

MEDIA RELEASE

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CER's COURT BID TO STOP NEW MPUMALANGA COAL MINE DEVELOPMENT FAILS

Johannesburg, South Africa. 28 June 2016. Eight civil society and community organisations failed in their urgent legal bid today to stop Indian mining company Atha-Africa Ventures (A-AV) from proceeding with development of its Yzermyn coal mining project near Wakkerstroom in Mpumalanga.

The organisations, represented by the Centre for Environmental Rights (CER), approached the Pretoria High Court to stop the mine from going ahead:

- on the basis of various allegations, which had already been addressed in an answering affidavit in another matter, and without disclosing these responses to the court; and
- notwithstanding repeated undertakings to them by A-AV that it will not proceed with any mining-related activities until all required authorisations are in place.

The court today ordered that the matter be removed from the urgent roll and that each party pays its own costs.

A-AV Senior Vice-President Praveer Tripathi commented: "Over the past five years, we have demonstrated our bona fides as a responsible coal miner by diligently following all of the required authorisation processes.

"Simultaneously, we have sought repeatedly to engage openly and honestly with entities opposed to our project and have repeatedly been rebuffed. Instead, they opted for open adversarialism that culminated in today's failed attempt to litigate against us.

"Nevertheless, through our legal representative, we have given them a further undertaking to provide three weeks' written notice of our intention to begin mine development".

Prior notice of commencement must also be given to the relevant government departments.

"We consider the concerted legal challenges on all authorisations and approvals by the CER and its coalition partners as a case of reverse SLAPP (strategic litigation against public participation) in action," added Tripathi. "We have always believed in co-existence and had some draft agreements with the NGOs, which unfortunately never culminated in a partnership. We would like to extend our invitation again to them to partner with us in the interests of sustainable development, growth and employment."

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