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SOCIAL AUDITS

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MPUKUNYONI

SOCIAL AUDIT REPORT
TENDELE COAL MINING
2018

What is a social audit?

A social audit is a community-led process of reviewing crucial documents to determine whether the mine expenditure and service delivery outcomes promised by the mine really reflect the money spent and the experiences in the mining community.

Members of the community collectively participate in the process of verifying mine documents by comparing them with the realities on the ground and experiences of the community. Evidence collected during the audits is then reported to responsible stakeholders at a public meeting.

Community testimony, knowledge, and experiences are a legitimate and central part of this evidence. A social audit provides a way to build effective and meaningful participation in poor and working class communities by providing a means for community to engage with the mine process that affects their lives.

Social audits empower communities to gather and legitimise evidence of their experiences of service delivery, and through this process enables them to claim and realise their constitutional rights to a transparent and accountable mining company.

Social audits build community power, deepening the culture of participatory democracy and public deliberations. They provide an opportunity for poor mining communities to be heard, and space for people who have been excluded, deceived and cheated out of their benefits.



PART A: SOMKHELE HISTORY

Somkhele has seven villages (Myeki, Mahujini, Ntandabantu, Esiyembeni, Machibini, Ugengele, Dubelenkhunzi) which are also part of the Mpukunyoni Community Area divided into 30 villages in total. The seven villages is where the mine has been mining to date and residents have been hard hit by mining operations.

Tendele Coal Mining, also referred to as Somkhele coal mine, was developed with promises of employment and community development. It was officially launched during the soil turning at Machibini village, in 2005, followed by the construction of the processing plant (where coal got crushed, washed and stockpiled) at Machibini Village. The first pit was commissioned from brown field site at Machibini village in 2017.

The second pit was established on the borders of Esiyembeni and Dubelenkhunzi towards the Mfolozi river, followed by a third pit at Kwaluhlanga and KwaQubuka (both at KwaMyeki Village).

Mahujini village is earmarked for expansion. Ntandabantu and Ugengele are areas to where the mine currently relocates people, causing confusion and congestion without proper town planning.

PART B: NEED FOR A SOCIAL AUDIT

Since Tendele Coal Mining arrived on the scene many residents at Mpukunyoni have suffered severe poverty and hardships as a result of being forced to move from their land - the source of their livelihoods and where their ancestors are buried. This has led to negative socio-economic impacts, displacement, loss of livelihoods, specific impacts on women, violation of human rights, loss of landscape/sense of place, etc. The district is known for its lack of water and sanitation. The situation is worse in Mtubatuba area because Somkhele mine uses underground water to wash its coal, increasing the area's water scarcity.

NB: There's a pattern where mining companies employ PR companies to write glossy reports about their social commitment that benefits mining communities. They sync these with the Social Labour Plan (SLP) commitments which on desktop paint a good picture that contradicts the realities on the ground. The only methodology to dispute this is to conduct social audits (community-led) and collect evidence which verifies the realities on the ground and challenges the glossy PR reports,

The reasons for the need to conduct this audit, a process that ran from January to June 2018, are as follows:

- Many Mpukunyoni community members, especially from the 7 villages mentioned above, complain about the existence of the mine saying that the mine does not keep its promises of job creation and community development.
- To assess the mine's claims of having spent R1,2 Billion for community development.

Before the mine was established, the Mpukunyoni Community had survived by practising sustainable traditional and agricultural activities, with some livestock farmers becoming very wealthy. There were also small local businesses, including shops and repair workshops. Now, the affected communities can no longer practise their traditions and agricultural activities and graze

their livestock or run their businesses due to most of their land having been taken and fenced off by the mine, with the promise of development and job opportunities.

- In all villages mentioned above, relocations were haphazardly done with no proper and adequate consultation to give people enough time to deal with the issue of being moved from the area where they have lived for generations. Some people were forcefully removed to make way for the mine. People have lost their livelihoods because of the mine and suffered the trauma of ancestral graves being illegally dug up and their deceased relatives reburied in places they do not know.

NB: the Social Audits were conducted using the Tendele Coal Mining's (a subsidiary of PETMIN) Social and Labour Plan together with Petmin's 2016 Integrated Report

WHAT IS A SOCIAL AND LABOUR PLAN?

