
UKUXABISA UKUTHOTYELWA KWEZIMISO NEMIQATHANGO: USHWANKATHELO LWEZIPHUMO

Lonmin (iProjekthi ye-IFC # 24803 NO #548827)

Mzantsi Afrika

Lonmin-02

I-Lonmin Plc (“umxumi”) yinkampani yezimbiwa egqalise ngakumbi kwizimbiwa zeplatinamu. Yinkampani ebhaliswe kwi-London Stock Exchange (FTSE 100). Ngomhla we-11 Aprili, 2007, i-IFC yatyala kumxumi imali engange \$50 miliyoni ekuzizabelo ezingenanzala emisiweyo (equities). Injongo yotyalomali lwezi zabelo yayi kukuxhasa imisebenzi yophuhliso lwenkampani olwaluza kuthabatha iminyaka emininzi. Le misebenzi yayiquka: i) uphuhliso nolwandiso lwenkampani kunye nokufakelwa koomatshini ezimayini zomxumi eziseMzantsi Afrika; kunye ii) nokuqaliswa kwenkqubo ebanzi nephangaleleyo yophuhliso lwabantu basekuhlaleni kunye nophuhliso loqoqosho endaweni imayini esebenza kuyo [*local economic development program* (i-LEDP)]. Inxalenye yotyalomali lwezabelo, i-\$15 miliyoni, yabekelwa bucala khon’ukuze isetyenziselwe ukuphumeza i-LEDP. I-IFC yarhoxa kutyalomali lwezi zabelo, yagqibela ngokuzithengisa zonke izabelo zayo ngoDisemba 2015.

NgoJuni ka-2015, u-CAO wamkela isikhalazo esivela kubahlali nakumbutho wasekuhlaleni, iSikhala Sonke (“abamangali”). Isebe lezokuSetyenziswa kweziFundo zoMthetho (Centre for Applied Legal Studies) lancedisa abamangali ukuzisa isikhalazo sabo ku-CAO. Uninzi lwabamangali ngoomama abahlala eNkanini, ekuyindawo ekufuphi nemayini yaseMarikana, ngaphantsi kweBhunga lesiThili laseBojanala, kwiPhondo laseMntla Ntshona, eMzantsi Afrika.

Abamangali bavakalisa inkxalabo malunga nemiba emithathu: i) ukungabikho kwenkxaso ephangaleleyo yabahlali kule projekthi; ii) ukungalandeli komxumi uyilo lwakhe olumalunga nabahlali nabasebenzi; kunye iii) nempembelelo engentle kwezendalo nakwezempilo ebangelwa ngumoya/uthuli namanzi angaphantsi komhlaba, okungcolileyo. Ngomhla we-10 Julayi, 2015 umxumi wanikeza impendulo kummangali.

Injongo yokuxatyiswa kokuthotyelwa kwezimiso nemiqathango ngu-CAO kukuqinisekisa ukuba uphando olumalunga nokuthotyelwa kwezimiso nemiqathango lwenziwa qha kwezo projekthi ezixhalabisa ngokumasikizi ngokuphathelele kwiziphumo zophando olumalunga nokuchaphazeleka kwendalo nabahlali (i-E&S) kunye/okanye nemiba echaphazela iindlela i-IFC esebenza ngazo. Xa ethabatha isigqibo sokuba enze uphando okanye angasenzi, u-CAO ujonge ubukhulu bezinto ezixhalabisayo ezimalunga ne-E&S ezikhankanywe kwisimangalo, ajonge iziphumo zogxeko-ncomo (review) lwendlela i-IFC ethe yasebenza ngayo nge-E&S ephathelele kule miba, ajonge ukuba kho kwemibuzo kunye nokufaneleka

kweemfuno ze-IFC, ajonge ngokubanzi ukuba ukwenziwa kophando lokuthotyelwa kwezimiso nemiqathango ingaba yeyona nto ifanelekileyo kusini na ngaphantsi kwezo meko.

Kwesi sikhhalazo abamangali baxela ngeendlela bona ngokwabo abahleli kakubi ngazo eendaweni ezikufuphi nemayini. Baxela ngongcoliseko (pollution) olukhutshwa ziindawo umxumi asebenza kuzo nezidala iingxaki zezempilo kubahlali. Ba kwaxela nangeendlela iintsapho zabasebenzi bakwa-Lonmin ezichaphazeleka ngazo ngenxa yezindlu ezingekho emgangathweni nonqongophalo lwamanzi nococeko (sanitation).

Emva kophicotho lokutshayeleya lwamaxwebhu eprojekthi, u-CAO wachonga imibuzo malunga nogxeko-ncomo (review) nolawulo lweprojekthi ngokuphathelele kwimiba ephakanyiswe ngabamangali. Malunga nempembelelo kwindalo, njengoko kubanga abamangali, u-CAO waba nombuzo wokuba ingaba i-IFC yayigxininisa kusini na imiqathango yokuba iprojekthi ibe “nenkxaso ephangaleleyo yabahlali” nombuzo wokuba ingaba i-IFC yazonelisa kusini na ukuba indlela umxumi anxibelelana ngayo nabahlali abachaphazelekayo (stakeholders) iyahambisana kusini na nemiqathango ekuMgangatho woku-1 woKwenziwa koMsebenzi (Performance Standard 1). U-CAO wachonga neminye imibuzo malunga nendlela i-IFC eyalwenza ngayo ugxeko-ncomo nendlela eyalongamela ngayo ukuqinisekisa ukuba umxumi unako ukufezekisa uyilo lwakhe olumalunga nendalo nabahlali, okwaku yimfuneko yokunikezwa kwakhe iphepha-mvume lokumba. Lemfuneko yayi quka ukuzibophelela komxumi ekubeni uza kuphucula izindlu neemeko abasebenzi abaphila phantsi kwazo emizini ekufuphi nemayini, okwaziwa ngumntu wonke ukuba ihlwempuzekile. Malunga nempembelelo kwezendalo, njengoko kubanga abamangali, u-CAO unombuzo malunga nendlela i-IFC eyazibophelela ngayo ukwenza ingxelo ephathelele kungcoliseko lomoya namanzi, ekwanombuzo wokuba ingaba lindlela yanele kusini na ukuba inikeze isiseko i-IFC ezakuthi isebenzele phezu kwaso ukuxabisa ukuba iprojekthi iyazithobela kusini na iimfuno ezingaphantsi kweMigangatho yesi-3 nesi-4 yoKwenziwa koMsebenzi.

Akujonga iingxelo zeempembelelo ezingentle ezibangwa ngabamangali kunye nemibuzo echongwe ngu-CAO malunga nogxeko-ncomo nolawulo lweendawana ezithile zeprojekthi, u-CAO ugqiba ngelithi iimfuno zokuba kwenziwe uphando zizalisekile. Indlela ekuza kuthi kuphandwe ngayo (Terms of Reference) ziza kulungiswa ngokulandela iziKhokelo zokuSebenza kuka-CAO (Operational Guidelines).

Malunga no-CAO

I-Ofisi yoMcebisi oVakalisa iziKhalazo eziMalunga nokuThotyelwa kweziMiso nemiQathango (u-CAO) lisebe elizimeleyo elingaphantsi kolawulo-ngqo loMongameli wamaShishini angaphantsi kweBhanki yoMhlaba. U-CAO wenza ugxeke-ncomo (reviews) lwezikhhalazo ezivela kubahlali abathi bachatshazelwe ziiprojekthi zenkqubela ezenziwa kumashishini amabini eBhanki yoMhlaba abolekisa ngemali kumashishini angekho ngaphantsi koorhulumente (private sector), ekuyi-International Finance Corporation (i-IFC) ne-Multilateral Investment Guarantee Agency (i-MIGA). Umsebenzi athunywe wona u-CAO owokuba abe yindawo ezimeleyo ekufakwa kuyo izikhhalazo, engenamkhethe, ethembekileyo nesebenza kakuhle khon'ukuze kuphuculwe iindlela i-IFC ne-MIGA ezisebenza ngazo ngokuphathelele kwindalo nakubahlali. I-Ofisi ka-CAO inamasebe amathathu ahlukeneyo kodwa asebenzisanayo, elokuLamla, elokuThotyelwa kweziMiso nemiQathango kunye nelokuCebisa, athi xa edibene avelise indlela enokuguquka (flexible) yokuhlangabezana nezikhhalazo zabantu neyokuhlangabezana neenkxalabo ngeendlela i-IFC ne-MIGA ezithi ziqhube ngazo iiprojekthi zazo.

Malunga noMsebenzi ka-CAO wokuNyanzelisa ukuThotyelwa kweziMiso nemiQathango

Umsebenzi ka-CAO wokunyanzelisa ukuthotyelwa kwezimiso nemiqathango uquka ukongamela utyalomali lwe-IFC ne-MIGA ngenjongo yokuphucula iindlela la mashishini athi achaphazele ngazo indalo nabahlali [Environmental & Social (E&S)]. Umsebenzi wokunyanzelisa ukuthotyelwa kwezimiso nemiqathango wenzeka xa elinye kumaqela aphikisanayo likhetha ukuba kwenziwe njalo, emva kokuba u-CAO ethe waxabisa isikhhalazo okanye xa ulamlo lungakhokeleli esivumelwaneni phakathi kwamaqela aphikisanayo. Indlela yonyanzeliso lokuthotyelwa kwezimiso nemiqathango lungaqaliswa ngu-CAO onguSekela-Mongameli, uMongameli wamaShishini angaPhantsi kweBhanki yoMhlaba okanye abaphathi abaphezulu be-IFC/MIGA. Emva kophando lokuthotyelwa kwezimiso nemiqathango, u-CAO angagqiba ukuba kunemfuneko yokuba izenzo ze-IFC okanye ze-MIGA zonganyelwe de u-CAO oneliseke ukuba ukungathotyelwa kwezimiso nemiqathango kulungisiwe.¹

Ngeenkukacha ezithe vetshe malunga no-CAO, nceda utyelele ku – www.cao-ombudsman.org

¹Funda i-CAO, Operational Guidelines (2013) para. 4.4.6.

