater pollution.<sup>18</sup>

4.12 Although these failures cannot determine this Complaint, they illustrate that the current situation of which the Women of Marikana complain is not a situation borne of bad luck or unfortunate circumstances. Their Complaint arises as a

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<sup>14</sup> On this issue, see the Heads of Argument of the Evidence Leaders of the Marikana Commission of Inquiry, paragraphs 3 – 31 (Annexure E).

<sup>15</sup> See Lonmin's SLP Close-out Report 2013: Executive Summary (Annexure F).

<sup>16</sup> Once again, it is notable that this was a key aspect of the IFC's Advisory project with Lonmin.

<sup>17</sup> See Lonmin's SLP close-out report 2013: Executive Summary (Annexure F).

<sup>18</sup> On this issue, see the Benchmarks Foundation report: *Coping with Unsustainability – Lonmin 2003 – 2012* (Annexure G).

consequence of Lonmin's breach of its domestic legal obligations to ensure local community development.

## **5 THE PART A COMPLAINT: THE SOCIAL AND ENVIRONMENTAL IMPACTS OF THE IFC-SUPPORTED LONMIN OPERATION**

- 5.1 This part of the Complaint needs little exposition and can be summarised simply. The lived experience of the Women of Marikana could not be further from Lonmin's promise of making them "comfortably middle class". The IFC-supported Lonmin operation has caused immeasurable harm to the local communities surrounding the Marikana Mine and the IFC's I&A Project has failed to deliver the promised community benefits.
- 5.2 The statements by the Women of Marikana speak for themselves and can be found at Annexure A. Signed copies of these statements will be provided by 30 June 2015. A video showing the lived experience of the Women of Marikana can be found at Annexure H.<sup>19</sup> They set out in stark terms the experience of living adjacent to one of the richest platinum mines in the world, while often lacking running water, lacking sanitation, and lacking adequate roads.
- 5.3 A more formal assessment of the lived experience of those living in the community surrounding the Marikana Mine is set out between pages 30-42 of the Phase 2 Preliminary Report produced for the Marikana Commission of Inquiry by its senior researcher, Dr Kally Forrest: see Annexure I.
- 5.4 In light of this evidence, the Women of Marikana ask the CAO to come to Marikana to investigate the social and environmental impacts of the Marikana Mine on the local community. They hope that having done so, the CAO will arrange a Dispute Resolution process between the Women of Marikana and Lonmin management to seek to find mutually acceptable solutions to Lonmin's manifest failure to deliver on the promise it used to secure IFC investment, namely that it would lead to significant local community development.

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<sup>19</sup> Also available here: <https://www.youtube.com/watch?v=mbfdyBX4J8I>.

## **6. THE PART B COMPLAINT: NON-COMPLIANCE OF THE IFC WITH ITS OWN POLICIES AND STANDARDS**

### **Introduction**

- 6.1 In this Part of the Complaint, the Women of Marikana contend that the IFC failed properly to monitor its investment, failed properly to ensure that its policies and standards were adhered to throughout the life of the investment, and/or failed properly to ensure that its provisions, whether or not complied with, provided an adequate level of protection to the communities affected by Lonmin's ongoing activities.
- 6.2 By investing in the general expansion of Lonmin's Marikana Mine, it was incumbent on the IFC to ensure that the general operation of the mine did not have detrimental social and environmental impacts. In light of the evidence submitted in support of the Part A Complaint, it is clear that the IFC failed to do so.

### **The IFC's policies**

- 6.3 The IFC is the private sector arm of the World Bank Group which seeks to advance economic development in developing countries through investment in, and advice to, for-profit and commercial projects. In relation to the projects in which it invests and/or provides advice, the IFC has committed to a Policy on Social & Environmental Sustainability ("Sustainability Policy").
- 6.4 At the time of the commencement of the I&A Project, the 2006 version of the Sustainability Policy was in place. That Sustainability Policy stated:

*"2. Through its Policy on Social and Environmental Sustainability (the Sustainability Policy), IFC puts into practice its commitment to social and environmental sustainability. This commitment is based on IFC's mission and mandate, as explained in Section 2 of this Policy. Translating this commitment into successful outcomes depends on the efforts of IFC and its clients. Consistent with this commitment, IFC carries out the actions described in Section 3 of this Policy, including its responsibility to review projects proposed for direct financing against the Performance Standards.*

3. *The Performance Standards consist of the following:*

***Performance Standard 1: Social and Environmental Assessment and Management System***

***Performance Standard 2: Labor and Working Conditions***

***Performance Standard 3: Pollution Prevention and Abatement***

***Performance Standard 4: Community Health, Safety and Security***

***Performance Standard 5: Land Acquisition and Involuntary Resettlement***

***Performance Standard 6: Biodiversity Conservation and Sustainable Natural Resource Management***

***Performance Standard 7: Indigenous Peoples***

***Performance Standard 8: Cultural Heritage***

4. *These Performance Standards are essential documents to help IFC and its clients manage and improve their social and environment performance through an outcomes-based approach. The desired outcomes are described in the objectives of each Performance Standard, followed by specific requirements to help clients achieve these outcomes through means that are appropriate to the nature and scale of the project and commensurate with the level of social and environmental risks (likelihood of harm) and impacts. Central to these requirements is a consistent approach to avoid adverse impacts on workers, communities, and the environment, or if avoidance is not possible, to reduce, mitigate, or compensate for the impacts, as appropriate. The Performance Standards also provide a solid base from which clients may increase the sustainability of their business operations.*