A social and labour plan (SLP) is a document that mining companies are required to submit to the Department of Mineral Resources (DMR) as part of their application for mining rights. It is a 5-year plan that must sync with the Integrated Development Plan (IDP) of a local municipality. SLP is a legally binding document that contains commitments made by the company on what it will do for both communities and workers. It also stipulates how and when commitments will be executed and what the budgets are for all promised interventions or activities.

SLPs are just one of the ways parliament is trying to address South Africa's long history of inequality in the mining sector. The Mineral and Petroleum Resources Development Act (MPRDA) states that mineral resources of the country are the common heritage of all who live in the country.

The purpose of the SLP is to promote employment, advance social and economic welfare, contribute to transforming the mining industry and ensure that mining companies contribute to the development of the areas where they operate.

In principle SLPs should be done with the consultation of the communities, however, that is not the case. Despite having strong laws in place, the reality is that the SLP system has been in force for over 12 years and most communities affected by mining still live in abject poverty. This is partly because SLPs are often designed without consulting communities who should benefit from them. It is also in large measure because not everything that is promised in a SLP is delivered, and DMR often does not follow up to regulate that the commitments made are being implemented.

PART C: CONDUCTING THE SOCIAL AUDITS

1. Objective

NB: The objective of the SLP is to ensure that the holder of mining or production rights contributes towards socio-economic development of the areas in which they are operating as per Section 2(i) of the MPRDA, and the Mining Charter. SLP's are renewed every 5 years and in this social audit we are looking into the SLP of 2013 to 2017.

The Social Audits were conducted by ActionAid to:

1. Assess the extent of compliance with promises made to the community members of Somkhele;
2. Assess whether Tendele Coal Mining's SLP obligations are effective, efficient and provide sustainable goals for the community of Somkhele;
3. Determine if appropriate measures exist that:
 - establish, monitor and communicate SLP processes and procedures with the community;
 - ensure reliable information is available for all stakeholders involved including the Somkhele community; and
 - establish and communicate roles and responsibilities of all parties involved.

2. Approach:

The approach for social audits includes the following steps:

1. Holding a large meeting in the community and establishing a mandate
2. Preparing and organising the participants
3. Training participants
4. Analysing the Social Labour Plan
5. Developing and testing the social audits questionnaire
6. Gathering evidence
7. Capturing community experiences and testimonies
8. Agreeing on the main findings and organising evidence
9. Reflecting and follow up.

PART D: OBSERVATIONS AND RESULTS

As part of the social audits 7 villages were visited: **Machibini, Ntandabantu, Myeki, Esiyembeni, Dubelenkhunzi, Mahujini and Ugengele.** In total 333 households were interviewed.

The recurring deficiencies identified during the social audits conducted using the Tendele Coal Mine's Social and Labour Plan for the year (2013-2017) and Petmin's 2016 Integrated Report show that an average of only 2 to 3% of the households interviewed know anything about the programmes or projects reported in these documents, and, of these, only a small percentage have benefitted in any way.

The questions and results are summarised in the table below:

MYEKI-39 HOUSEHOLDS INTERVIEWED

ITEM	QUESTIONNAIRE	YES	NO	NA	COMMENTS WITH YEAR AND NUMBER
INTERNSHIP	Has anyone in the family received an internship from the mine	2	37		2014(Code 14Drivers licence)

ABET/Learnership	Has anyone in the family received ABET training and or Learnership	2	37		
BURSARY	Has anyone in the family received a bursary		39		
LOCAL ECONOMIC DEVELOPMENT	Has anyone in the family received assistance in terms of LED		39		
AGRICULTURAL HUB	Does anyone in the family know about an Agricultural Hub		39		
WATER PROVISION	Does anyone in the family know about boreholes in the village		39		
TRAINING	Has anyone in the family received any training from the mine		39		
MATERNITY	Has anyone in the family received help from the maternity ward at Somkhele Clinic		39		