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Amagama akhiwe ngoonobumba bamanye amagama (ii-Acronyms)

I-Acronym	inkcazelo
AMR	Annual Monitoring Report (Ingxelo yaMinyaka-le yoKongamela)
BCS	Broad Community Support (Inkxaso ePhangaleleyo yabaHlali)
CaSO3	Calcium Sulfite
CAO	Office of the Compliance Advisor Ombudsman (I-Ofisi yoMcebisi oVakalisa iziKhalazo eziMalunga nokuThotyelwa kweziMiso nemiQathango)
E&S	Environmental and Social (EzeNdalo nezabaHlali)
EHS	Environmental, Health and Safety (EzeNdalo, iMpilo noKhuseleko)
EMPR	Environmental Management Program Report (Ingxelo yeNkqubo yezoLawulo kwezeNdalo)
FTSE 100	Financial Times Stock Exchange 100 (uTshintshiselwano lweZabelo lwe-100 lwe-Financial Times)
FY	Fiscal Year (Unyaka weziMali)
GHG	Greenhouse Gas (Igesi eDala ubuShushu beMozulu)
GLC	Greater Lonmin Community (Abahlali bakwa-Lonmin ngokuBanzi)
IFC	International Finance Corporation (Iqumrhu laMazwe ngaMazwe eliBolekisa ngeziMali)
LDT	Lonmin Development Trust (Itrasti yakwa-Lonmin yoPhuhliso)
LEDP	Local Economic Development Program (Inkqubo yoPhuhliso lwezoQoqosho kwiiNdawo iMayini eSebenza Kuzo)
MPRDA	Mineral and Petroleum Resources Development Act (Umthetho wezoPhuhliso lweziMbiwa kunye nobuTyebi bePetroliyamu)
MIGA	Multilateral Investment Guarantee Agency (I-Arhente eQinisekisa uTyalomali kuRhwebo oluMacala-maninzi)
PLC	Public Limited Company (Inkampani eneMida kaWonke-Wonke)
PS	Performance Standards (ImiGangatho yoKwenziwa koMsebenzi)
SDR	Sustainability Development Report (Ingxelo yoPhuhliso olunokuGcinwa)
SLP	Social and Labour Plan (Uyilo lwezabaHlali nezabaSebenzi)
SO2	Sulfur Dioxide
TAAS	Technical Assistance Advisory Services (Iinkonzo zabaCebisi Malunga noNcedo lobuGcisa)

I. Inkcazelo ngeNkqubo yokuXabisa ukuThotyelwa kweziMiso nemiQathango

Xa u-CAO efumana isikhalazo malunga neprojekthi ye-IFC okanye ye-MIGA, isikhalazo siyagqithiswa ukuya kuxatyiswa. Ukubangaba u-CAO ufikelela kwisigqibo sokuba amaqela aphikisanayo akazimiselanga okanye akanako ukuvumelana noxa sele encediswa, isikhalazo sigqithiselwa kwisebe lika-CAO elinyanzelisa ukuthotyelwa kwezimiso nemiqathango khon'ukuze lisixabise, nto leyo engakhokelela ekubeni kwenziwe uphando.

Ukuxatyiswa kokuthotyelwa kwezimiso nemiqathango kungagunyaziswa ngusekelamongameli we-CAO, abaphathi be-IMF/MIGA okanye umongameli wamaShishini angaPhantsi kweBhankeiyoMhlaba.

Ugqaliso lwesebe lika-CAO elixabisa ukuthotyelwa kwezimiso nemiqathango lukwi-IFC nakwi-MIGA, hayi kumxumi wabo. Oku kubhekiselwe kuwo onke amashishini e-IFC, kuquka icandelo elingundoqo (real sector), iimarike zezimali kunye neenkonzole zeengcebiso. U-CAO wenza ugxeke-ncomo malunga nendlela abe-IFC/MIGA abathe bazonelisa ngayo ukuba amashishini abo asebenza ngendlela efanelekileyo nokuba afumana iingcebiso ezizizo, nokuba iziphumo zoshishino nezeengcebiso ziyahambisana kusini na nezimiso ezikwimigaqonkqubo echaphazelekayo. Kodwa ke, kuqheleke ukuba xa kuxatyiswa indlela iprojekthi ye-IFC/MIGA ethe yasebenzisa ngayo amanyathelo okuhlangabezana nezimiso neemfuno ezichaphazelekayo, kufuneka ukuba u-CAO enze ugxeke-ncomo malunga nezenzo zomxumi yaye aqinisekise iziphumo ngokuba aye kuzibonela ngokwakhe.

Ukuze kuthatyathwe isigqibo sokuba kufanele kwenziwe uphando okanye hayi, u-CAO uqalisa ngokuxabisa ukuthotyelwa kwezimiso nemiqathango. Injongo yenkqubo yokuxabisa ukuthotyelwa kwezimiso nemiqathango kukuqinisekisa ukuba uphando olumalunga nokuthotyelwa kwezimiso nemiqathango lujoliswa qha kwezo projekthi ekukho kuzo inkxalabo exhomisa amehlo ngokuphathelele kwimpembelelo kwindalo kunye/okanye nakubahlali, kunye/okanye kwiindlela ethi isebenze ngazo i-IFC/MIGA.

U-CAO usebenzisa iinqobo zokulinganisa ezisiseko njengesikhokelo senkqubo yokuxabisa ukuthotyelwa kwezimiso nemiqathango. Ezi nqobo zokulinganisa kuvavanywa ngazo ukuba kuza kuba noncedo kusini na ukwenziwa kophando malunga nokuthotyelwa kwezimiso nemiqathango, njengoko u-CAO efuna ukwazi ukuba ingaba:

- Kunobungqina kusini na obubonakalisa ukuba kuza kuba neziphumo ezingentle kwindalo kunye/okanye nakubahlali
- Kunemiqondiso kusini na ebonakalisa ukuba kunokwenzeka ukuba umgaqonkqubo othile okanye ezinye iinqobo zokulinganisa azilandelwanga okanye azisetyenziswanga ngendlela efanelekileyo ye-IFC/MIGA.
- Kunobungqina kusini na obubonakalisa ukuba izimiso nemiqathango ye-IFC/MIGA, ithe yathotyelwa okanye ingathotyelwanga, yoyisakele ukuzisa ukhuseleko olwaneleyo.

Ngelixa exabisa ukuthotyelwa kwezimiso nemiqathango, u-CAO uza kunxibelelana negqiza le-IFC/MIGA elisebenza kwiprojekthi ethile kunye nabanye abachaphazelekayo khon'ukuze aqonde kakuhle ukuba i-IFC/MIGA isebenzise ziphi iinqobo zokulinganisa ukuzonelisa ngendlela iprojekthi eqhutywa ngayo, ukuba i-IFC/MIGA izonelise njani ukuba ezo nqobo zokulinganisa iyazithobela, ukuba i-IFC/MIGA izonelise njani ukuba ezi zimiso nemiqathango kwakuza kuzisa ukhuseleko olwaneleyo, kunye nokuthi, xa kucingwa ngokubanzi, ingaba uphando lokuthotyelwa kwezimiso nemiqathango ingaba yeyona nto efanele ukwenziwa kusini na. Xa sekugqityiwe ukuxabisa ukuthotyelwa kwezimiso

nemiqathango, u-CAO angasichitha isikhalazo okanye aqalise uphando lokuthotyelwa kwezimiso nemiqathango olugqaliswe kwi-IFC okanye i-MIGA.

Xa sele egqibile ukuxabisa ukuthotyelwa kwezimiso nemiqathango, u-CAO uza kunikezela ngengcebiso ebhalwe phantsi kwi-IFC/MIGA, kuMongameli wamaShishini angaPhantsi kweBhanki yoMhlaba kunye neBhodi. Ukubangaba ukuxabisa ukuthotyelwa kwezimiso nemiqathango kulandela isikhalazo esivela kwiinzame ze-CAO zokulamla, abamangali nabo baza kunikezwa ingxelo ebhalwe phantsi. Ushwankathelo lwazo zonke iziphumo zokuxabisa ukuthotyelwa kwezimiso nemiqathango kuza kupapashwa. Ukubangaba u-CAO ugqiba ekubeni enze uphando lokuthotyelwa kwezimiso nemiqathango emva kokuxabisa ukuthotyelwa kwezimiso nemiqathango, u-CAO uza kugunyazisa indlela ekufanele kuphandwe ngayo (Terms of Reference), kulandelwa isikhokelo sokuSebenza kwe-Ofisi ye-CAO.

II. Imvelaphi

Utyalomali

I-Lonmin Plc (“umxumi”) yinkampani yezimbiwa egqalise ngakumbi kwizimbiwa zeplatinamu. Yinkampani ebhaliswe kwi-London Stock Exchange (FTSE 100)². Ngomhla we-11 Aprili, 2007³, i-IFC yatyala kumxumi imali engange \$50 miliyoni ekuzizabelo ezingenzala emisiweyo (equities). Injongo yotyalomali lwezi zabelo yayi kukuxhasa imisebenzi yophuhliso lwenkampani olwaluza kuthabatha iminyaka emininzi. Le misebenzi yayiquka: i) uphuhliso nolwandiso lwenkampani kunye nokufakelwa koomatshini ezimayini zomxumi eziseMzansi Afrika; kunye ii) nokuqaliswa kwenkqubo ebanzi nephangaleleyo yophuhliso lwabantu basekuhlaleni kunye nophuhliso loqoqosho endaweni imayini esebenza kuyo (LEDP⁴). Inxalenye yotyalomali lwezabelo, i-\$15 miliyoni, yabekelwa bucala khon’ukuze isetyenziselwe ukuphumeza i-LEDP⁵. I-IFC yarhoxa kutyalomali lwezi zabelo, yagqibela ngokuzithengisa zonke izabelo zayo ngoDisemba 2015.

I-IFC yagunyaza nokuba umxumi abolekwe imali engange \$100 miliyoni, kodwa esi sigunyazo sarhoxiswa umxumi engekayinikezwa lemali.

Iinkonzo zeNqcebiso

Ngo-2006, umxumi wacela i-IFC ukuba ibe ngumahlulelane womphamba kwezophuhliso (strategic development partner). I-IFC yanikeza ngeenkonzo zabaCebisi Malunga noNcedo lobuGcisa (TAAS) kumxumi ukuxhasa inkqubo yophuhliso lwasekuhlaleni⁶. Oku kwakuquka uphuhliso lwabarhwebi basekuhlaleni, (okwakujoliswe kubarhwebi basekuhlaleni aba-100); oomama ezimayini (okwakujoliswe kwi-10% yoomama abaphangela ezimayini); ukunciphisa ingozi ye-HIV/AIDS; kunye nophuhliso lwabahlali ngokuba kongezwe izakhono zeenkundla zeenkosi kunye nezoorhulumente basekhaya⁷.

² I-FTSE 100 sisalathiso seenkampani ezi-100 ezibhaliswe kwi-London Stock Exchange ezona zintyalomali luninzi.

³ IFC (2006) Ushwankathelo loTyalomali oluYilwayo [Summary of Proposed Investment (SPI), Lonmin, <https://goo.gl/W44wYp>.]

⁴ Inkqubo yoPhuhliso lwezoQoqosho kwiiNdawo iMayini eSebenza Kuzo (LEDP)

⁵ IFC (2006) SPI, <https://goo.gl/W44wYp>

⁶ IFC (2006) Ushwankathelo loGxeko-ncomo lweNdalo nabaHlali [Environmental and Social Review Summary (ESRS), <https://goo.gl/eygk7f>.]

⁷ Ubahlulelane be-IFC ne-Lonmin buWongwa ngeMbasa ye-Nedbank yoKumba ngokuKhusela iNdalo (Green Mining), umhla we-28 Okthoba 2008, <https://goo.gl/2atzUJ>.

Isabelomali se-TAAS sasiyi-US\$50 miliyoni, i-50% yayo eyayivela kwingxowa ye-IFC yeminikelo. Iprojekthi yeeNgcebiso yaphela ngomhla we-30 Juni, 2010, emva kweminyaka emithathu yonxibelelwano, okwakuyiminyaka emihlanu ngaphambi kokuba u-CAO afumane isikhalazo. Ngoko ke iwela ngaphandle komda woku kuxabisa.

Isikhalazo nokuXatyiswa kwaso ngu-CAO

NgoJuni ka-2015, u-CAO wamkela isikhalazo esivela kubahlali nakumbutho wasekuhlaleni, iSikhala Sonke (“abamangali”). Isebe lezokuSetyenziswa kweziFundo zoMthetho (Centre for Applied Legal Studies) yancedisa abamangali ukuzisa isikhalazo sabo ku-CAO. Uninzi lwabamangali ngoomama abahlala eNkanini, ekuyindawo ekufuphi nemayini yaseMarikana, ngaphantsi kweBhunga lesiThili laseBojanala, kwiPhondo loMntla Ntshona, eMzantsi Afrika. Isikhalazo esilungiselwe upapasho singafumaneka kwi-website ye-CAO⁸.