5. *While managing social and environmental risks and impacts in a manner consistent with the Performance Standards is the responsibility of the client, IFC seeks to ensure that the projects it finances are operated in a manner consistent with the requirements of the Performance Standards. As a result, IFC's social and environmental review of a proposed project is an important factor in its decision to finance the project or not, and will determine the scope of the social and environmental conditions of IFC financing. By adhering to this Policy, IFC enhances the predictability, transparency, and*

*accountability of its actions and decision-making, helps clients manage social and environmental risks and improve performance, and enhances positive development outcomes on the ground.*

*6. IFC's mission is to promote sustainable private sector development in developing countries, helping to reduce poverty and improve people's lives. IFC believes that sound economic growth, grounded in sustainable private investment, is crucial to poverty reduction.*

*7. In order to accomplish its mission, IFC seeks to base partnerships with clients on the understanding that the pursuit of social and environmental opportunities is an integral part of good business. Socially and environmentally responsible businesses can enhance clients' competitive advantage and create value for all parties involved. IFC believes that this approach also helps to promote the long-term profitability of investments in emerging markets and to enable IFC to fulfill its development mandate and strengthen the public's trust in IFC.*

*8. Central to IFC's development mission are its efforts to carry out its investment operations and advisory services in a manner that "do no harm" to people or the environment. Negative impacts should be avoided where possible, and if these impacts are unavoidable, they should be reduced, mitigated or compensated for appropriately. In particular, IFC is committed to ensuring that the costs of economic development do not fall disproportionately on those who are poor or vulnerable, that the environment is not degraded in the process, and that natural resources are managed efficiently and sustainably. IFC believes the client's regular engagement with local communities about matters that directly affect them plays an important role in avoiding or reducing harm to people and the environment. IFC also recognizes that the roles and responsibilities of the private sector in respecting human rights are emerging as an important aspect of corporate social responsibility. The Performance Standards, developed by IFC to help private sector clients address environmental and*

*social risks and opportunities, are consistent with these emerging roles and responsibilities.*

*9. Accordingly, IFC endeavors to invest in sustainable projects that identify and address economic, social and environmental risks with a view to continually improving their sustainability performance within their resources and consistent with their strategies. IFC seeks business partners who share its vision and commitment to sustainable development, who wish to raise their capacity to manage their social and environmental risks, and who seek to improve their performance in this area.*

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*11. IFC's role is to review the client's assessment; to assist the client in developing measures to avoid, minimize, mitigate or compensate for social and environmental impacts consistent with the Performance Standards; to categorize the project in order to specify IFC's institutional requirements to disclose to the public project-specific information; to help identify opportunities to improve social and environmental outcomes; and to monitor the client's social and environmental performance throughout the life of IFC's investment."* (Emphasis added.)

- 6.5 Prior to any investment, the IFC committed to carrying out environmental and social due diligence of the activities proposed for its support. Proposed investments that were determined to have moderate to high levels of environmental and/or social risk, or the potential for adverse environmental and/or social impacts are carried out in accordance with specified Performance Standards on Social and Environmental Sustainability ("Performance Standards").
- 6.6 The Performance Standards applicable to the I&A Project were the 2006 Performance Standards set out in the quotation above. The key Performance Standards for the purposes of this complaint were:
- 6.6.1 Performance Standard 1: Social and Environmental Assessment and Management System. *Establishes the importance of identifying the environmental and social impacts of a project; engagement with local*

*communities; and the management of environmental and social performance throughout the life of the project.*

6.6.2 Performance Standard 3: Pollution Prevention and Abatement. *Aims to avoid adverse impacts on health and the environment by minimising pollution from projects, promoting sustainable use of resources and reducing project-related greenhouse gases.*

6.6.3 Performance Standard 4: Community Health, Safety, and Security. *Addresses the responsibility to avoid risks to community health, safety and security as a result of project activities. Ensures the safeguarding of personnel and property in accordance with human rights principles.*

6.6.4 Performance Standard 7: Indigenous Peoples. *Ensures that the development process respects the human rights, dignity, aspirations, culture and natural resource-based livelihoods of Indigenous Peoples. It also requires free, prior, informed consent of indigenous communities.*

6.7 Both the IFC's Policy on Environmental and Social Sustainability and its the Performance Standards were updated in 2012. The Women of Marikana submit that the 2012 policies must also be considered by the CAO when considering compliance, given that the 2012 policies ought to have guided the IFC's supervision of the I&A project after the publications of those policies. The detail of the updated policies is not set out here, but the CAO is urged to take them into account when considering compliance beyond 2012.

6.8 Together, the IFC's Policies and Performance Standards commit the IFC to ensure that it, *inter alia*:<sup>20</sup>

6.8.1 Ensures that the costs of economic development do not fall disproportionately on those who are poor or vulnerable;

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<sup>20</sup> IFC's Environmental and Social Sustainability Policy, paras 8 – 13.