NTANDABANTU-57 HOUSEHOLDS INTERVIEWED

ITEM	QUESTIONNAIRE	YES	NO	NA	COMMENTS WITH YEAR AND NUMBER
INTERNSHIP	Has anyone in the family received an internship from the mine	2	55		2016/7(Plant operator)
ABET/Learnership	Has anyone in the family received ABET training and or Learnership	1	56		ABET 2013
BURSARY	Has anyone in the family received a bursary		57		
LOCAL ECONOMIC DEVELOPMENT	Has anyone in the family received assistance in terms of LED		57		
AGRICULTURAL HUB	Does anyone in the family know an Agricultural Hub		57		
WATER PROVISION	Does anyone in the family knows about boreholes in the village		57		
TRAINING	Has anyone in the family received any training from the mine		57		
MATERNITY WARD	Has anyone in the family received help from the maternity ward at Somkhele Clinic		57		

DUBELENKHUNZI-46 HOMEHOLDS INTERVIEWED

ITEM	QUESTIONNAIRE	YES	NO	NA	COMMENTS WITH YEAR AND NUMBER
INTERNSHIP	Has anyone in the family received an internship from the mine	3	43		
ABET/Learnership	Has anyone in the family received ABET training and or Learnership	1	45		ABET 2013
BURSARY	Has anyone in the family received a bursary	1	45		
LOCAL ECONOMIC DEVELOPMENT	Has anyone in the family received assistance in terms of LED	11	35		
AGRICULTURAL HUB	Does anyone in the family know an Agricultural Hub		46		
WATER PROVISION	Does anyone in the family knows about boreholes in the village		46		
TRAINING	Has anyone in the family received any training from the mine		46		
MATERNITY WARD	Has anyone in the family received help from the maternity ward at Somkhele Clinic		46		

UGENGELE- 45 HOUSEHOLDS INTERVIEWED

ITEM	QUESTIONNAIRE	YES	NO	NA	COMMENTS WITH YEAR AND NUMBER
INTERNSHIP	Has anyone in the family received an internship from the mine		45		
ABET/Learnership	Has anyone in the family received ABET training and or Learnership	1	44		
BURSARY	Has anyone in the family received a bursary		45		
LOCAL ECONOMIC DEVELOPMENT	Has anyone in the family received assistance in terms of LED		45		
AGRICULTURAL HUB	Does anyone in the family know an Agricultural Hub	20	25		They didn't know about it until we explain but never participated or benefitted from the program.

WATER PROVISION	Does anyone in the family know about boreholes in the village		45		
TRAINING	Has anyone in the family received any training from the mine	2	43		
MATERNITY WARD	Has anyone in the family received help from the maternity ward at Somkhele Clinic		45		

MAHUJINI- 48 HOUSEHOLDS INTERVIEWED

ITEM	QUESTIONNAIRE	YES	NO	NA	COMMENTS WITH YEAR AND NUMBER
INTERNSHIP	Has anyone in the family received an internship from the mine		48		
ABET/Learnership	Has anyone in the family received ABET training and or Learnership		48		
BURSARY	Has anyone in the family received a bursary		48		
LOCAL ECONOMIC DEVELOPMENT	Has anyone in the family received assistance in terms of LED		48		
AGRICULTURAL HUB	Does anyone in the family know an Agricultural Hub		48		
WATER PROVISION	Does anyone in the family know about boreholes in the village		48		
TRAINING	Has anyone in the family received any training from the mine		48		
MATERNITY WARD	Has anyone in the family received help from the maternity ward at Somkhele Clinic		48		

MACHIBINI-39 HOUSEHOLD INTERVIEWED

ITEM	QUESTIONNAIRE	YES	NO	NA	COMMENTS WITH YEAR AND NUMBER
INTERNSHIP	Has anyone in the family received an internship from the mine	1	38		
ABET/Learnership	Has anyone in the family received ABET training and or Learnership	6	32		2010, 2015 % 2017 respectively.