Abamangali bavakalisa inkxalabo ngempembelelo yemisebenzi yomxumi kubahlali baseNkanini, ingakumbi xa kujongwa lemiba ilandelayo:

1) Ukungabikho kwenkxaso ephangaleleyo yabahlali

Abamangali bafuna ukwazi ukuba yayikho kusini na inkxaso ephangaleleyo yabahlali [broad community support (BCS)] xa i-IFC iqalisa utyalomali. Ngaphezu koko, abamangali babanga ukuba ngo- 2010 yayingasekho tu inkxaso yabahlali. Abamangali bolatha unqongophalo lweenkcukacha ezimalunga nenkxaso yabahlali kwiingxelo zika-2009 no-2010 ezapapashwa ngumxumi malunga nemeko yemayini (Sustainability Reports). Bakwalatha ingxelo yemeko yemayini ka-2011 echonga “ubudlelwane obungebuhle phakathi kwemayini nabahlali nabasebenzi” njengeyona ngozi (“principal risk”) ejongene nemayini, bathi obo bubungqina bokungabikho kwe-BCS⁹.

2) Ukungathotyelwa koYilo lwezabaHlali nezabaSebenzi

Abamangali babanga nokuba umxumi khange ayilandele imiqathango emiswe yimithetho yelizwe, ingakumbi leyo ephathelele ekusetyenzisweni koYilo lwezabaHlali nezabaSebenzi (SLP), ekuqondwe ngalo ukuxhasa iinzame zokunikeza amandla ezoqoqosho kubahlali abachaphazelekayo. Ngokutsho kwabamangali, imiqathango eyayimiswe umxumi ngaphantsi koyilo lwezabahlali nezabasebenzi (SLP) yayiquka: a) ukwakhela abasebenzi izindlu ezifanelekileyo; b) ukuphucula ukunikezelwa kwamanzi nocokeko kubahlali abakhe kufuphi nemayini; c) ukuqwalasela ukuba imigaqonkqubo yemayini ibachaphazela njani ootata noomama (gender mainstreaming); kunye, d) nokuphucula ubume bemeko yendawo¹⁰.

3) Impembelelo eNgentle kwezeNdalo nezeMpilo

Abamangali bakwabanga nokuba i-IFC khange yongamele ngokufanelekileyo izinto ezikhutshwa ziiprojekthi zayo, eziquka igesi edala ubushushu bemozulu [greenhouse gas (GHG)]. Bathi umxumi wagqitha izilinganiso ezimiswe ngumthetho

⁸ Akhona namanye amaxwebhu aliqela anikezwa u-CAO ukuxhasa esi sikhalazo, aquka: uYilo luka-Lonmin lwezeNdalo nabaSebenzi (SLP) ukususela ku-2007 ukuya ku-2012 olwalwenziwe ngokulandela uMthetho woMzantsi Afrika woPhuhliso lweziMbiwa kunye noButyebi bePetroliyamu (MPRDA) kunye neNgxelo yeKhomishoni yaseMarikana emalunga noPhando lweKhomishoni yaseMarikana. Jonga ku <https://goo.gl/aBuXZG>.

⁹ Isikhalazo saBahlali abachaphazelekayo Malunga neMpembelelo yemiSebenzi ka-Lonmin eseMarikana kwiNdalo nakubaHlali, ikhasi 25, <https://goo.gl/NuCz3R>.

¹⁰ Ibid, ikhasi 12

zokukhutshwa kothuthu kunye ne-sulphur dioxide, ezidala ungcoliseko lwamanzi angaphantsi komhlaba kunye nongcoliseko lomoya.¹¹ Bathi zandile izifo zemiphunga ngenxa yothuli nongcoliseko lomoya¹².

Abamangali bachonge imiGangatho yoKwenziwa koMsebenzi (ii-PS) ezine abathi ziphathelele kolu tyalomali¹³. Zezi: PS1: Ugxeko-ncomo lwezasekuHlalani nezeNdalo, PS3: UkuThintelwa nokuDanjiswa koNgcoliseko, PS4: Impilo, uKhuselo noKhuseleko lwabaHlali, kunye ne-PS7: Abantu abayiNkulelane (Indigenous Peoples).

Malunga ne-PS7, isikhalazo sikhankanya ukuba iBhunga leNkosi yaBapo ba Mogale liqeshise umhlaba kumxumi. Noxa isikhalazo singabaluli iimpembelelo ezimbi kuBapo ba Mogale, bathi i-PS7 nayo mayisebenze. Kodwa ke, njengoko abamangali bengabangi ukuba bamele aBapo ba Mogale, le ngxelo ayithethi nto ngokusebenza kwe-PS7.

NgoJuni, 2015, umxumi wanikeza ngempendulo kwisimangalo.¹⁴ Umxumi wayecinga ukuba umcimbi wezindlu, ukuhlaliswa kwabasebenzi, kunye nokuphuculwa kwempilo yabahlali, yayi zizinto “ezaziyimfuneko yenguquko” (transformational necessity) eMzantsi Afrika kunye nakwiindawo ekumbiwa kuzo iplatinamu. Inkampani yongeza ngokuthi eminye imiba ifuna intsebenziswano phakathi kukarhulumente, oomasipala, iinkampani nabahlali. Malunga ne-SLP, inkampani yathi uyilo lwenziwa ngobambiswano nabantu abachaphazelekayo abaquka abahlali abakhe kufutshane nemayini kunye neSebe lezoButyebi beziMbiwa, ekulilo eliphicotha olu yilo.¹⁵

Ngokogxeko-ncomo olutshayeleyo luka-CAO, amaqela aphikisanayo avakalisa ukuba akhetha ukuba kube nothethathethwano olonganyelwe ngu-CAO ukuzama ukuza nesisombululo kwesi sikhalazo. Ngoko ke, isikhalazo sagqithiselwa kwisebe lika-CAO elilamla amaqela aphikisanayo. Kodwa, ngoDisemba 2016 abamangali bagqiba ekubeni barhoxe kule nkqubo bekhala ngokungabikho kwenkqubela-phambili. Esi sigqibo saqinisekiswa ngoMatshi 2017. NgoMeyi 2017, isikhalazo sagqithiselwa kwisebe lika-CAO elixabisa izimangalo.¹⁶

III. Ingalulo

Olu xabiso lulandelayo lokuthotyelwa kwezimiso nemiqathango lulungiselelwe ngokwamaxesha izinto ezenzeka ngawo kulandelwa umjikelo we-IFC wokusebenza kweeprojekthi. Lujonga ugxeko-ncomo olwenziwa yi-IFC ngaphambi kotyalomali nendlela utyalomali olonganyelwa ngayo xa kuthelekiswa nemigaqonkqubo yayo yezeNdalo nezabaHlali (i-E&S), iinkqubo nemigangatho ephathelele kwimiba ebalulwe kwisikhalazo.

Ubume bemiGaqonkqubo ye-IFC

Utyalomali lwe-IFC kumxumi lwenziwa ngaphantsi komgaqonkqubo ka-2006 omalunga noGcino lweNdalo nabaHlali (“uMgaqonkqubo woGcino”) kunye neMigangatho yoKwenziwa koMsebenzi (ii-PS), ezidityaniswa ngaphantsi kwegama elithi Ubume boGcino (Sustainability Framework). Umgaqonkqubo woGcino ka-2006 ugxininisa ukuba uphando olwenziwa yi-IFC

¹¹ Ibid.

¹² Ibid, Isihlomelo A.

¹³ Ibid, p.19

¹⁴ Impendulo ka-Lonmin kwikhalazo esifakwe ku-IIFC ngamalungu omphakathi ochaphazelekayomalunagna nempembelelo embi kubahlali nakwindalo ngenxa yemisebenzi ka-Lonmin eseMarikana, 10 Julayi 2015, <https://goo.gl/Jfzo5y>.

¹⁵ Ibid, p.8

¹⁶ Inxelo ka-CAO yesiPhelo soLamlo – Lonmin- 02/Marikana, <https://goo.gl/xE4J4V>.

ngaphambi kokuba ityale imali kwiprojekthi makube “oluhambisana nohlobo nobungako beprojekthi, noluqwalasela ubungako beengozi ezingathi zehlele abahlali nendalo ezingadalwa yiprojekthi” (umhlathi 13). Kwakhona, i-IFC kufanele “yongamele ukusebenza komxumi malunga nabahlali nendalo ngalo lonke ixesha i-IFC etyale ngalo imali” (umhlathi 11).

Uvavanyo lwe-IFC lweMpembelelo kwiNdalo nakubaHlali ngaphambi kotyalomali

Umbuzo ongundoqo obuzwa ngu-CAO ngaphambi kokuba bazibophelele kwiprojekthi owokuba ingaba i-IFC yalwenza kusini na uvavanyo (due diligence) ngelixa isenza ugxeke-ncomo lweengozi zotyalomali eziphathelele kwi-E&S. Ngokubanzi, i-IFC izibophelele ekubeni iza kwenza ugxeke-ncomo (review), ngaphambi kokutyala imali, “olufanelene nobume nobungako beprojekthi, nolulingene nenqanaba leengozi neempembelelo ezinokuthi zehlele indalo nabahlali.¹⁷ Ngoko-ke, u-CAO ujonga ukulingana: a) kogxeke-ncomo lwe-IFC neengozi ezinokuthi zehlele iprojekthi; b) indlela i-IFC ethe yaxabisa ngayo isakhono somxumi sokulawula nokudambisa ezo ngozi; kunye, c) namanyathelo afunwe yi-IFC ukuba umxumi awathabathe khon’ukuze kuqinisekiswa ukuba iingozi eziphathelele kwi-E&S zilawulwa ngokufanelekileyo.

limfuno zoMgaqonkqubo we-IFC ka-2006 oPhathelele kuGcino (Sustainability)

Eyona nto ibalulekileyo emsebenzini we-IFC wophuhliso ziinzame zayo zokwenza imisebenzi yayo yotyalomali ngendlela “engenabungozi” kubantu nakwindalo; ikongeza ngokuthi “iimpembelelo ezingentle kufanele ziphetshwe ukuba kunokwenzeka, yaye ukuba ezi mpembelelo azinakuphetshwa, kufanele zincitshiswe, zidanjiswe okanye zibuyekeze ngokufanelekileyo.”¹⁸ Kwakhona, “i-IFC izama ukuqinisekisa ukuba iprojekthi etyala kuzo imali zisebenza ngendlela ehambisanayo neemfuno zemiGangatho yoKwenziwa koMsebenzi.”¹⁹

I-IFC ilindele ukuba abaxumi bayo benze ugxeke-ncomo lweengozi neempembelelo ezinokuthi zehlele indalo nabahlali, nokuba bazilawule ngokulandela imiGangatho yoKwenziwa koMsebenzi. Indima ye-IFC “kukwenza ugxeke-ncomo lwexabiso lomxumi, ukuncedisa umxumi ukuba akwazi ukuthabatha amanyathelo okuphepha, ukucutha, ukunciphisa okanye ukubuyekeza impembelelo kwindalo nakubahlali, elandela umGangatho woKwenziwa koMsebenzi... kunye nokongamela indlela umxumi asebenza ngayo nendalo nabahlali ngalo lonke ixesha i-IFC etyale ngalo imali.”²⁰

Xa ixabisa iprojekthi, i-IFC yenza ugxeke-ncomo lwe E&S njenge nxalenye yophando jikelele. Ugxeke-ncomo lunamalungu amathathu” (i) iingozi neempembelelo kwindalo nakubahlali njengoko zixatyiswe ngumxumi; (ii) ukuzimisela nesakhono somxumi sokuzilawula ezi mpembelelo zilindelekileyo, kuquka nendlela umxumi alawula ngayo ezendalo nezabahlali; kunye (iii) nendawo edlalwa ngabanye abachaphazelekayo ekuthotyelweni kwemiGangatho yoKwenziwa koMsebenzi.”²¹ Ukuba iprojekthi ichaphazela ishishini esele likho kakade, kunokufuneka ukuba kwenziwe uphicotho lwezentlalo kunye/okanye nophicotho lwezendalo khon’ukuze kubonakale iindawana ezixhalabisayo.²²

¹⁷ Umgaqonkqubo we-IFC woGcino lweNdalo nabaHlali, 2000, umhlathi 13.