- 6.8.2 Ensures that the environment is not degraded in the process of development;
- 6.8.3 Avoids infringing on human rights and addresses adverse human rights impacts businesses may cause or contribute to, including by setting up adequate grievance mechanisms;
- 6.8.4 Minimises gender-related risks from business activities, and creates opportunities for women.
- 6.9 Procedurally, the IFC has committed to assessing the potential impacts prior to investment through environmental and social due diligence. The IFC will only finance investment activities that are expected to meet the requirements of the Performance Standards within a reasonable period of time. It will categorise the investment risks between Category A (business activities with potential significant adverse environmental or social risks and/or impacts that are diverse, irreversible, or unprecedented) and Category C (business activities with minimal or no adverse environmental or social risks and/or impacts).<sup>21</sup>
- 6.10 Importantly, where the business activity to be financed is likely to generate potentially significant adverse impacts on communities, the IFC expects clients to engage in a process of Informed Consultation and Participation (“ICP”) and will only invest where there is Broad Community Support (“BCS”) for the business activity.
- 6.11 Once approved, direct investments of business activities remain subject to a regular program of supervision in accordance with the IFC’s Environmental and Social Review Procedures Manual. That regular supervision seeks to ensure that the Performance Standards are met by the client. Where there are persistent delays in meeting the requirements of the Performance Standards, the investment can be withdrawn.<sup>22</sup>

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<sup>21</sup> IFC’s Environmental and Social Sustainability Policy, paras 20 – 40.

<sup>22</sup> IFC’s Environmental and Social Sustainability Policy, para 22.

### **Summary of the IFC's due diligence and monitoring obligations**

- 6.12 In summary, the IFC had obligations to carry out due diligence in advance of its commitment to the I&A project, including obligations to carry out a Social and Environmental Review of the proposed investment to ensure that there was BCS for the project and to consider the project against all Performance Standards. Once the I&A Project commenced, the IFC's obligations continued. It was required to monitor its investment to ensure continued compliance with its Performance Standards and Sustainability Policy.
- 6.13 In plain language that meant that the IFC needed to be satisfied, both before approving, and during the life of, the I&A project, that the local community supported the activities of the Lonmin mine; and that the mine was enhancing community development, reducing pollution, building housing, creating jobs, and improving gender equality. Above all, the IFC was obliged to ensure that it was not complicit in an operation that did substantial harm to the local community.

### **The Environmental and Social Review**

- 6.14 Prior to the decision to commence the I&A project, the IFC published an Environmental and Social Review ("ESR"). The ESR highlighted the following matters that are material to the Complaint:

#### ***"Pollution Prevention & Abatement***

*Lonmin applies specific pollution prevention and control plus waste management practices consistent with good international practice. Greenhouse Gas Emissions (GHG) emissions are assessed, Lonmin has committed to the ICMM (International Council Mining & Minerals) position on climate change and has also committed to reduce energy consumption by 10% in 2007 compared with 2003 baseline levels. Certain areas of the project do have the potential to impact ambient conditions (eg: dust from tailings dams and smelter emissions). Appropriate strategies to minimize these and other impacts have been taken, for example measures to minimize dust from tailings dams (see below) whilst SOX emissions from the smelter have been reduced from 30 tons per day to 3 tons per day over the past 5 years.*

*Other environmental management initiatives currently underway are as follows:*

- Air Quality: Emissions inventory/Air Quality Management Plan*
- Mine Closure: Sinking Trust Fund with Bank guarantee for shortfall*
- Life Cycle Assessment: Cradle to Grave on PGM metals Platinum, Palladium and Rhodium”*

*...*

#### ***“Community Health, Safety & Security***

*The effects of noise, air quality (i.e. dust and gases such as SO<sub>2</sub>) and water pollution on surrounding communities are monitored by independent consultants on a regular basis and presented to community leaders. For example, SO<sub>2</sub> badges are disseminated in areas surrounding the smelter and periodically collected for analysis, results are disclosed but generally results are within applicable limits (occasional excursions are usually due to climatic conditions). Crack surveys are also conducted around opencast operations to check whether peoples’ houses and other structures have been affected by vibration from blasting activities. Communities have recently requested and been allowed to participate in the selection of independent consultants for water and air quality monitoring.”*

#### ***“Social Development***

*The bulk of Lonmin operations is located in the Marikana area, east of Rustenburg in the North West Province. Affected areas fall into either the Madibeng or Rustenburg Local Municipalities. There is one main Traditional Authority present in the affected area, namely the Bapo Ba Mogale. The Greater Lonmin Community, which comprises those communities and households most affected by Lonmin operations, contains just over 100,000 people living in 9 villages, 11 informal settlements, 3 mine hostels and scattered farms. Lonmin’s Limpopo Division is located at Lebowakgomo in Limpopo Province. The affected area falls within the Lepelle-Nkumpi Local Municipality. There are three Traditional Authorities present in the affected area, namely the Ledwaba, which has four villages situated near the existing Baobab Shaft; the Mphahlele, which controls roughly 30 villages, and which*

*will be impacted by the proposed new opencast pit to be developed in 2007; and the Zebediela Ndebele (Kekana), which controls approximately 27 villages in the area to be affected during a future phase of Lonmin's expansion program. An estimated 250,000 people live within the broader mining area.*

*Lonmin's primary vehicle for implementing social development initiatives is the Lonmin Development Trust (LDT). The LDT receives approximately 1% of pre-tax profit – amounting to approximately R32 million or \$4.2 million in 2005 – to spend on a range of social programs. Established two years ago with a Corporate Social Investment (CSI) focus, the Trust is currently being re-oriented and expanded to deliver on Lonmin's core commitments, i.e. implementation of Social & Labor Plan projects – as required by the Department Minerals & Energy – and assisting local communities to meet their developmental needs. The new approach emphasizes collaboration with the local municipalities, an increased focus on community-driven development and the forging of strategic partnerships with other developmental agencies.*