BURSARY	Has anyone in the family received a bursary	1	38		
LOCAL ECONOMIC DEVELOPMENT	Has anyone in the family received assistance in terms of LED	3	36		
AGRICULTURAL HUB	Does anyone in the family know an Agricultural Hub		39		
WATER PROVISION	Does anyone in the family knows about boreholes in the village		39		
TRAINING	Has anyone in the family received any training from the mine		39		
MATERNITY WARD	Has anyone in the family received help from the maternity ward at Somkhele Clinic		39		

ISIIYEMBENI- 14 HOUSEHOLD INTERVIEWED

ITEM	QUESTIONNAIRE	YES	NO	NA	COMMENTS WITH YEAR AND NUMBER
INTERNSHIP	Has anyone in the family received an internship from the mine		14		
ABET/Learnership	Has anyone in the family received ABET training and or Learnership		14		
BURSARY	Has anyone in the family received a bursary		14		
LOCAL ECONOMIC DEVELOPMENT	Has anyone in the family received assistance in terms of LED		14		
AGRICULTURAL HUB	Does anyone in the family know an Agricultural Hub		14		
WATER PROVISION	Does anyone in the family knows about boreholes in the village		14		
TRAINING	Has anyone in the family received any training from the training centre		14		
MATERNITY WARD	Has anyone in the family received help from the maternity ward at Somkhele Clinic		14		

AUDITS VARIABLES	OBSERVED TRENDS	COMMENTS

INTERNSHIP	98% of people interviewed don't know of any internship offered by the mine.	
ABET/LEARNERSHIP	96.7% of the community members know nothing about ABET and Learnerships. 3.83% who attended the ABET program dropped out because they started the training believing they would be employed after the program and left when they realised this was not the case.	The mine in its 2016 Integrated Report claimed that 600 participated in the ABET program. This contradicts with the evidence obtained during social audits and physical verification conducted.
BURSARY	99.3% people interviewed don't know of anyone who had ever received a Bursary from the mine between 2013-2017. Only 3 people 0.7% of those who received a bursary have received it through relatives working at the mine	
LOCAL ECONOMIC DEVELOPMENT	94.1% of the community don't know anything about Local Economic Development offered by the mine. Only 5.9% knows about it but have never actually benefitted from the program.	Although to mine claims to have been spent R56 Million on the Local Economic Development, which was to create employment opportunities within Mpukunyoni, the community still face abject poverty and even higher rates of unemployment since self-employed farmers and business owners lost their land.
AGRICULTURAL HUB	91.32 % of the households have never heard of the Agricultural Hub even though most of them have small farms within their homestead. 8.68 % knows about the hub but never benefitted from it.	In it 2016 Integrated Report the mine claimed to have trained 600 households in organic crop farming and they help them market their crops however this contradicts the community-led social audits and physical verification.
WATER PROVISION	100% of the households know nothing about the water provision which the mine committed to provide between year 2013-2017	Most community members relies on harvesting rain water even though the mine claims to be trucking 192,000 litres each week to mining communities, fitted new hand pumps and repaired boreholes.

TRAINING	99.31% of the people interviewed know nothing about the training centre and training provided by the mine. Only 0.69% of the 7 villages visited know and have participated in the trainings	Community members still lives without necessary skills that will enable them to prepare and enter the job market although the mine claimed to have been created a training and skills centre which also contradicts the verification and evidence obtained from the social audits.
MATERNITY WARD	5,6% of people interviewed know about the maternity ward whereas 94,4% know nothing about the maternity ward in Somkhele clinic.	Those who know about the maternity ward there are those who state the ward is not well equipped to meet their expected duties. There midwives are not well trained and there are no doctors.

PART D: ANALYSIS AND SUMMARY

Tendele Coal Mining repeatedly claims to have spent R1.2 billion for community development but it has yet to provide substantive evidence to support these claims. Many of the people who were interviewed still face abject poverty. Unemployment rates are even higher in the area as a result of previously self-employed farmers and small business owners losing their land to the mine, and now being part of the ranks of unemployed Somkhele residents.

