



2023 ANNUAL REPORT



Bench Marks Foundation

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We take this opportunity to thank all our supporting funders, an active board, staff and community monitors for all their contributions in 2023. The success of Bench Marks Foundation belongs to each of you and we appreciate your hard work and dedication.



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Southern Africa Resource Watch

THE **RAITH**
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Photo credit for the cover and zama zama miner on page 16: Bread for the World / Karin Schermbrucker

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EXECUTIVE DIRECTOR’S REPORT

Introduction It is my pleasure to present the Executive Director’s report for the year 2023, which reflects the accomplishments, challenges, and strategic developments of Bench Marks Foundation (BMF). Throughout the year, the Foundation continued its commitment to promoting social justice, advocating for sustainable mining practices, and engaging with communities to address key environmental and socio-economic concerns. Organisational Development In 2023, BMF prepared for a comprehensive board induction workshop to equip board members with the necessary organisational tools and knowledge to facilitate their fiduciary responsibilities. This paved the way for enhanced governance. Furthermore, an ongoing organisational skills audit identified staff development needs, allowing us to tailor personal development plans. We also initiated recruitment processes for key roles, though further efforts are needed to find suitable candidates. Collaborations and Partnerships We strengthened our collaboration with the	University of Johannesburg, conducting quarterly tests on environmental hazards, such as dust contamination in Riverlea. The collaboration enhanced our community-focused research and advocacy efforts. We also continued our involvement with the Mabola Coalition and deepened our engagement in various initiatives, such as the People’s Media Consortium, advocating for democratised access to media. Financial Performance The Foundation maintained financial stability with an income of R8.4 million for the year, resulting in a surplus of R276,000. Notably, our operating reserve sits at R1.1 million. Despite some budget line items being overspent—largely due to the Mining Indaba and operational development—our financial outlook remains positive. We are awaiting the finalisation of our audited financial statements, which will be shared with the board upon completion. Resource Mobilisation Resource mobilisation efforts bore fruit, with significant grants secured, including a two-year grant from Earthworks Canada. This grant will support the	training of community monitors and further our work in advocacy and research. In addition, discussions with other potential funders are progressing, promising further financial support for core projects. Research and Monitoring Our research programmes expanded, with a significant focus on studies in Riverlea to analyse environmental impacts. In collaboration with communities affected in Marikana, we initiated a survey to understand the socio-economic impact of mining activities on local communities. Community Monitoring Our monitoring efforts now cover five provinces, with 60 monitors undergoing training to enhance community engagement and advocacy. Advocacy and Engagement BMF remains actively engaged in critical dialogues with major stakeholders, including mining companies like Sibanye and civil society organisations. While some of these engagements remain challenging, they are vital in holding corporations accountable. Additionally, BMF has taken a stand against SLAPP	suits by signing a supporting affidavit in favour of activists in Marikana. Looking Ahead As we look to the future, BMF is focused on continuing our impactful work in communities, strengthening partnerships, and ensuring financial sustainability. Our upcoming strategic planning process and HR interventions will ensure we remain well-positioned to meet our organisational goals and maintain our reputation as a leader in the non-profit sector. I extend my sincere thanks to our dedicated board, staff, and funding partners for their continued commitment and contribution throughout the year. Together, we will continue to champion the cause of social justice and environmental sustainability.
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1. INTRODUCTION

In 2023, the situation in South Africa and mining villages remained difficult. Human rights activists in the country continue to face threats, and communities are frequently divided due to limited resources. Mining companies and governments appear to act only when there is global pressure.

The Bench Marks Foundation ('BMF' or 'Bench Marks') continued implementing its advocacy programme, including forming coalitions with communities and other civil society organisations, facilitating direct engagements with corporations and government, continuing international advocacy, and raising awareness about issues through research initiatives and discussions with mainstream media. We have also strengthened our ties and engagements in the region by investing in a regional solidarity strategy for mining-affected communities. We had successful campaigns with national government agencies and the International Council on Mining and Minerals (ICMM), particularly on the issues of community engagement and free, prior and informed consent (FPIC).

There has been limited progress at the community level as mining companies remained reluctant to make substantial, meaningful, and long-term changes. In some areas, community monitors improved relationships with ward committee members and collaborated more effectively with other stakeholders and organisations in their communities.

We remained a key media resource on artisanal and small-scale mining activity, protecting miners' livelihoods while advocating for regulation to limit the impacts on nearby and impacted mining communities. We continued to learn from our phytoremediation initiative in Soweto and the interaction with Tanzania, which was organised by the Norwegian Church Aid (NCA) office.