*Community input into LDT spending has been amplified via the stakeholder engagement process, which has resulted in some twenty 'breakthrough' projects which have been developed and implemented by community members with mentoring and funding from the Trust. LDT focus areas include education, Small & Medium Enterprise (SME) development, healthcare, safety & security and environmental management (e.g. domestic waste management & provision of adequate sanitation facilities). Lonmin has also established the Marikana Housing Development Company to expedite the process of constructing sufficient housing for its employees in the Marikana area and moving away from the single-sex hostel model. The company spent approximately \$1.9 million on housing projects in 2005 and intends to establish a process to develop up to \$100 million worth of additional local housing stock over the next four years so as to meet its own targets.*

*Although no physical displacement of households has been reported across Lonmin operations (nor is any planned), surface rental fees are paid to the owners of certain portions of the company's operational area. These owners include, among others, some of the Traditional Authorities mentioned above. In addition, Lonmin makes annual royalty payments to certain tribal authorities, notably the Bapo Ba Mogale. These payments are based upon pre-tax, pre-capex profit made on ore mined in specific areas where these Authorities held mineral rights in the past. One of the objectives of IFC's proposed Technical Assistance package to Lonmin involves assistance to the Bapo Ba Mogale Traditional Authority to access and spend its royalties in such a manner as to maximize local economic development in its area of influence."*

- 6.15 Notwithstanding the optimism noted in the ESR summary, the IFC assessed the project as a Category A risk for Environmental and Social Risk, meaning that the project had potential significant adverse environmental or social risks and/or impacts that are diverse, irreversible, or unprecedented. That categorisation ought to have placed the IFC on notice that careful and effective monitoring of the project was necessary to mitigate the identified environmental and social risks.

#### **The IFC's failures**

- 6.16 Without sight of all of the IFC's internal records on how it monitored its investment throughout its life, and how it enforced its Performance Standards and Sustainability Policy in relation to the ongoing I&A Project, it is impossible to identify all of the IFC's failures to comply with its own policies. However, on any assessment, the evidence submitted in the Part A Complaint speaks for itself: *res ipsa loquitur*. Given the clear facts on the ground, and given that the I&A Project commenced more than seven years ago, the IFC cannot credibly claim properly to have monitored its investment and ensured compliance with its policies and standards.
- 6.17 In the CAO's 2012 Compliance Appraisal of the I&A Project, the CAO noted that the documentation between the IFC and Lonmin contained no requirement for Lonmin to conduct its operations in accordance with the Performance Standards and *"the IFC's ability to monitor the client's social and environmental performance throughout*

*the life of IFC's investment and assure itself that it (IFC) was meeting its commitments under the Sustainability Policy was limited.*" If this is correct, then this is a damning indictment of the IFC's commitment to continuous monitoring of its projects against its Performance Standards and Sustainability Policy.

6.18 The Women of Marikana would welcome the opportunity to assist the CAO in identifying the specific failures of the IFC in monitoring its own investment. For the purposes of this Complaint, they raise the following headline points:

6.18.1 First, in relation to community support for the mine, it is seriously doubted there was BCS at the commencement of the I&A Project in 2007. In any case, by 2010 any community support had evaporated. Lonmin's 2008 Sustainability Report noted a substantial decrease in community support. The 2009 and 2010 Sustainability Reports contained no data on community support, likely because it was in free-fall. Then in Lonmin's 2011 Sustainability Report, received by the IFC, a "principal risk" identified within Lonmin's staff and community stakeholder engagement was that "poor community and employee relations" could result in "strike action and civil unrest". In light of all this information, the IFC ought to have been aware of the significant deterioration of mine-community relations.

6.18.2 Secondly, in relation to Lonmin's failure to deliver on its SLP obligations (as highlighted at paragraph 4.11 above), that fact could have been ascertained by a careful review of Lonmin's Sustainability Reports. Although the Sustainability Reports did not directly acknowledge Lonmin's failure to meet SLP obligations, the data contained within them show such a failure, when compared alongside the commitments made in the SLPs. Consequently, the IFC ought to have been aware that Lonmin was failing to provide adequate housing and failing to provide adequate water and sanitation to the local communities, and ought to have known that Lonmin was failing to reach its targets for gender mainstreaming in the mine.

6.18.3 Thirdly, in relation to IFC's supervision visits, it does not appear that there was any qualitative review conducted of the living conditions in the local

communities. Effective monitoring of the environmental and social impacts of the mine ought to have included such a review. Even the most basic review would have identified the very serious, detrimental impacts of the mine on the local community, and the failure of the I&A Project to deliver the benefits it promised.