THE MINE COMMITTED TO UNDERTAKE THE FOLLOWING DURING THE SLP YEARS AUDITED:

1. The SLP commitment was to train 480 community members in ABET Levels 1-4 by 2017. The budget for this is not allocated so that it is difficult for the mine to be held accountable.
2. There was also a commitment to provide 50 learnerships (10 per SLP year) for community members to undergo trainings on earthmoving machines, driver's licenses and N1-N4. Again, it is observed that it was not clearly indicated as to what the N1-N4 training included.
3. There was a commitment to provided 20 internships by the end of 2017 (4 interns per SLP year). This was to be given preference to community members on subjects of "core and scarce mining". Interns were to be given a stipend of R3500 per month. The table above indicates that 98% of people interviewed know nothing about this commitment or the identity of 20 interns, therefore we conclude that it is most unlikely this quota was met.
4. There was a commitment to provide 10 study bursaries to community members: 8 were to study "any mine-related field" and 2 would embark on a "community related field". The criteria used to award community members with these bursaries was not stipulated.

The above table states that 99.3% of the people interviewed do not know of anyone who had ever received a Bursary from the mine between 2013-2017. Only 3 people know someone who received a bursary and these bursaries were awarded because a family

member works at the mine. One of the interviewers mentioned someone who was awarded a bursary to study medicine, not the abovementioned fields.

5. There was a commitment to construct an agricultural hub which will help local farmers to produce and sell via the hub. This was going to assist to address the issue of water by providing agricultural infrastructure which includes tunnels, roof water and underground rainwater harvesting tanks. Training was to be provided for farmers to be able to operate commercial farms. The budget for this commitment was R7 123 135.00. This budget was for the 5 years of the SLP, however, it does not stipulate whether it will be used for construction only or if this included implementation of the mentioned activities.

Observation from the group was that tunnels were brought on to this piece of land close to the traditional court but people did not know what they were for. Inquisitive community members went to check and are willing to corroborate that the project has never taken off – certainly not at the scale proposed in the SLP. People who live close by to the project did not even know what it was.

When the audit team wanted to conduct physical verifications during the social audits, they were denied access and told to go and ask for permission at the mine. Some community members state that they thought the Agrihub was a waiting office for the mine when people come to meetings with the traditional council, as they always do.

6. A commitment of water provision was made stating that boreholes will be created and equipped with hand-pumps. A budget of R1,5 million was set aside for this project that was to be for duration of the 5-year SLP. None of the people interviewed during the social audits knows about this commitment.
7. Tendele Coal Mine committed to constructing a maternity ward in Somkhele clinic to ensure that women do not travel far to give birth. The SLP states that the company will enter into a memorandum with the Department of Health that agreed to provide nursing personnel and equipment. The total budget for this commitment is R1,5 million.

The maternity ward has been built and the mine prides itself very much about this. However, only 5,6% of people interviewed know about the maternity ward in the Somkhele clinic, while 94,4% know nothing about it. Reports from those interviewed who have had reason to visit the maternity ward state it is not well equipped to meet its expected tasks. There midwives are not well trained and there are no doctors. One report was of a heavily pregnant woman who went to the clinic but did not find help. She was suffering from high blood pressure and was turned away from the clinic. She later went to Hlabisa Hospital where she gave birth to a stillborn child. It is very likely this incident has not been investigated but through social audits we have a duty to dig deep into this.

The social audit team was denied access during the social audits when we wanted to undertake a physical verification. To enter the clinic, we were directed by security personnel to get permission at Hlabisa Hospital which is 40 KM away! We were confused because if we had to be referred anywhere it should have been to the uMkhanyakude District Department, situated in Jozini. The SLP states consulting with the Department of Health in designing and building the maternity ward but we have yet to obtain evidence to confirm this consultation

has taken place and what the relationship is between the Department of Health and the Somkhele maternity ward.

The purpose of the physical verification was to check if the maternity ward meets required standards; how many babies can be delivered at a time; if the delivery room and nursery are available and up to standard because the two must be separated; if the equipment used during delivery is correct and adequate; if the maternity ward is accessible for women with physical challenges. We also wanted to verify support staff, like doctors and nurses.

8. A training centre was to be established (not constructed). As the SLP commitment stated, this is to be done in partnership with Umfolozi FET college. In addition, a learning centre would be established within the training centre to cater for grades 8 – 12 to attend on weekends to study Maths, Science, Biology and English. The learning centre would be equipped with e-learning and educators will be trained to use the system. It is further mentioned that the programme will be linked to the mine's bursary and career programmes with links to the agricultural hub. The budget for this stood at R1,54 million.