The Community Monitoring School's action research projects (targeted investigations) address community issues through investigation and a problem-solving approach, including advocacy initiatives. The Monitoring School's ability to conduct community-based research and investigative projects has been one of its strengths. Six investigations were published in 2023.

Our research programme investigates and strengthens community contexts, presenting requests and solutions to duty-bearers in communities such as Jagersfontein and Nyakallong. In both cases, we conducted skills audits as a starting point for forming community cooperatives.

As the Deputy-Chair of the Alternative Mining Indaba, we were actively involved in the preparations for the 2023 Alternative Mining Indaba.



2. COUNTRY CONTEXT

South Africa is facing a multi-dimensional and political crisis, with the economy still reeling from job losses due to the Covid-19 crisis. While larger enterprises in the extractive, retail, and financial industries survived, many small and medium-sized businesses did not recover. Mining earnings increased due to earlier stockpiling, and executives (managers) in these sectors walked away with large salaries and bonuses, exacerbating inequalities. Retrenchments at platinum mines such as Anglo American and Sibanye Stillwater have also contributed to the rising unemployment rate in the country.

In 2023, the European Union approved the Critical Raw Materials Act of the European Union, creating challenges in countries with critical raw materials and green hydrogen production capacity. BMF's experience in supporting mining-affected communities demonstrates that there are many concerns around the transition to go green. Communities must be able to reap adequate benefits. Transitioning to new technologies should not allow decision-makers to overlook the proper rehabilitation of ageing coal mines. Post-mining economic development methods must be used to avoid exacerbating the social and economic pressures that already exist in mining communities. Without a genuine commitment to systematic change, the so-called just transition is unlikely to be "just" and empowering for ordinary, and particularly mine-affected South Africans.

South Africa is experiencing an increasingly severe water crisis. Years of underinvestment in infrastructure have harmed water delivery. Water pumps are frequently inadequately serviced. In many disadvantaged communities, water is a limited resource. Water pollution from fossil-based extractions and tailings waste is becoming increasingly severe. This situation led to water supply cuts ("water shedding") in the larger municipalities, particularly in the Gauteng Province. These water-related difficulties have prompted us to renew our commitment to the Water Caucus and other non-governmental organisations (NGOs) with water testing experience such as WaterCan.

Water pollution from fossil-based extractions and tailings waste is becoming increasingly severe.

Crime, extreme poverty, and gender-based violence continue to increase. Service delivery in the health sector is a major challenge, and municipal infrastructure in most municipalities (or metros) continues to deteriorate.

The climate crisis worsened, with pollutants rising and climate disasters like floods and droughts becoming more common.



March in Nyakallong in the Free State

The state continues to promote foreign investment and is easing compliance and restrictions for mining ventures. This situation was exacerbated by the “state capture” by individuals and commercial businesses connected to the government. The Zondo Commission on Public Capture issued its findings, confirming widespread corruption and the siphoning of billions of rands in public resources by political elites associated with the African National Congress. Among these were big state-owned enterprises such as ESKOM, an electricity generator and power supplier.

In 2023, we also saw a stayaway called by the Economic Freedom Fighters that culminated in military deployment, last seen during the peak of the Covid-19 outbreak and reminiscent of protests from the 1980s and 1990s. Protests are frequently the result of a failure to provide adequate services. Constant and lengthy blackouts (load shedding) lasting up to ten hours per day have had a knock-on effect, such as communication systems failure.

Public outrage has also led to an increase in xenophobic attacks, particularly on “illegal” or unregulated miners (zama zamas). The government

continues to see zama zamas as a policing issue rather than a mining one that needs regulation and may support economic growth. The BMF maintained a regular media presence to explain the reasons for unregulated mining and to challenge and shift the mainstream narrative surrounding zama zamas.

Protests are frequently the result of a failure to provide adequate services.

The war in Gaza has resulted in a realignment of international allies in support of the Palestinian people’s cause, as well as a potential geopolitical shift. The war is also at the heart of dividing lines in South African politics, with the ruling and opposition parties supporting different factions of the war. Overall, robust elections in 2024 are expected to result in a realignment of South African politics. This adds to general global uncertainty.

3. OUR ADVOCACY APPROACH

The Bench Marks Foundation’s overarching goal is to help people in mining-affected communities successfully protect their human rights and fight for social and economic justice.