- 6.19 These three points are not intended as a comprehensive list of all the failures of the IFC in monitoring its investment. They are instead intended as a starting point for a Compliance Investigation in relation to which we offer our assistance. However, as noted above, we suffer from the disadvantage of not having access to all IFC documentation on the monitoring of the I&A Project. We would welcome any steps the CAO could take to make such documentation available which would, in turn, allow a more detailed and particularised Complaint in relation to the IFC's failures.
- 6.20 Key to the Part B Complaint is the submission that the IFC must face up to its moral responsibility for the social and environmental impacts of the I&A Project, and learn from its mistakes. A policy of "do no harm" is worthless if not enforced. With Lonmin, the IFC engaged in a project that promised to deliver substantial community benefits but failed completely to ensure that those benefits were delivered. Rather than facilitating social development, the IFC has instead been complicit in a long-term act of social degradation.
- 6.21 The Women of Marikana would welcome a Dispute Resolution process with Lonmin. However, if that is where this Complaint ends, then the opportunity for the IFC to learn from its own mistakes, and avoid them in future, is lost. Consequently, the Women of Marikana urge the CAO to conduct a Compliance Investigation irrespective of the outcome of any Dispute Resolution process.

## **7. CONCLUSION**

- 7.1 The Women of Marikana are politically weak and economically weak. They live in shacks without running water and without sanitation. And they live adjacent to one of the richest platinum mines in the world. For this reason, the Women of Marikana

request that their identity be kept confidential until the CAO process reaches Dispute Resolution.

- 7.2 The IFC is politically powerful and economically powerful. How it wields that power has consequences. In this case, the impact of the IFC's actions has been to enrich the platinum mine to the detriment of the Women of Marikana. That was not the intention of the I&A project, but it is undeniably the effect. Far from being rendered "comfortably middle class" by the I&A Project, the Women of Marikana remain poor and disenfranchised.
- 7.3 This Complaint asks the CAO to assist the Women of Marikana in putting right some of the wrongs committed with IFC support. We ask the CAO to help facilitate a Dispute Resolution process with Lonmin to seek mutually acceptable solutions to the Complaint. And we ask the CAO to commence a Compliance Investigation into the I&A Project so that the IFC can learn from its mistakes and avoid them in future. The long-term credibility of the IFC demands it.

## **8. POST SCRIPT: THE REPORT OF THE MARIKANA COMMISSION OF INQUIRY**

- 8.1 The Marikana Commission of Inquiry ("Commission") was set up to investigate the tragic events that took place at Marikana between 9 – 16 August 2012. Although this Complaint does not relate specifically to those events, the Commission's mandate also included a consideration of Lonmin's responsibility for the short and long-term causes of violence at Marikana.
- 8.2 At the time of the submission of this Complaint, the Commission's Report had been provided to the President but had not been released publicly. The findings contained in that Report may include matters relevant to this Complaint. We therefore reserve the right to amend this Complaint in light of the content of that Report.

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[REDACTED]

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1. I, [REDACTED], am a 37 year old female residing at [REDACTED] of Nkaneng, an informal settlement adjacent to Lonmin and [REDACTED] of Sikhala Sonke. I live in a two roomed shack with my father (a Lonmin employee) and sister. I arrived in Nkaneng in 2011 from [REDACTED] with the aim of finding employment at Lonmin.
2. My family has electricity; a pre-paid meter box was installed by my father a few years ago. However, we do not have water nor do we have sanitation facilities. This despite the fact that we have a tap on our stand. We have to buy water from our neighbours at about R1.00 for a 20 litre bottle and require about 60 litres to survive a day. We have to wheel the water bottles from our neighbours to our home in a wheelbarrow or carry them our heads. We have to walk, on average, 15 minutes each way to get water. When it rains we cannot use the wheelbarrow and have to carry water on our heads while wearing gumboots as there are no tar roads inside Nkaneng.
3. Due to the fact that we do not have a flushable lavatory, we have to relieve ourselves in a pit toilet outside. Most people in Nkaneng use pit toilets which have a bad odour and make people sick. Our humanity is harmed by the lack of basic services.
4. Lonmin only provides one community service: it collects trash in Nkaneng every Friday. However, Lonmin should, along with the state, also provide water, electricity and roads in Nkaneng. Especially in light of the fact that a large number of Lonmin's staff live in Nkaneng. Furthermore, the IFC should ensure that Lonmin does this.
5. I have never been to a meeting hosted by the IFC, however, I have been to a meeting hosted by Lonmin. In that meeting, which happened after Sikhala Sonke's march in August 2014, Lonmin said they could not pay miners any more.
6. People in Nkaneng's feelings towards Lonmin are complicated as they are dependent on Lonmin for employment. However, after the massacre in August

2012 people have become less supportive because Lonmin sent the police to kill people for requesting higher wages.

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Signature

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Location

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Date

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[REDACTED]

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1. I, [REDACTED], am a 42 year old female residing in [REDACTED] of Nkaneng and a member of Sikhala Sonke. I used to live in a three roomed shack with my husband, a Lonmin employee, and children. On [REDACTED] my shack burnt down and I currently live in a tent on my stand with five children (three are my biological children and two are my sister's children) and cook over a fire. The tent was provided by a governmental emergency agency. Other than giving my husband a new uniform, Lonmin has not provided any assistance to my family after this tragedy. This makes me feel bad and hurt.
2. Winter has set in and it is especially cold at night; more so in a tent. My family is in the process of building another shack, we are short a few sheets of corrugated iron, cement and windows.
3. My family also does not have water, we need four 20 litre buckets to survive a day, pay R1.00 for each bucket and walk 10 minutes to collect the water from neighbours who do have water. The land we have would grow vegetables if we had water, the problem is that we do not have water to grow the plants.
4. I used to have electricity in my shack and would pay about R200.00 per month for it. As is the case for most women in Sikhala Sonke, I do not have a flushable toilet and currently use a pit toilet that I made myself.
5. Rainy season is particularly difficult for my family. Three of the five children I live with go to school and doing so in the rainy season is very difficult: the children that do not have gumboots have to wrap plastic bags around their school shoes and walk through the mud. Sometimes they just do not go to school at all when it rains and then get left behind, this hurts me.
6. The school that the children go to, Maruatona Primary School, is a Lonmin-supported school.
7. The air is polluted; people have tuberculosis caused by the dust in the air.
8. I believe that Lonmin and the government are to blame for our poor living conditions as they are required to provide services to us. I have never attended any

meetings arranged by Lonmin or the IFC. In my opinion, people do not support Lonmin because it does not provide any services to community members.