The audit team was once again denied access to the centre and a mine manager called and requested to speak with us. He informed us to make an appointment if we wanted to enter the building. The above table states that 99% of people we spoke to do not know anything about this centre. Those who know about the centre don't have an idea what is happening there. Regarding the structure, the building was already there and all the mine did was to refurbish it. The quality of education and training it offers is questionable.

9. There was a commitment to Ingaqa Special School in Machibini village that caters for learners with disabilities. A budget of R1,05 million, divided as follows, was to provide:
 - A hall for general school activities as well as a special needs workshops. R650 000
 - Boreholes especially for the cleaning needs of disabled learners. R100 000
 - Showers with a geyser R200 000
 - Two wheelchairs R5 000
 - General refurbishment which includes amongst other things, fixing toilets, establishing a vegetable garden, electrical wiring and installing ceilings at R95 000.

We met and interviewed the principal of the school who was shocked to hear of the commitments made by the mine, not to mention the figures, which prompted her to request a meeting with the traditional council. We have no knowledge of what transpired at that meeting. Physical verification showed us that nothing was done. The only thing the principal can recall was the handing over of seedlings to her school. This serves to confirm that when the SLP commitments were formulated, there was no consultation with the school, contrary to the requirements of drafting a SLP.

In summary, the social audits that took place from January to June 2018 make it clear that there is an enormous discrepancy between what the mine purports it has done and the reality on the ground.

The mine's Social and Labour Plan (2013-2017) commits the mine to spending R56 Million on Local Economic Development to create employment opportunities within Mpukunyoni. This is not supported by the results on the ground.

Of the 333 households interviewed in the seven villages directly affected by Somkhele mine, only 2%, or an average of 3 households, have heard about Internship, ABET/Learnership and Bursary programmes that the mine has supposedly rolled out in the community over the past five years. The vast majority (99.31%) of the people interviewed know nothing about the training centre and training provided by the mine. Only 0.69% of the households in the seven village visited know and have participated in the trainings.

In its 2016 Integrated Report, the mine claims that 600 people participated in the ABET program but the information obtained during social audits and physical verification provides contradictory evidence and casts serious doubt on the veracity of this claim. Only 10 households reported that family members had attended ABET training and, of these, 3 reported that they had dropped out of the course when they realised it would not result in a job on the mine.

Similarly, the 2016 Integrated Report claims to have trained 600 households in organic crop farming and helped them market their crops. Only 8% of the households interviewed have heard of the Agricultural Hub even though most of them have small farms within their homesteads and they travel past the Agrihub every time they travel to Mtubatuba. None of the interviewed households participated in the mine's organic crop farming training.

100% of the interviewed households know nothing about the water provision that the mine committed to provide between 2013-2017.

In addition to the standardised questions that were asked during the social audit, many issues were raised by members of the community and institutions that the SLP mentions as being supported by Tendele Coal Mining and having benefitted. Then there are schools and numerous residents in the vicinity of the mine who have not benefitted at all, and whose complaints and pleas for assistance to repair or replace dangerously cracked buildings/homes continue to be ignored.

It goes beyond the scope of the social audits to investigate the validity of the mine's claims of providing more than 1000 jobs to local people but this figure is contested by local residents who estimate the mine provides no more than 300 local jobs. There are also questions relating to the R2-million worth of shares that Petmin awarded to the people of Mpukunyoni in 2016 that needs a separate in-depth enquiry.

PART E: CONCLUSIONS

We believe there is sufficient evidence for DMR to do an in-depth audit that requires Tendele Coal Mining to provide detailed documentation of the claims in their SLP and Integrated Report which the recent social audits call seriously into question. There is an urgent need for DMR to produce Tendele's annual SLP compliance reports for the years 2013 to 2017. The mine must be called on to provide clear evidence and substantive proof of the actual benefits arising for the Mpukunyoni residents, particularly from villages directly affected by the mine, from its commitments for this 5 year period. This includes physical verification of each project and bringing forward the direct beneficiaries.

In addition, there is a call from the affected communities for the government to employ an independent economist to calculate the costs and losses that the Mpukunyoni community has had to bear since Tendele Coal Mining started its operations in Somkhele in 2005.

Date: 27 July 2018

Signed:



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