¹⁸ Ibid, umhlathi 8

¹⁹ Ibid, umhlathi 5

²⁰ Ibid, umhlathi 11

²¹ Ibid, umhlathi 15

²² IFC (2006) Umgangatho woKwenziwa koMsebenzi 3, umhlathi 8

Kwesekwe phezu kogxeko-ncomo kunye neempembelelo ezilindelekileyo, i-IFC ibeka iprojekthi kudidi oluyifanele ngokobungozi bayo kwi-E&S. I-IFC isebenzisa indlela yoku beka ngodidi ezendalo nezabahlali ukuze ibonakalise ubukhulu beempembelelo ezilindelekileyo nokubalula iimfuno zobhengezo esidlangalaleni (public disclosure) ngaphambi kokuzisa iprojekthi kwiBhodi ukuba iyamkele.²³ Iindidi zobungozi kwi-E&S ezichaphazela imali etyalwe ngqo zisusela kuDidi A ukuya kuDidi C, ezimele eyona ngozi yakhe yankulu neyona yakhe yancinci.

Ixabiso le-IFC le-E&S yeProjekthi

Ukuxabisa iprojekthi i-IFC yakwenza phakathi kukaMeyi 2006 noMatshi 2007. I-IFC yenza ugxeko-ncomo lwemisebenzi yomxumi echaphazela iplatinamu, igqale ngakumbi kwezoKhuselo (Safety), ezeMpilo, ezeNdalo, ezabaHlali kunye nezokhuseleko (Security) (SHECS), ulawulo, ulungiselelo (organisation) kunye neendlela zokusebenza. Oku kwakuquka i) iindlela zomxumi zolawulo lwezendalo, iinkcukacha namaxwebhu aphaathelele kulawulo lwezendalo, ezabahlali nezabasebenzi; ii) iiNgxelo zeNkqubo yoLawulo lwezeNdalo (ii-EMPR) zeprojekthi nganye; iii) ukuxatyiswa kwempembelelo kwindalo okwenzelwa imisebenzi emitsha; iv) uyilo lokuvala (closure plans); v) iinkcukacha ezingundoqo zokongamela; kunye vi) nesivumelwano sezabasebenzi sexesha elitsha. Kwathethathethwana nolawulo lomxumi (kuquka nesebe le-SHECS), abamele umasipala wendawo imayini esebenza kuyo, ibhunga lenkosi yaBapo ba Mogale, amasebe ezempilo akufutshane, ootitshala bezikolo ezikufuphi kunye nabanye abachaphazelekayo.²⁴

I-IFC yatyelela iindawo eziliqela umxumi asebenzela kuzo, eziquka: imigodi esebenzisa nengasebenzisi omatshini; iindawo ekugcinwa kuzo izinto ezikhutshwa yimayini (tailings dams); isinyibilikisi sesinyithi kunye nendawo ekucokiswa kuyo isinyithi esinganqabanga; iindawo zonxibelelwano (concentrators), indawo ekucokiswa kuyo isinyithi esinqabileyo; kunye neeprojekthi zomxumi eziliqela (izikolo, iikliniki, iindawo zolimo), kunye nehostele. Abahlali abaliqela abakhe kufuphi ne-Lonmin [Greater Lonmin Community (GLC)] nabo batyelelwa.²⁵

NgoJulayi 2006, ngaphambi kokuba kutyalwe imali, i-IFC yaba nentlanganiso yogxeko-ncomo nabalingani bayo (peer review meeting) ukuvumelana ngodidi lobungozi beprojekthi kwi-E&S. I-IFC yabeka iprojekthi kuDidi A. Loo nto yayithetha ukuba iprojekthi yayingaba nobungozi obumasikizi kwindalo nakubahlali, ubungozi obungenakujikwa okanye obungakhange bubonwe ngaphambili.

I-IFC yaqaphela ukuba olu yayi lutyalomali olungaqhelekanga njengoko umxumi kwaku yinkampani ebhaliswe kwi-FTS 100 kwi-London Stock Exchange. Ngokwengcaciso ye-IOFC, imithetho ye-London Stock Exchange ifuna ukuba bonke abanini-zabelo bakwazi ukufinyelela kwiinkcukacha ezifanayo ngenkampani ebhaliswe kuyo. Ngoko ke, i-IFC yazixelela ukuba zazincinci iinkcukacha eyayingathi izifune kumxumi, kuquka neenkukacha ezimalunga neengxelo ze-E&S.

Inkxaso ePhangaleleyo yabaHlali

Umgaqonkqubo woGcino, i-PS1, kunye neNkqubo zoGxeko-ncomo lwezeNdalo nezabaHlali zicacisa iimfuno ze-BCS (Broad Community Support). Njengoko kucaciswe

²³ IFC (2006) Umgaqonkqubo woGcino lwezeNdalo nezabaHlali, umhlathi 18

²⁴ IFC (2006) ESRS, <https://goo.gl/eygk7f>

²⁵ Ibid.

kuMgaqonkqubo woGcino, kwiprojekthi ezineempembelelo ezimasikizi kubahlali abachaphazelekayo, i-IFC kufanele ukuba izonelise ukuba iprojekthi ine-BCS yabahlali abachaphazelekayo.²⁶ Umgaqonkqubo uchaza i-BCS “njengengqokelela yeentetho ezivela kubahlali abachaphazelekayo, zisiza nomntu ngamnye okanye zisiza nabantu abamele abo bahlali, ezivakalisa inkxaso yeprojekthi.”²⁷

Ukuqinisekisa ukuba umxumi uyazibophelela kwi-BCS, i-IFC kufuneka yenze ugxeke-ncomo “lwamaxwebhu omxumi aphaathelele kwinkqubo yokunxibelelana nabahlali. Kwakhona, i-IFC kufanele izonelise, ngolwayo uphando oluzimele, ukuba indlela umxumi anxibelelana ngayo nabahlali ingekhululekileyo, eyenziwe ngaphambili nequlethe iinkcukacha eziza kwenza ukuba abahlali abachaphazelekayo bathabathe inxaxheba benolwazi, nto leyo eza kukhokelela ekubeni iprojekthi ibe nenkxaso ephangaleleyo yabahlali kumakhaya achaphazelekayo, oko kwenziwe ngaphambi kokuba i-IFC izise iprojekthi kwiBhodi yabaLawuli ukuba iyamkele.”²⁸

Ukongeza, kwiprojekthi ezineempembelelo ezimbi ngokumasikizi, i-PS1 inyanzela ukuba unxibelelwano nabahlali abachaphazelekayo lwenziwe xa kuqaliswa ngenkqubo yokuxabisa yaye lwenziwe rhoqo.²⁹ Uxanduva lwe-IFC luquka ukuxatyiswa “kwendlela umxumi ahangabezane ngayo okanye aza kuthi ahangabezane ngayo nezibopho zakhe zobhengezo nezoxibelelwano”, njengoko zicaciswe kubume bemigaqonkqubo ye-IFC.³⁰ I-IFC ilinganisa ubungako bokuyixhasa okanye bokungahambisani neprojekthi ngabahlali abachaphazeleka ngakumbi.³¹

Ngexesha lokuxabisa, i-IFC yachonga i-BCS njeneyona ngozi. I-IFC yenza ugxeke-ncomo lwamanyathelo ahlukeneyo ayethatyathwa ngumxumi kwiinzame zokuguqula ubudlelwane bakhe nabahlali abamngqongileyo kunye nabanye abachaphazelekayo, afana nokugunyazisa nokulandela uvavanyo (surveys) lwendlela abahlali abayijonga ngayo iprojekthi, ukumisa iinkundla zoxibelelwano nabantu abachaphazelekayo, kunye nokunxibelelana rhoqo neziphath’amandla zomthonyama noomasipala.

I-IFC yaqinisekisa ubukho be-BCS phezu kwesiseko (a) samaxwebhu ommeli (sponsor) ayebonakalisa iinzame zokuchonga abantu abachaphazelekayo nokunxibelelana nabo rhoqo nangokuphindelela, ngendlela ekhululekileyo, eyenziwe ngaphambili neneenkukacha; (b) seziphumo zeentlanganiso eziliqela nabantu abachaphazelekayo ababalulekileyo ngexesha loxabiso; (c) kokubakho kwiiNkundla zoNxibelelwano naBantu abachaphazelekayo (ngoNovemba 2005 nangoNovemba 2006) kunye (d) nakwiziphumo zovavanyo oluzimele lwendlela abantu abachaphazelekayo abayijonga ngayo iprojekthi, olwenziwa ngo-2004, 2005 nango-2006.

Ukufezekiswa kwe-SLP

Ii-PS ze-IFC zinyanzelisa ukuba abaxumi “mabathobele imithetho ephatheleleyo yelizwe.”³² Ngaphantsi kwe-PS1, umxumi kufuneka “amise inkqubo yoXabiso lwezabaHlali nezeNdalo aza kujonga ngayo, ngendlela ephetheleyo, iingozi neempembelelo ezinokuthi zibekho

²⁶ IFC (2006) Umgaqonkqubo woGcino lwezeNdalo nezabaHlali, umhlathi 15

²⁷ Ibid. umhlathi 20.

²⁸ Ibid.

²⁹ IFC (2006) Umgangatho woKwenziwa koMsebenzi 1, umhlathi 19

³⁰ IFC (2006) Iinkqubo zoGxeke-ncomo lwezeNdalo nezabaHlali

³¹ Ibid. umhlathi 3.5 kwisihlomelo

³² IFC (2006) ImiGangatho yoKwenziwa koMsebenzi oPhathelele kuGcino lwezeNdalo nezabaHlali

kwindalo nakubahlali (...) ziziswa yiprojekthi.” Olu xabiso kufuneka nokuba lujonge “imithetho nezimiso ezichaphazelekayo kwiindawo iprojekthi eyenzelwa kuzo, eziphathelele kwezabahlali nezendalo.”³³

Ngokomthetho woMzantsi Afrika weziMbiwa noPhuhliso lobuTyebi bePetroliyam (MPRDA) 28 ka 2002, abafaka izicelo zamalungelo okumba kufanele beze noyilo lwezabahlali nezabasebenzi.³⁴ Ngo-2006, umxumi wanikeza iSebe leziMbiwa i-SLP ngenjongo yokuguqula amalungelo akhe akudala okumba emayini yaseMarikana abe ngamalungelo okumba amatsha.³⁵

Ngokuphathelele kwisikhalazo, isibophelelo sokuba kube sele kune-10% yoomama abaphangela ezimayini ungekagqithi unyaka ka-2010 nokuba kube sele kune-10% yoomama abasebenza emigodini ungekagqithi unyaka ka-2012, kwaku yinxalenye ye-SLP. I-SLP yayi nyanzela umxumi ukuba aguqule iihostele ezi-114 zibe ziindawo zokuhlalisa umntu ngamnye okanye zokuhlalisa iintsapho ungekagqithi unyaka ka-2011. Umxumi ukwazibophelela ekubeni uza kwakha izindlu ezintsha ezi-5,500, alungise izitandi ezi-4,800 (kuquka nobonelelo lwamanzi nococeko) ungekagqithi unyaka ka-2011.³⁶

Ngasekupheleni kuka-2006, xa i-IFC yayisenza ugxeke-ncomo lweprojekthi, umxumi wafumana iphepha-mvume lakhe elitsha lokumba. Amaxwebhu ogxeke-ncomo lweprojekthi abalula ukuba ukuzibophelela komxumi kuphuhliso lwabahlali lwaluquka umsebenzi omandla wokwakha izindlu nokuguqula iihostele. Ngelo xesha, umxumi wayezimisele ukwakha izindlu ezintsha ezixabisa ubuncinane i-\$100 miliyoni ungekagqithi unyaka ka 2009.³⁷ I-IFC yachonga uguqulo lwezakhiwo njengeyona ngozi enokuthi icele imingeni kubahlali ngenxa yobuninzi babasebenzi abasebenza kude namakhaya abo.