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Signature

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Location

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Date

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[REDACTED]

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1. I, [REDACTED], am a 34 year old female residing at [REDACTED] of Nkaneng and a member of Sikhala Sonke. I came to Nkaneng in 2003 looking for work and currently live on my mother's stand in a two room shack with 7 other people. I also rent out a room to shopkeepers. Three of the seven people I live with are children of school going age.
2. The electricity I have was obtained by my mother in 1999 when she had a pre-paid electricity meter installed in our home. We do not have water or sanitation and use a pit toilet outside to relieve ourselves. This means that we do not use the toilet at night because it is dangerous. We use about four buckets of water a day (more if we are doing laundry) and purchase these buckets of water from neighbours for about R1.50 a bucket. I have to make two trips to fill all four buckets using a wheelbarrow.
3. The lack of water has the biggest impact on the children because we have to find the water. Sometimes our closest neighbours do not have water and we have to look for it further away and walk longer distances to find it.
4. I often see smoke coming out of Lonmin's smelter and towards Nkaneng, this smoke and the dust in Nkaneng make people cough.
5. Lonmin does not provide any services to Nkaneng. I believe that both government and Lonmin should provide basic services to community members. Lonmin should provide these services because they have the money and people from Nkaneng work hard for Lonmin.
6. I feel hurt by the lack of progress because I have voted and because the massacre in 2012 did not change anything. I, myself, got hurt in the massacre in 2012. My living conditions are bad as I do not have a job.

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Signature

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Location

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Date

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[REDACTED]

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1. I, [REDACTED], am a 29 year old female residing at [REDACTED]Nkaneng and a member of Sikhala Sonke. I came to Nkaneng in 2009 from [REDACTED] and live with nine other people (including my mother and father) in a two room shack. There are an additional eight people living in shacks on the same property; a total of 18 people live on the property; five of them (my siblings) are minors.
2. Unlike a number of other people, the people living on my stand have both water and electricity. When the electricity cuts we are forced to use paraffin stoves which is dangerous and may cause the shack to burn down. We have a tap on our property which services a total of 18 people. However, at times water does not come out of the tap. Sometimes we have to wait and queue all day for the water to come.
3. My father is a mine worker on the mine and has been for approximately 21 years. A number of people who work for Lonmin like it because it is their employer; people who do not work for Lonmin do not feel the same. The only contentious issue for people who do work for Lonmin is remuneration. I feel bad about the conditions in Marikana because of the persistent strikes here. Lonmin should support government in the provision of basic services because its employees live here. It should fix the area and build houses and roads.

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Signature

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Location

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Date

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[REDACTED]

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1. I, [REDACTED], am a 54 year old female residing at [REDACTED] Nkaneng and a member of Sikhala Sonke. I came to Nkaneng in 1990 from [REDACTED] and have been here for 25 years. I live with my partner and 15 month old grandchild in a one room shack.
2. We do not have electricity and use a paraffin stove to cook and a candle to light up our home. The paraffin stove is harmful to our health and causes my grandchild's eyes to go red. Paraffin itself is expensive: it costs about R10.00 to buy a one litre bottle of paraffin which does not even last a full day.
3. I am unemployed and cannot afford to pay for water and often request it from the mine; it takes me an hour's walk to get water from the mine by wheelbarrow. As is the case for most people in Nkaneng, I use a pit toilet which is located on my stand.
4. The conditions in Marikana make me feel bad, I struggle to fetch water, paraffin is expensive and I have resorted to selling cool drinks to make a living.
5. My brother was one of the people who got hurt in the massacre of 2012, the bullet is still in his body and he is unemployed, currently living in [REDACTED]. People liked Lonmin before 2012 but no longer do because of the massacre.

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Signature

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Location

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Date

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[REDACTED]

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1. I, [REDACTED], am a 62 year old female residing at [REDACTED] Nkaneng and a member of Sikhala Sonke. I came to Nkaneng in 1980 from [REDACTED] to find work.
2. I currently live in a two room with five other people, one of whom is a minor in school. There are four shacks on my property. We do have a tap on the stand but water does not come out of it. I buy water from my neighbours. How far I walk depends on which one of my neighbours has water on that particular day. My family needs about 10 buckets of water a day to survive and I pay R1.50 for each bucket of water which I collect by wheelbarrow. This is very difficult for me to do as I have backaches; I have no choice but to fetch water as I need it. This pains me and hurts my feelings. I feel let down by Lonmin, we are the community that supports and contains Lonmin yet we are living in these bad conditions. The electricity I have is due to a pre-paid meter box installed in the 1990s; I pay about R600.00 a month for electricity.
3. Although I am unemployed I make a living by (i) charging rent and (ii) selling traditional beer. I also grow spinach, beetroot and corn.
4. The municipality should address the poor living conditions in Marikana. The municipality fails to address these issues, they see us as fools and we are nothing more than sitting ducks, waiting on the municipality to act.

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Signature

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Location

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Date

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[REDACTED]

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1. I, [REDACTED], am a 50 year old female residing at [REDACTED] Nkaneng and a member of Sikhala Sonke. I live in a two room shack with five other people, two of them are children of school going age and one is too young for school.
2. We do not have electricity, water or ablution facilities on our stand. I often have to collect water at 04:00 in the morning in order to avoid a long queue; if I fail to do so the children will not be able to go to school. I have to buy six 20 litre bottles of water per day, they cost about R1.50 each, which for a day is the same as a loaf of bread.
3. There are only two Jojo water tanks that serve the whole Nkaneng area and are only filled once a week. The water in those tanks only last one day and people queue for the water when it comes.
4. My family and I use a paraffin stove to cook and heat water and the children study by candlelight. This is dangerous as shack fires are often caused by candlelight accidents.
5. I think that Lonmin should assist with the provision of basic services because we are located next to it and its employees live in these conditions.

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Signature

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Location

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Date

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[REDACTED]

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1. I, [REDACTED], am a 40 year old female residing at [REDACTED] Dikhabidung and a member of Sikhala Sonke. I arrived in 2000 from [REDACTED] and live in one room shack alone.
2. There is an operational tap and electricity on my stand. Twenty-four people on the stand share the one tap.
3. There is no flushable toilet on the stand so all twenty-four people use the pit toilet outside. I do not dare to use the toilet at night and avoid relieving myself for fear of harm at night. My human dignity is impaired by this.
4. Lonmin supports the community by providing a clinic and ARVs to people living with HIV or AIDS. Lonmin should improve the living conditions of Nkaneng because we are under its control.
5. I have never attended a meeting arranged by Lonmin, the IFC or government.

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Signature

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Location

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Date

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[REDACTED]

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1. I, [REDACTED], am a 55 year old female residing at [REDACTED]Nkaneng and a member of Sikhala Sonke. I came to Nkaneng in 1999 from [REDACTED] to find work.
2. I live in a one room shack with my one child and three grandchildren.
3. We have no water, electricity or ablution facilities. We use a pit toilet to relieve ourselves and fetch water at other people's homes. We need three 20 litre bottles of water every day to survive.
4. My family and I use paraffin and candles to cook and light up our home respectively. The paraffin is harmful to the health of my grandchildren and it makes them cough.
5. I try to grow vegetables, and corn in particular, to feed my family but it does not grow. I also pick up scrap to recycle in an effort to provide for my family.
6. It hurts me that Lonmin has water, roads, electricity, but community members who live across the road, and provide labour to it do not.

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Signature

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Location

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Date

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**[REDACTED]**

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1. I, [REDACTED], am a 45 year old female residing at [REDACTED] Nkaneng and a member of Sikhala Sonke. I came to Nkaneng from [REDACTED] with my husband in 1996 and have been here since then. My husband is a machine operator at Lonmin.
2. I live with my husband and three children aged, 18, 15 and 11 in a two room shack. The shack I live in is hot in summer and cold in winter: it is not suitable for human beings.
3. We have electricity in our home and a tap in the yard. However, water does not always flow out of the tap; sometimes it comes out at night. When there is no water in the tap, my family draws water from the Jojo tanks. I have to wake up in the middle of the night to fill the buckets with water (that I use to cook, clean and do laundry), this is not safe because criminals are lurking. We walk to the Lonmin hostels to fetch water that we use to bath. My heart breaks because we struggle a lot in Nkaneng.
4. Nkaneng is dirty, the pollution has increased and the air is smoke-filled. People are always getting sick and are unhealthier than when I first arrived here.
5. Lonmin provides a clinic to community members. I have been to the clinic myself, though not very often. But there is no medication available or a limited number or types of medication.
6. We cannot afford to buy cars and are dependent on public transport. However, the public transport does not come into Nkaneng because there are no roads. That means that we have to walk long distances to get from home to public transport and back again.
7. I have never attended a meeting with Lonmin or the IFC.
8. My life could be improved with the provision of formal housing. Lonmin should provide formal houses (and roads and water) because workers provide labour to Lonmin for low wages and benefits. It is not enough money to meet a decent

standard of living. The money paid by Lonmin is not matched to the work done by the workers.

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Signature

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Location

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Date

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[REDACTED]

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1. I, [REDACTED], am a 36 year old female residing at [REDACTED] Dikhidung and a member of Sikhala Sonke. I came to Nkaneng in March 2012 from [REDACTED] to find a job.
2. I live in a formal four room house with my partner, a machine operator for Lonmin, my elderly mother in law, and my six year old child. My child goes to Maruatona Primary School. My other children live with in [REDACTED].
3. We have electricity but it cuts every night at 10:00. We also have a tap in the yard but water does not flow from it during the day. It is difficult to do every day chores due to the lack of electricity and water. We need these to be able to cook, clean, iron and bath.
4. Like most households in Nkaneng, we use a pit toilet.
5. The air is polluted, plants and vegetables don't grow the way they used to. There are fewer trees than when I first arrived; they have either died or been cut down.
6. Lonmin is responsible for the living conditions in Marikana, it should help people but it does not. I am not happy with Lonmin's promises because there is unemployment, a high crime rate, no roads and nothing is being done about it.