Iimpembelelo kwiNdalo nakubaHlali

I-PS3 (2006) ephathelele ekuNqandweni nasekuDanjiswa koNgcoliseko inyanzela ukuba umxumi “asebenzise ubugcisa neendlela zokunqanda nokulawula ungcoliseko ezona zingancedisa ukuphepha okanye, apho kungenakuphetshwa khona, ukucutha okanye ukunciphisa iimpembelelo zalo kwimpilo yabantu nakwindalo” ngalo lonke ixesha lobomi beprojekthi.³⁸ Umxumi ukwanyanzeleka ukuba “aphephe ukukhutshwa kwezinto ezingcolisayo okanye, ukuba azinakuphetshwa, azicuthe okanye alawule ubungako bokukhutshwa kwazo.³⁹ Kananjalo, ukukhutshwa kwezinto ezinobungozi ezidalwa yimisebenzi yeprojekthi kufanele ziphetshwe okanye, ukuba azinakuphetshwa, zicuthe okanye zilawulwe.⁴⁰

³³ IFC (2006) Umgangatho woKwenziwa koMsebenzi 1, umhlathi 4

³⁴ Umthetho weziMbiwa noPhuhliso lwezobuTyebi bePetroliyam (MPRDA), 23(1)(e), <https://goo.gl/9LHJ6f>

³⁵ Amnesty International, Umsi neziPili: Ukoyisakala kuka-Lonmin ukuHlangabezana nemiQathango yoLwakhiwo lweziNdlu eMarikana, eMzantsi Afrika, <http://goo.gl/SuwJkn>

³⁶ Uguqulo loYilo lwezabaHlali nezabaSebenzi lweLungelo laKudala lokuMba, Easterns Platimun Limited, Agasti 2006 (SLP 2006). “Ulungiso lwezitandi luxela isiqinisekiso sokuba umhlaba ekuza kwakhiwa kuwo izindlu ufakelwa ugesi, amanzi nemizila yogutyulo lwendle.” Amnesty International, Umsi neziPili: Ukoyisakala kuka-Lonmin ukuHlangabezana nemiQathango yoLwakhiwo lweziNdlu eMarikana, eMzantsi Afrika, <https://goo.gl/qI/SuwJkn>

³⁷ IFC (2006) ESRS, <https://goo.gl/eygk7f>

³⁸ IFC (2006) Umgangatho woKwenziwa koMsebenzi 3, umhlathi 3

³⁹ Ibid. umhlathi 4

⁴⁰ Ibid. umhlathi 6

I-PS3 inyanzelisa ukuba kusetyenziswe iindlela ezizodwa ezijongene ngqo neprojekthi ukuze kuphetshwe yaye kulawulwe ungcoliseko ngalo lonke ixesha lobomi beprojekthi, nokuba kufanele zihambisane neengozi eziphathelele kwizinto ezinobungozi ezikhutshwa yiprojekthi, yaye zihambisane neendlela ezilungileyo neziqhelekileyo kweli shishini kumazwe ngamazwe, njengoko zibonakaliswe kwimithombo eliqela yamazwe ngamazwe, equka iziKhokelo ze-IFC zezeNdalo, ezeMpilo nezokhuseleko (iziKhokelo ze-EHS).⁴¹ Umxumi kulindeleke ukuba akhangele iziKhokelo ze-EHS ngelixa exabisa naxa ekhetha iindlela aza kunqanda yaye alawule ngazo izinto ezingcolisayo. Ezi ziKhokelo ziqulethe amanqanaba ekufanele kwenziwe ngawo umsebenzi kunye namanyathelo aqhelekileyo namkelekileyo ukuba anokusetyenziswa kwiiprojekthi.⁴²

Malunga nokukhutshwa kwegesi edala ubushushu bemozulu [greenhouse gas (GHG)], umxumi kufuneka akhuthaze ukuncitshiswa kwezinto ezikhutshwa yiprojekthi “ngendlela elungelene nohlobo nobungako bemisebenzi neempembelelo zeprojekthi.”⁴³ Ukubangaba iprojekthi iza kukhupha i-GHG eninzi, umxumi kufuneka alinganise, minyaka le, impembelelo yayo ethe ngqo nengathanga ngqo. Ngaphezu koko, umxumi kufanele “axabise ubuchule nemali eza kufuneka, axabise neendlela ezingabizi zokunciphisa okanye ukubuyekeza i-GHG eza kukhutshwa yiprojekthi, oku kwenziwe ngelixa iprojekthi isayilwa nangelixa iprojekthi sele isebenza.”⁴⁴

Ngokuphathelele kwiMpilo yabaHlali kunye noKhuselo noKhuseleko, i-PS4 inyanzelisa ukuba umxumi “aphephe okanye anciphise iimpembelelo ezingentle ezidalwa yimisebenzi yeprojekthi emhlabeni, emanzini nakobunye ubutyebi bendalo obusetyenziswa ngabahlali abachaphazelekayo.”⁴⁵ Kodwa ke, ukubangaba kukho iingozi neempebelelo ezingentle kwimpilo nokhuseleko lwabahlali abachaphazelekayo, umxumi kufuneka abhengeze “naziphi na iinkcukacha ezifanele eziphathelele kwiprojekthi khon’ukuze abahlali abachaphazelekayo nee-arhente zikarhulumente ziziqonde ezo ngozi nezo mpembelelo, yaye anxibelelane rhoqo nabahlali nee-arhente ezichaphazelekayo, elandela iimfuno zoMgangatho woKwenziwa koMsebenzi 1.”⁴⁶

Ngexesha lokuxabisa, i-IFC yalwenza ugxeke-ncomo lweeNgxelo zomxumi zeeNkqubo zoLawulo lwezeNdalo (ii-EMPR).⁴⁷ I-IFC yenza nogxeke-ncomo lwamaxwebhu aphaathelele kwezendalo ayeziswe ngumxumi.⁴⁸ I-IFC yaphawula ukuba umxumi wayenikezwe amaphepha-mvume ohlobo lwe-ISO 14001 ne-OHSAS 18001 kuyo yonke imisebenzi yakhe yaseMarikana, ukanti ukunikezwa kwamaphepha-mvume aseLimpopo kwakuza kuqosheliswa ngo-2007.

I-IFC yaxela ukuba umxumi walwenza ugxeke-ncomo lokukhupha kwakhe i-GHG. Iindawo ezithile zeprojekthi zachongwa njengezingaba nempembelelo kwiimeko ezithe lwale

⁴¹ Ibid. umhlathi 3

⁴² Ibid. umhlathi 8

⁴³ Ibid. umhlathi 10

⁴⁴ Ibid. umhlathi 11

⁴⁵ IFC (2006) Umgangatho woKwenziwa koMsebenzi 4, umhlathi 9

⁴⁶ IFC (2006) Umgangatho woKwenziwa koMsebenzi 4, umhlathi 5

⁴⁷ I-ESRS icacisa iiNgxelo zeeNkqubo zoLawulo lwezeNdalo (ii-EMPR) njengenkqubo yaseMzantsi Afrika elinganayo nokuXatyliswa kweeMpembelelo kwiNdalo nakubaHlali (ii-ESIA)

⁴⁸ Ugxeke-ncomo lwaluquka uPhicotho lokuThotyelwa kwemiThetho yezeNdalo ka2005 lweSebe laseLimpopo; uPhicotho lokuThotyelwa kwemiThetho yezeNdalo lomxumi; i-Assay lab., i-Eastern Platinum Mine, ukumba ngaphezu komhlaba (i-Opencast), iinkonzo zezokunyibilikiswa kwesinyithi, umuzi wokucokisa wase-Western Platimun Mine, idolophu yase-Mooi, Kunye nemayini yase-Karee, zonke ezibhalwe ngoNovemba 2005; Kunye nengelo yomxumi ye-SHES yangoMeyi 2006

(kwindawo ekugcinwa kuzo izinto ezikhutshwa yimayini kunye nakwisinyibilikisi). Kwathatyathwa ngokuthi amanyathelo afanelekileyo okunciphisa ezo mpembelelo ayethatyathiwe (umzekelo, ukunciphisa uthuli okanye ukunciphisa ukukhutshwa kwe-sulfur dioxide).⁴⁹ I-IFC yaxela ukuba indlela umxumi ayelawula ngayo inkunkuma yayiquka ukuphetshwa, ukuncitshiswa, ukubuyekezwa, ukusetyenziswa kwakhona kunye nokulahlwa kwenkunkuma ngendlela engenabungozi kwindalo.⁵⁰

I-IFC yaphawula ukuba umsebenzi ngamnye wawuneendawo eziliqela ekugcinwa kuzo izinto ezikhutshwa yimayini. Ii-EMPR zazi thatyathwa ngokuthi zinikeza iinkcukacha ezipheleleyo malunga nazo zonke ezi ndawo, zikwanikeza nemithetho (protocols) yokulawula neyokuziphatha. Zonke iindawo ekugcinwa kuzo izinto ezikhutshwa yimayini kwaphawulwa ukuba zazi lawulwa zikontraka ezinobuchule yaye zazonganyelwe ngabasebisi (consultants) abazimele nabanezakhono ezifanelekileyo, kulandelwa imiGangatho ye-IFC yoKwenziwa koMsebenzi.⁵¹

Emva koxeko-ncomo lwayo, i-IFC yagqiba kwelokuba iindlela umxumi wayezisebenzisa ukunqanda nokulawula ungcoliseko, neendlela ayelawula ngazo ukulahlwa kwenkunkuma zazihambisana neendlela ezamkelekileyo kumazwe ngamazwe. I-IFC yathabatha nesigqibo sokuba uyilo lomxumi kunye neendlela ayelawula ngazo zathi zachonga yaye zahlangabezana nemiba engundoqo ephathelele kwezendalo nokuba zazibonisa ukuba imisebenzi yomxumi iyayithobela imithetho elawula ezendalo, ezempilo nokhuseleko kunye nezabahlali, yayithobela nemigaqonkqubo nezikhokelo zoMzantsi Afrika kunye neze-IFC.⁵²

Isiphetho

U-CAO uphawula ukuba i-IFC yachonga ngokufanelekileyo ukuba i-PS1 ukuya kwi-PS6 kunye ne-PS8 zaziphathelele kwiprojekthi.

Ngokuphathelele ekuxatyisweni kwe-BCS yi-IFC, u-CAO ugqala ukuba ugxeke-ncomo lwe-IFC lwazijonga iziphumo zophando olwalu malunga nendlela umxumi waye nxibelelana ngayo nabantu abachaphazelekayo kunye namaxwebhu omxumi aphaathelele kwiintlanganiso zonxibelelwano. Ngokwa la maxwebhu, u-CAO ugqala ukuba akucaci ukuba i-BCS yeprojekthi yamiswa ngokulandela iimfuno zoMgaqosiseko woGcino (Sustainability Policy) kusini na.

Kwakhona, u-CAO ugqala into yokuba i-IFC khange ikujonge ukuzibophelela komxumi ngaphantsi kwe-SLP njengokuthobela iimfuno. Ngoko ke, i-IFC khange ilinganise ukuba iinjongo ze-SLP yayi zezifinyelelekayo kusini na yaye khange iquke iinjongo ze-SLP kuYilo lwamaNyathelo ezeNdalo nezabaHlali nangona yayi yichongile imingeni umxumi ayengathi ahangabezane nayo xa ezama ukuzalisekisa ezi njongo, ingakumbi ngokuphathelele kulwakhiwo lwezindlu. Malunga nale meko, u-CAO unemibuzo ethi ingaba ugxeke-ncomo lwe-IFC, eyalwenza ngaphambi kokuba ityale imali, lokuqinisekisa ukuba umxumi uza kuba nako ukufezekisa i-SLP, lwaluhambisana kusini na nobungako benzozi (risk).

Ngokuphathelele kwiimpembelelo kwezendalo nezempilo, i-IFC, emva koxeko-ncomo lwamaxwebhu omxumi kunye notyelelo lweendawo asebenza kuzo, yafikelela kwizigqibo ezincumisayo malunga neendlela zomxumi zolawulo lwezendalo nezempilo. Uphando lwe-IFC olwenziwa ngaphambi kokutyalwa kwemali lweza nesigqibo esithi indlela umxumi

⁴⁹ IFC (20-06) ESRS, <https://goo.gl/eygk7f>

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² IFC (200^)^ ESRS, <https://goo.gl/eygk7f>

ayeshishina ngayo yayihambisana nobume bemithetho yoMzantsi Afrika kunye nemiGangatho ye-IFC yoKwenziwa koMsebenzi. Nangona u-CAO eyamkela into yokuba ugxeke-ncomo lwale miba olwenziwa yi-IFC yayi lolugqibeleleyo, imiba ephathelele kungcoliseko eyavela ngexesha lolawulo lweprojekthi iza nemibuzo malunga nokuba luqilima kogxeke-ncomo lwe-IFC.

Ukonganyelwa kweProjekthi yi-IFC

I-IFC kufuneka yongamele (monitor) ukusebenza kwe-E&S yomxumi wayo ngalo lonke ixesha ekutyalwe ngalo imali. Umgaqonkqubo woGcino ubophelela i-IFC ekubeni “ifune ukuba iprojekthi izise, rhoqo ngamaxesha amisiweyo, iiNgxelo zoKongamela eziphathelele kwimisebenzi echaphazela ezabahlali nezendalo njengoko kuvunyelwene ne-IFC” yaye “ityelele iindawo ezithile ezineprojekthi ezineempembelelo neengozi kubahlali nakwindalo.” I-IFC ikwazibophelela ekubeni “iza kwenza ugxeke-ncomo lwendlela iprojekthi esebenza ngayo, ilandela ukuzibophelela komxumi okuqulethwe kuYilo lokuSebenza (Action Plan), njengoko ixelwe kwiiNgxelo zomxumi zoKongamela, kunye nokwenza ugxeke-ncomo, apho kuphathelela khona, isebenzisana nomxumi, lwawo namaphi na amathuba anokuthi avele okuphucula indlela yokusebenza.⁵³ KwiiProjekthi ezikwiNqanaba A, umxumi kufuneka “aqeshe iincutshe ezivela ngaphandle nezinamava ukuba zinyanisekise iingxelo zakhe zokongamela.”⁵⁴

I-PS1 igxininisa ukubaluleka kokulawulwa kwemisebenzi echaphazela ezendalo nezabahlali “ngalo lonke ixesha lobomi beprojekthi.”⁵⁵ I-PS1 inyanzelisa ukuba umxumi amise yaye agcine iNdlela yoLawulo lwezabaHlali nezeNdalo equka ukongamela nokuxela⁵⁶

Ukonganyelwa ngokuBanzi kweProjekthi

Ngokwe-IFC, lento yokuba umxumi uyinkampani kawonke-wonke ebhalisiweyo, yayi thetha ukuba bonke abanezabelo kuyo kufanele banikezwe iinkcukacha ezifanayo malunga nokusebenza kwenkampani. Ngokwale meko, i-IFC yagqiba ekubeni iza kweseka ukongamela kwayo kwe-E&S phezu kweeNgxelo zoPhuhliso olunokuGcineka (ii-SDR) ezibhengezwa ngumxumi esidlangalaleni, yaye ayizu kufuna iiNgxelo zaMinyaka–le zoKongamela (ii-AMR) ezisecaleni.⁵⁷ Ugxeke-ncomo lwe-IFC lwalugqala rhoqo ukuba ii-SDR zazi ngenazo iinkcukacha ezifumaneka ngokwesiqhelo kwii-AMR, ingakumbi ezichaphazela ukuthotyelwa kwe-PS3: UkuNqandwa nokuDanjiswa koNgcoliseko. Iinkcukacha ezagqalwa njengezisileleyo zaziquka ulwazi malunga nokonganyelwa (monitoring) kwezinto ezikhutshwa yimayini ezichaphazela amanzi angaphezu komhlaba nangaphantsi komhlaba, kunye nezingcolisi zomoya (kungabalwa i-sulfur dioxide - SO₂.) Noxa kunjalo, i-IFC yathabatha ngokuba ukuba luqilima kwemithetho yoMzantsi Afrika kunye nobume bokongamela (monitoring framework) kuthetha ukuba ukusilela kweenkcukacha ezipheleleyo kwakungenayo ingozi yokungcolisa igama layo.

⁵³ IFC (2006) Umgaqonkqubo woGcino lwezeNdalo nezabaHlali, umhlathi 26

⁵⁴ IFC (2006) Umgangatho woKwenziwa koMsebenzi 1, umhlathi 24

⁵⁵ IFC (2006) Umgangatho woKwenziwa koMsebenzi 1, umhlathi 1

⁵⁶ Ibid. umhlathi 3

⁵⁷ Abasebenzi be-IFC bathabatha uhambo lokongamela izihlandlo ezine, minyaka le phakathi kuka 2008 no 2011, yaye babethumela ingxelo emva e-ofisini emva kohambo ngalunye.

Ukuxibelelana rhoqo nabahlali

NgokoMgaqonkqubo woGcino ka-2006, emveni kokuba iprojekthi yamkelwe yiBhodi, i-IFC kufuneka iqhubeka nokongamela (monitor) inkqubo yomxumi yokuxibelelana nabahlali.⁵⁸

Ngo-2008, umxumi waxela ukuba unengxaki yokugcina inkxaso yabahlali. Uvavanyo luka - 2008 lwendlela abahlali ababeyijonga ngayo iprojekthi lwabonakalisa ukuba iziphumo zazi ngaphantsi kwenani elalijongiwe le-60%.⁵⁹ Esi siphumo sabalelwa ekubeni abahlali babe lindele lukhulu kodwa iinzuzo ababezi thenjisiwe abade bazifumana. Ngo-2010, umxumi wakunika indawo ephambili ukuphuculwa kobudlelwane nabahlali abakhe kufuphi no-Lonmin (GLC) nobudlelwane norhulumente, wagqala nokuba wayebamba iintlanganiso zeNkundla yabantu abachatshazelwa zezeNdalo kabini ngonyaka.⁶⁰ Iziphumo zezi ntlanganiso khangela zixelwe.

Ngo-2011, inkampani yasingisela ukusebenzisa uyilo lonxibelelwano nabantu abachaphazelekayo khon'ukuze incedise, phakathi kokunye, ukuba ukufezekiswa kwe-SLP kuze neziphumo ezintle.⁶¹ Ngo-Agasti nangoSeptemba 2012, kwabakho iziganeko zodushe phakathi kwabasebenzi ababekhankqalaza namapolisa kufuphi nemayini yomxumi eseMarikana nokwasuba imiphefumlo engama-44 (iziganeko zaseMarikana).⁶² Kwalandela uqhankqalazo lweenyanga ezintlanu phakathi kukaJanyuwari noJuni 2014, olwakhokelela kuthethathethwano nemibutho yabasebenzi kuwo onke amashishini nokwakhokelela ekubeni kuvunyelwane ngomvuzo omtsha. Uqhankqalazo lwachaphazela abantu abakhe kufutshane no-Lonmin (GLC) ababalelwa kuma-186,000. U-CAO ugqala ukuba unxibelelwano nabahlali lwahlala lungumceli-mngeni kumxumi.

Ukuzalisekiswa kwe-SLP

I-SLP yamkelwa okokuqala ngo-2006 ukanti yayiquka, phakathi kokunye, iinjongo zolwakhiwo lwezindlu, nokuqeshwa koomama.⁶³ Ngo-2011, iinjongo zolwakhiwo lwezindlu ezazi kwi-SLP zaqwalaselwa kwakhona. Ngo-2011, i-SLP entsha yeminyaka emihlanu yagqityezelwa yade yathiwa thaca emveni kokuba eyangaphambili iphelelwe lixesha ngo Disemba 2012.

a) Ulwakhiwo lwezindlu noguqulo lweehostele

Ekuqaleni umxumi wazibophelela ekubeni uza kuguqula iihostele ezi-114 azenze zibe ziindawo zokuhlalisa umntu ngamnye okanye ezokuhlalisa iintsapho nasekubeni uza kwakha izindlu ezi-5,500 ungekagqithi unyaka ka-2011.⁶⁴

⁵⁸ IFC (2006) Umgqonkqubo wezoGcino lwezeNdalo nezabaHlali, umhlathi 20

⁵⁹ Lonmin Plc, Ingxelo yoPhuhliso olunokuGcinwa lonyaka ophela ngomhla we-30 Septemba 2008 (SDR 2008), olufumaneka kwi-Website, ikhasi 84.

⁶⁰ Lonmin Plc, Ingxelo yoPhuhliso olunokuGcinwa lonyaka ophela ngomhla we-30 Septemba 2008 (SDR 2008), olufumaneka kwi-Website, ikhasi 94.

⁶¹ Ibid, ikhasi 64

⁶² CAO, Ingxelo yoXabiso, Ref. Code: C-I-R4-Y12, yomhla-ka 30 Agasti, 2013, <https://goo.gl/SrN8KU>. U-CAO wayijonga lemiba ngeliso loxabiso lokuthotyelwa kwezimiso nemiqathango olwalugqugquzelwe ngu-CAO. U-CAO wagqiba ekubeni angaqhubekeli phambili nophando lokuthotyelwa kwezimiso nemiqathango ngelo xesha kuba wagqala ukuba indibano phakathi kokusebenza kwe-S&P ye-IFC neziphumo zempikiswano ka Agasti 2012 yayingacacanga ngokwaneleyo kuba kwaku ngekho sikhaziso esivela kubantu abachaphazelekayo.