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Signature

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Location

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Date

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[REDACTED]

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1. I, [REDACTED], am a 60 year old female residing at [REDACTED] Dikhabidung and a member of Sikhala Sonke. I came to Nkaneng from [REDACTED] in 1993 to find a job.
2. I rent a one room shack with my partner, who is a machine operator at Lonmin, and grandchild. My grandchild goes to Thlapi Moruwe Middle School.
3. We have electricity in the yard, though it often cuts. When there is no electricity I use a gas stove and paraffin lamp. We also have a tap in the yard.
4. Everyone who lives in the yard with me uses a pit toilet. It is currently full and has already burst in the past. It is difficult to go to the toilet: I am scared that I will fall into it or that it will burst while I am using it. I do not have peace and I am not happy. In fact I am angry as Lonmin is not doing what it should do, we should have tarred roads, electricity and toilets but we do not.
5. Lonmin is responsible for our living conditions; when it hired our husbands and partners it promised that it would also provide houses and electricity — it has failed to do so. Lonmin's manager promised to improve things after the massacre by providing houses, roads and electricity. It has not done so.
6. My life is bad because I cannot sustain myself and am dependent on my partner. I have never been satisfied with Lonmin's operations in Marikana since I arrived here in 1994; Lonmin did not even assist people when it saw that they were starving in 2012.

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Signature

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Location

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Date

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[REDACTED]

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1. I, [REDACTED], am a 40 year old female residing at [REDACTED] Nkaneng and a member of Sikhala Sonke. I came to Marikana from [REDACTED] in 1994 to be with my husband.
2. I live in a shack with my husband, an operator at Lonmin, and six children; four are my biological children, one is an adopted child and one is a nephew. The children go to Rakgatla High School and [REDACTED] crèche.
3. We have electricity in the yard but it often cuts. When the electricity cuts the children do not go to school because they cannot bath in cold water.
4. We live close to a smelter, the smoke fills the air with smog and affects our breathing. I worry about how I will travel if it rains because the dirt roads flood and make it difficult to travel either by foot or by car. Sometimes even my home gets flooded when it rains.
5. We bought a tap for R800.00 but water does not come out of it and we use a pit toilet. Due to the mud in the roads on rainy season, I am unable to walk to the Jojo tanks to collect water so I leave a bucket outside and collect rain water.
6. Because I live in a shack, my roof often leaks when it rains and raises off the shack walls when there is a strong burst of wind. When it rains the children do not go to school because they cannot walk in the mud. Walking barefoot in the mud results in cuts from unseen sharp objects in the mud. On, 3 June 2015 the children did not go to school because it was raining and they could not get through the mud. This breaks my heart because my children will be left behind educationally.
7. Lonmin is supposed to improve our living conditions because we live on the mine.

It is supposed to build houses for us. The community has lost faith in Lonmin because it does nothing for us.

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Signature

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Location

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Date

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[REDACTED]

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1. I, [REDACTED], am a 35 year old female residing at [REDACTED] Nkaneng and a member of Sikhala Sonke. I came to Marikana from [REDACTED], in May 2012 to live with my sister.
2. I live on a shack with electricity, a tap in the yard and a pit toilet. I would like to live in a formal house; a shack is not a proper or permanent dwelling place.
3. My living conditions are bad; in order to live well we need money, jobs and education. These would allow us to break the cycle of poverty.
4. The roads are dusty when it is dry and muddy when it is wet. When it rains, we cannot go anywhere or complete basic chores. Lonmin is to blame for the air pollution, we are its community and it should help us.
5. I am also frustrated by Lonmin failure to communicate adequately with the community on the needs of the workers.

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Signature

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Location

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Date

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[REDACTED]

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1. I, [REDACTED], am a 49 year old female residing at [REDACTED] Dikhabidung and the [REDACTED] of Sikhala Sonke. I came to Nkaneng from [REDACTED] in 1999 to find greener pastures.
2. I live in a one room shack with my daughter and grandchild. I source electricity from someone who has it and have a tap in the yard. The water supply through the tap is irregular. We use a pit toilet, when it is full we pay someone to come and empty it out. My daughter works at Lonmin in the [REDACTED] offices. She is not very expressive about the way in which the current conditions impact her because she does not want to endanger her job or attract scrutiny in any way. The food provided by government to my grandchild's school does not reach her stomach because people steal the food that is intended for the school. Although the food was provided by government, Lonmin should step in to assist especially as the school services their employees' children who are going hungry due to theft.
3. The air is polluted, there is grey dust in it that settles on furniture and crockery.
4. Lonmin provides bursaries to community members; however, this is not well communicated to the community, people do not know about this. Lonmin also provides trash removal services.
5. The living conditions in Nkaneng are particularly bad when it rains: the roads are difficult to travel and cars are not able to get through; the electricity cuts; toilets overflow and we are unable to relieve ourselves.
6. Lonmin and the government are responsible for the living conditions in Marikana. Lonmin hired our husbands and children and consequently brought us to this area, therefore, it needs to take responsibility for our living conditions. Sikhala Sonke invited government personnel to see our living conditions last year. They noted them but have not returned to address them.
7. I have lost hope in Lonmin as there has been no change in all the years that I have been here. If Lonmin benefited the community, I would be satisfied. Community

members have complaints and frustrations but do not know where to take them.

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Signature

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Location

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Date