⁶³ Lonmin Plc, SLP 2006, ikhasi 9

⁶⁴ Lonmin Plc, SDR 2010, ikhasi 38

Ngo-2010, waxela ukuba uyasilela ekufezekiseni ukuzibophelela kwakhe kwi-SLP malunga nolwakhiwo lwezindlu, nto leyo eyayinga khokelela ekubeni alahlekelwe liphepha-mvume lakhe lokumba.⁶⁵ Ngoko ke, iinjongo zolwakhiwo lwezindlu ngokwe-SLP zaqwalaselwa kwakhona ukuze kuguqulwe iihoste ezi-26 ungekagqithi unyaka ka-2014.⁶⁶ Ngo-2011, i-IFC yatyelela iihoste ezezakhiwa kabutsha yaqwalasela nezakhiwo ezintsha. I-IFC yaphawula ukuba izakhiwo ezintsha zazinikeza abasebenzi amathuba okuhlala eendaweni ezibhetele kakhulu. Kodwa umxumi waxela ukuba njengoko wayebhatala imali yokuhlala ngaphandle, kwabo ababe khetha ukuhlala eendaweni ezingakhiwanga yinkampani, abasebenzi abavela kude (migrant workers) babekhetha ukonga imali ngokuba babhatalwe imali yokuhlala ngaphandle bakugqiba barente eendaweni ezingentle.⁶⁷

Phakathi kuka-2003 no-2012, umxumi waguqula iihoste ezi-97 xa zizonke, wakha izindlu zokuhlalisa umntu ngamnye ezi-937 nezokuhlalisa iintsapho ezi-695, abasebenzi ababezirenta nge-R350 (US\$43) ngenyanga, into ethetha ukuba wayesasilele ekuzibopheleleni kwakhe.⁶⁸ Umxumi wavuma ukuba akakwazanga ukuzalisekisa izibhambathiso zakhe ezikwi-SLP yokuqala ngenxa yezizathu eziliqela, ezaziquka ukwehla kakhulu nangephanyazo kwexabiso leplatinamu ngexesha lokwehla kwamandla emali ehlabathini liphela, okwaba neempembelelo ezimbi gqitha kwingeniso.⁶⁹

Ngo-2015, umxumi waxela ukuba ikhomishoni ezimele,⁷⁰ eyamiswa emva kweziganeko zaseMarikana, yagqiba ekubeni umxumi waye nyanzelekile ngokomthetho ukuba agqibezele ukuguqula iihoste nokwakha izindlu ezi-5,500, ingekagqithi inyanga kaSeptemba 2011. Le khomishoni ezimele yafumana ukuba ukoyisakala komxumi ukuthobela ukuzibophelela kwakhe “kwadala imeko eyayinga khokelela kwinkxalabo, ugwayimbo lwabasebenzi, ukungavisisani kwabasebenzi okanye ezinye iimeko eziyingozi.” Amaxhala angundoqo ayevakaliswe ngabamangali malunga nolwakhiwo lwezindlu nawo angqinelwa yile khomishoni.⁷¹

U-CAO uphawula ukuba ngalo lonke ixesha lotyalomali, i-IFC yayisenza ugxeke-ncomo lwee-SRD zomxumi nokuba yayi phindaphinda inkcukacha eziqulethwe apho, kuquka neengxelo ngeenjongo ze-SLP. Ngo-2010, emva kokubela kwentandabuzo yokuba umxumi uza kuligcina kusini na iphepha-mvume lakhe lokumba, iingxelo ze-IFC zaqalisa ukuba neenkukacha ezithe vetshe nezinengcaciso. Kodwa ke, ngaphambi koko, i-IFC kubonakala ingathi khange iyichonge ingozi yokoyisakala komxumi ukuzalisekisa izibhambathiso zakhe malunga nolwakhiwo lwezindlu njengokoyisakala ukuthobela izimiso nemiqathango, okanye aqwalasele naziphi na iingozi eziphathelele kubahlali.

⁶⁵ Ibid, ikhasi 05, Ngelo xesha, izindlu ezasele zikho kwaku zizindlu ezi-1,798, izindlu zokuhlalisa iintsapho ezi-544, ezokuhlalisa umntu ngamnye ezi-92 kunye neehoste ezintathu.

⁶⁶ Ibid. ikhasi 38

⁶⁷ Lonmin Plc, SDR 2012, ikhasi 11.

⁶⁸ Ibid. ikhasi 11

⁶⁹ Lonmin Plc, Ingxelo yoPhuhliso olunokuGcineka lonyaka ophela ngomhla we-30 Septemba 2015 (SRD 2015), ikhasi 21.

⁷⁰ Ikhomishoni yoPhando yaseMarikana (2015), ikhasi 522 nalandelayo. <https://goo.gl/CgrRRR>. Ikhomishoni yoPhando yaseMarikana yamiswa nguMnu Jacob Zuma, uMongameli weRiphabliki yoMzantsi Afrika, ngomhla we-23 Agasti 2012 ukuba iphande “ngemiba eyaxhalabisa abahlali, ilizwe, namazwe ngamazwe emva kweziganeko ezilusizi eMayini yakwa-Lonmin eMarikana.”

⁷¹ Lonmin Plc, Ingxelo yoPhuhliso olunokuGcineka lonyaka ophela ngomhla we-30 Septemba 2015 (SDR 2015), ikhasi 20

b) Amanzi nococeko

Injongo ye-SLP ka 2006 yayikukulungisa izitandi ezi-4,800 (kuquka ukufakelwa kwamanzi nococeko) ungekagqithi unyaka ka-2011.⁷² Ngo-2012, umxumi waxela ukuba ufakele amanzi kwiintsapho ezi-1,100 nococeko (sanitation) kwiintsapho ezi-650.⁷³ Ngo-2014 umxumi waxela ngokuphuculwa konikezelo lwamanzi emveni kokuba elungise imibhobho yamanzi.⁷⁴ Ngo-2015, umxumi waxela ukuba iiprojekthi eziphathelele kwiingqalazizinda ezinzima zazi joliswe ekuphuculweni kokunikezelwa kwamanzi alungele ukuselwa ngo-2014 nango-2015.⁷⁵

U-CAO uphawula ukuba ngalo lonke ixesha lokongamela (monitoring), i-IFC yayizenza iingxelo zemali eyayi bekwa bucala ngumxumi ukuze anikeze ngayo iinkonzo zolungiso (service). Ezi nkonzo zaziquka utyalomali kwiingqalazizinda, ezikolweni, kumanzi, kucoceko nakwezinye iinkqubo zophuhliso. I-IFC khange inikeze iinkcukacha ezipheleleyo malunga nokufezekiswa kweeprojekthi eziphathelele kumanzi nococeko okanye ezinxibelelene nemisebenzi yomxumi khon'ukuze ayithelekise neenjongo (targets) ezigunyaziswe kwi-SLP.

c) Ukuqesha ngokokulingana kwesini

Ukuzibophelela kokuqala komxumi kwi-SLP ka-2006 yayi kukongeza inani loomama abaphangela emayini nge-10% ungekagqithi unyaka ka-2010 nenani loomama abasebenza emigodini nge-10% ungekagqithi unyaka ka-2012.⁷⁶ Kamva wayiguqula injongo yakhe yaba kukongeza inani loomama abenza umsebenzi ongundoqo wasemayini nge-10% nange 11.6% koomama abaphangela emayini ungekagqithi unyaka ka-2014.⁷⁷

Ngo-2009, umxumi waphawula ukuba akazu kuba nakho ukuzalisekisa izibhambathiso zakhe malunga nenani loomama abaphangela emayini neloomama abenza imisebenzi yemayini engundoqo.⁷⁸ Ngo-2014, umxumi waxela ukuba inani loomama abenza imisebenzi yemayini engundoqo labe sele lifikelele ku-5.4% , ukanti inani loomama abaphangela emayini lona labe sele lifikelele ku-8.2%, okwaku linani elali silele kude kwelo ayezibophelele kulo ekuqaleni. Uthe ufika unyaka ka-2015, xa i-IFC irhoxa kutyalomali, oomama abenza imisebenzi yemayini engundoqo labe sele lifinyelele ku-6% ukanti inani loomama abaphangela emayini lona labe sele lifinyelele ku-8.8%.⁷⁹

limpembelelo kwezeNdalo nezeMpilo

Ngexesha lokongamela (monitoring) i-IFC yathabatha ngokuthi imithetho yoMzantsi Afrika ephathelele kulawulo lwezendalo iyalingana nezayo okanye iyazigqitha ezazo iimfuno. I-IFC yaphawula ukuba kwiindawo apho umxumi wayengathobeli khona amanqanaba ezinto ezikhutshwa yimayini, kwaku thatyathwa amanyathelo okulungisa loo meko, manyathelo lawo ayebhalwa phantsi anikezelwe kubalawuli abafanelekileyo.

⁷² Amnesty International, Umsi neziPili, Ukoyisakala kuka-Lonmin ukuHlangabezana nemiQathango yoLwakhwiwo lweziNdlu eMarikana, eMzantsi Afrika, <https://goo.gl/SuwJkn>

⁷³ Lonmin Plc, SDR 2012, ikhasi 18

⁷⁴ Lonmin Plc, Inxelo yoPhuhliso olunokuGcineka, lonyaka ophela ngomhla we-30 Septemba 2015 (SDR 2015), ikhasi 20.

⁷⁵ Lonmin Plc, SDR 2015, ikhasi 78

⁷⁶ Lonmin Plc, SDR 2006, ikhasi 43

⁷⁷ Lonmin Plc, SDR 2010, ikhasi 36

⁷⁸ Lonmin Plc, SDR 2009, ikhasi 22

⁷⁹ Lonmin Plc, SDR 2015, ikhasi 43

a) lindawo ekugcinwa kuzo izinto ezikhutshwa yimayini (tailings dams), uthuliu, amanzi angaphantsi komhlaba, kunye nenkunkuma enobungozi

I-IFC yaphawula ukuba zonke iindawo ekugcinwa kuzo izinto ezikhutshwa yimayini zazi lawulwa ziikontraka ezizimeleyo yaye zazonganyelwe ngabacebisi abawufundeleyo umsebenzi, kulandelwa imiGangatho ye-IFC yoKwenziwa koMsebenzi, eyayi nyanzelisa ukuba kuqeshwe iincutshe ezivela ngaphandle nezizamava ukuba kube zizo ezinyanisekisa iinkcukacha zokongamela. Iingxelo ze-IFC, zesekwe phezu kwee-SDR zomxumi, zazi quka iziganeko ezazi neempembelelo ezingentle kwindalo. Ngo-2008, umxumi waxela 'ngeziganeko ezazinempembelelo engatheni kwindalo' ezisixhenxe nesiganeko esinye 'esasinempembelelo embi ngakumbi kwindalo'.⁸⁰ Amanyathelo athi athatyathwa ukulungisa ezi mpembelelo khange acaciswe.

NgoMatshi 2009, iinkcukacha eziphathelene nokonganyelwa kwamanzi angaphantsi komhlaba eendaweni ezithile zabonakalisa ukuba ii-nitrate, ii-chloride nonikezelo lombane (conductivity) kwaku sele kukuninzi ngaphezu kwamanqanaba amisiweyo, kwaku kuninzi ngokuphindwe ka-20 ukuya ku-35 ngaphezu kwemida evumelekileyo. Oku kwaku dalwa, phakathi kokunye, ziindawo ekugcinwa kuzo izinto ezikhutshwa yimayini ezazingenamida (unlined) nokungabikho koyilo oluphangaleleyo lolawulo lwamanzi angaphantsi komhlaba. Ngokutsho kwe-IFC, amanyathelo okulungisa le meko nenkqubela ekudanjisweni kwayo abhalwa phantsi, noxa iinzame zokudambisa zazi dibadibene. Ngo-2010, kwabakho iziganeko ezintathu zokungena kwamanzi ngokungu gunyaziswanga edamini lamanzi (return water dam) ngenxa yeemvula ezinkulu, nangenxa yamadama (settling and containment dams) angenamida.⁸¹ Amanyathelo athi athatyathwa ukulungisa ezi meko khange acaciswe.

Malunga nolawulo lwenkunkuma enobungozi, ngo-2009 i-IFC yayi nexhala lokuba umxumi angase angabi nako ukuzalisekisa iinjongo zakhe zokunciphisa ubungako benkunkuma ethunyelwa eendaweni ekulahlwa kuzo inkunkuma (ii-landfills). I-IFC yathabatha ngokuthi umxumi wayenengxaki yokulahlwa kwe-calcium sulfite (CaSO₃), enobungozi.

b) ligesi ezikhutshwa yimayini (Emissions)

Injongo yomxumi yayi kukunciphisa umgangatho ophakathi (aggregate) wokusetyenziswa kombane kwisebe ngalinye lemveliso nge-10% ungekagqithi unyaka ka-2012.⁸² Akumcaceli kodwa u-CAO, ngokwa le ngxelo ye-IFC, ukuba le njongo yafezekiswa kusini na.

I-IFC yathabatha ngokuba umxumi wayesebenzise iinkqubo eziqondene ngqo nokunqandwa nokulawulwa kongcoliseko ezazi hambisana neendlela zokusebenza ezamkelekileyo kumazwe ngamazwe nezazithobela izikhokelo ze-IFC.⁸³ Ukususela ngo-2008, yaphawula ukuba kunemfuneko yokuba kwenziwe uphicotho lweencwadi (audit) khon'ukuze kuthelekiswe ukusetyenziswa kombane nemigangatho esetyenziswa kushishino luphela

⁸⁰ Lonmin Plc, SDR 2009, amakhasi 57 no 59 Ngokwa le meko, impembelelo kwindalo ithatyathwa ngokuba ingengatheni (moderate) ukuba iphelela ngaphakathi emayini yaye iinkqubo zendalo noxa ziguqulwe ngakumbi, nokho ziyaqhubeka nokusebenza ngandlela thile ukanti iimpembelelo ziza kwazi ukulungiswa ngexesha lobomi beprojekthi. Impembelelo ithatyathwa njengembi ngakumbi xa iinkqubo zendalo ziza kunqunyaniswa ngokupheleleyo ngexesha lokwenziwa komsebenzi, kodwa ziqalise kwakhona ukusebenza xa umsebenzi sele ugqityiwe, noxa kungabakho ezinye iimpembelelo ezingasophinde zilungiseke.

⁸¹ Lonmin Plc, SDR 2010, ikhasi 45.

⁸² Lonmin Plc, SDR 2010, ikhasi 8

⁸³ IFC (2006) ESRS, <https://goo.gl/eygk7f>

kunye nophuhliso lwesilinganisi sobungako begesi eyenza shushu imozulu (carbon footprint). Akumcaceli nokho u-CAO ukuba olu phicotho lwagqitywa kusini na.

I-IFC yaphawula ukuba ukukhutshwa kwe-*sulfur dioxide* (SO₂) kwakhe kwancipha ngo-2007. Ngo-2008 nango-2009 i-IFC yaphawula ukuba ukungabikho kwenkqubela ekulawulweni kweegesi eziziphumela ngokwazo [fugitive emissions] (ekuzizo ezininzi xa kubalwa iigesi ze-SO₂). Ngo-2009, i-IFC yaphawula ukuba iprojekthi yokudambisa ukukhutshwa kweegesi eziziphumela ngokwazo kwalityaziswa unyaka wonke. Emva konyaka, umxumi waqalisa ukusebenzisa uyilo lokunciphisa i-SO₂ noyilo lokulawulwa kweegesi eziziphumela ngokwazo, ebalisa ngengozi yolulahlekelwa liphepha-mvume lakhe lokumba ukubangaba imithetho neemfuno zokuncitshiswa kwe-SO₂ yayingathotyelwa.⁸⁴ U-CAO uphawula ukuba noxa i-IFC yayithi ixele ngeegesi ezikhutshwa yimisebenzi yomxumi yokumba, akucaci nokho ukuba yayimnikeza umxumi izikhokelo zokufezekisa iinjongo zakhe kusini na.

Isiphetho

Nangona eyamkela into yokuba kungaba kho unyino kwiindlela iinkampani ezibhalisiweyo ezithi zenze ngazo iingxelo kubanini-zabelo abathile, u-CAO unombuzo othi ingaba iimfuno zokuxela ekwavunyelwana ngazo phakathi kwe-IFC nomxumi zazanele kusini na ukuba zingaxhasa iimfuno zolawulo lwe-E&S ye-IFC.

U-CAO uphawula ukuba i-IFC yachonga imiceli-mngeni umxumi athi wajongana nayo ngelixa ezama ukuzalisekisa izibophelelo zakhe ze-E&S, nto leyo eyayiza kwenza ukuba ayigcine inkxaso yabahlali, nangona kwakujongenwene nokwehla kwamandla emali. Kodwa ke, akumcaceli u-CAO ukuba i-IFC yamnikeza kusini na umxumi inkxaso ukuze akwazi ukuhlangabezana neemfuno zayo, nolawulo lwezinto eza zilindelwe ngabahlali, njengoko imeko yomxumi yezezemali yayisiya ngokuya iba mbi. Oku kwaku xhalabisa nangakumbi xa kujongwa ukuba ukoyisakala komxumi ukuzalisekisa izibophelelo zakhe zolwakhiwo lwezindlu kwachongwa yiKhomishoni yaseMarikana njengokwabangela imeko yenkxalabo, ugwayimbo lwabasebenzi nokungavisisani kwabasebenzi.

U-CAO uphawula into yokuba ngalo lonke ixesha lokongamela, iingxelo ze-IFC malunga neeprojekthi zomxumi zamanzi nezococeko zazi mxinwa. Xa kuziwa kwinjongo yokuqeshwa koomama, u-CAO uphawula ukuba akucaci ukubangaba i-IFC yayimnikeza kusini na umxumi iingcebiso, ngakumbi emva kokugqitywa kwe-TAAS, ngcebiso ezo ezazi nokumxhasa umxumi ukuzalisekisa izibophelelo zakhe njengoko ziqulethwe kwi-SLP egunyaziswe ngokomthetho.

Xa kuziwa kumba weempembelelo kwezamanzi nezempilo, akumcaceli u-CAO ukuba ingaba i-IFC yazijonga kusini na iingozi kwezendalo nakwezempilo ezazidalwa sisikroba esasibonwa ngumntu wonke sokungabikho kokongamela (monitoring), nokuba yanikeza ngezikhokelo kusini na ukuze zidanjiswe.

U-CAO uphawula ukuba i-IFC yachonga, amahlandlo aliqela, ukucotha kwenkqubela ekusetyenzisweni kwamanyathelo ahluka-hlukeneyo okudambisa. Kodwa, akumcaceli u-CAO ukuba ingaba i-IFC, isebenzisana nomxumi, balwenza kusini na ugxeke-ncomo lwamathuba okuphucula iindlela ekusetyenzwa ngazo ukuze zilingane neengozi ezichongiweyo.

⁸⁴ Lonmin Plc, SDR 2010, ikhasi 8

IV. Isigqibo sika-CAO

Injongo ka-CAO yokuxabisa ukuthotyelwa kwezimiso nemiqathango kukuqinisekisa ukuba uphando malunga nokuthotyelwa kwezimiso nemiqathango lwenziwa qha kwiiprojekthi ezixhalabisa ngakumbi ngokuphathelele kwiziphumo ze-E&S kunye/okanye nemiba ebalulekileyo kwiindlela i-IFC esebenza ngazo. Xa eza kuthabatha isigqibo sokuba aluqalise kusini na uphando, u-CAO uthlekisa izinto eziquka ubukhulu bezinto ezixhalabisa ummangali ngokuphathelele kwi-E&S, iziphumo zogxeko-ncomo olutshayeleyo lokusebenza kwe-E&S ye-IFC ngokuphathelele kule miba, ukubakho kwemibuzo malunga nokufaneleka kweemfuno ze-IFC, kunye nokuxabisa ngokubanzi ukuba uphando malunga nokuthotyelwa kwezimiso nemiqathango ingaba yeyona ndlela ifanelekileyo kusini na yokuhlangabezana nale meko.

Kwesi sikhaziso, abamangali beze neengxelo zeemeko bona ngokwabo abaphila phantsi kwazo kwiindawo ezakhelene nemayini. Beze kwaneengxelo zongcoliseko olukhutshwa ziindawo umxumi asebenzela kuzo nezidala iingxaki zezempilo kubahlali abakufuphi nazo. Bakweza neengxelo zeentsapho zabasebenzi bakwa-Lonmin ezibalisa ngeempembelelo ezingentle zezindlu ezingekho emgangathweni wokuhlalisa abantu kunye nokunqongophala kwamanzi nococeko.

Emva kophicotho lokutshayelela lwamaxwebhu eprojekthi, u-CAO uchonge imibuzo malunga nogxeko-ncomo lwe-IFC nokongamela kwayo iprojekthi ngokuphathelele kwimiba evezwe ngabamangali. Malunga neempembelelo kubahlali, ezibangwayo, u-CAO unemibuzo yokubangaba i-IFC yazinyanzelisa ngokufanelekileyo kusini na iimfuno zayo eziphathelele “kwinkxaso ephangeleleyo yabahlali” kwiprojekthi, nokubangaba i-IFC yazonelisa kusini na ukuba indlela umxumi ayenxibelelana ngayo nabahlali yayihambisana neemfuno zoMgangatho woKwenziwa koMsebenzi 1. U-CAO ukwachonga imibuzo yokubangaba ugxeko-ncomo lwe-IFC nokongamela kwayo ukubanako komxumi ukuthobela izimiso nemiqathango yoyilo lwabahlali nabasebenzi, okwakuvunyelwene ukuba kuyimfuneko yokunikezwa kwakhe iphepha-mvume lokumba. Oku kwakuquka izibhambathiso zokuphucula izindlu nokuphucula iimeko abasabenzi abaphila phantsi kwazo kwimizi engqonge imayini, okwavunyelwana ukuba zazi ngentle. Ngokuphathelele kwiimpembelelo kwezendalo, ezibangwayo, u-CAO unemibuzo malunga nendlela ekuza kwenziwa ngayo iingxelo zongcoliseko lomoya namanzi, ndlela ezo eyazamkelayo i-IFC, nokubangaba oku kwakunikeza isiseko esaneleyo kusini na sokuba i-IFC ingaxabisa ngaso ukuba iprojekthi iyazithobela iimfuno zayo ngaphantsi kwemiGangatho yoKwenziwa koMsebenzi 3 no 4.

Xa kujongwa iingxelo zeempembelelo ezingentle ezize nabamangali kunye nemibuzo u-CAO anayo ngokuphathelele kugxeko-ncomo lwe-IFC nokongamela kwayo amacala achaphazelekayo eprojekthi, u-CAO ugqiba kwelokuthi iimfuno zokuba kwenziwe uphando zizalisekisiwe. Igunya lendlela ekuzakuphandwa ngayo (Terms of Reference) liza kulungiswa ngokulandela iziKhokelo zokuSebenza kwe-Ofisi ka-CAO.