Our advocacy strategies:

- Working in coalition with communities
 - o Providing technical skills
 - o Sourcing legal assistance
 - o Opening spaces for dialogue and communication
 - o Capacity building and organisational development support
 - o Building community power
 - o Promoting community problem solving

- Facilitating direct engagements with corporations and government

- Continuing with north-south and international advocacy

- Working in coalitions with other civil society organisations

- Increasing awareness by featuring stories in the mainstream media



Ikemeleng

The Bench Marks Foundation’s overarching goal is to help people in mining-affected communities successfully protect their human rights and fight for social and economic justice.

This is to be achieved through our three core programme objectives:

- Research outputs on the effects of mining on communities and alternative justice narratives successfully drive BMF’s advocacy work and legal processes with big corporations and government.
- Local communities in areas affected by mining engage with corporations and government around human rights and resist injustices.
- Our media and advocacy programme is driven by the organisation’s research and work around

communities’ struggles for human rights, and social and economic justice.

We had more direct engagements with mines in 2023. Working with international actors like the London Mining Network and the International Tailings Working Group, which included Mining Watch Canada, has proven to be successful in getting a response from mines. At the local level, we had some meaningful engagements with local government departments but found again that the oversight and accountability role of government is weak.

Communities continued to be vulnerable to fragmentation and we encouraged community representatives to get a mandate for their advocacy

work from the community. This is important for legal processes and any other formal engagements as well as to strengthen democratic practices.

3.1 OUR IMPACT

We managed to link community-based activism with national stakeholder and powerholder engagements and international advocacy. We have been the central point of contact and a highly respected voice for media outlets on small-scale and artisanal mining. We have increased the contributions from the monitors to our monthly newsletter and provided several interviews with provincial and national radio stations.

Examples of our impact during the year include:

- Extensive media coverage resulting from the widespread “illegal” mining activity across the country that leads to conflicts flaring up in communities living near these miners. The Bench Marks Foundation is one of the reference organisations along with partners such as the National Association of Artisanal Miners (NAAM) and the International Labour Research And Information Group (ILRIG). We have appeared regularly in the media and communicated with the Department of Mineral Resources and Energy (DMRE), highlighting the desperate situation caused by unregulated mining and laws that have been raised in policy processes but not implemented.
- We pointed out the culpability of large-scale mining companies that have left 6,000 mines abandoned and derelict in the country, and many unemployed mineworkers because of rationalisation and a focus on profit before people. We are still optimistic that legislative changes will result from engagements with the DMRE, which will go some way in mediating tensions between communities and the zama zamas.
- The Monitoring School action research projects (targeted investigations) identified problems in communities, investigated them and used a problem-solving approach to develop advocacy actions and possible solutions.
- The BMF accompanied the Jagersfontein

community in the Free State and supported the under-resourced municipality to develop and put forward demands and solutions to duty bearers while assisting lawyers in developing the class action suit for reparations for damages and distress resulting from a tailings dam spillage in September 2022.

Examples of where we have been able to assist communities in bringing about change include:

- The Wonderkop community in Rustenburg put pressure on Sibanye Stillwater about tailings spillage and air pollution. This engagement resulted in the mine fixing and upgrading infrastructure.
- The community of Snake Park formed a cooperative and started a phytoremediation project, a process of re-vegetation of heavy metal-polluted land. They also went on an exchange trip to Tanzania.
- The community of Nyakallong in the Free State successfully stopped Harmony Gold from letting polluted water flow into the Voelpan dam. Their action was based on the targeted investigation report, the support from the research team and pressure from the BMF throughout 2023. We are in the process of discussing the full draining of the remaining water with the mine and the local government responsible for the land.

We have been the central point of contact and a highly respected voice for media outlets on small-scale and artisanal mining.

Our value-add continues with a specific focus on strengthening and building community organisations while developing leaders through the monitoring programme and action research processes housed in the Monitoring School and research programme. Our capacity to speak in the media as a respected voice gives communities confidence and acts as a counter-narrative to, for example, the vilification and criminalisation of unregulated or ‘illegal’ mining.



4. LEARNINGS

We continue to see that our work has relevance for building individuals and communities and that our approach in principle is right.

In 2023 our work continued to grow in the Free State where we have seen good cooperation between communities, the University of the Free State and local government.

The phytoremediation project shows huge potential to rehabilitate the environment and empower communities. It builds new skills and presents a proactive way of engaging which is important in this difficult time.

A stronger focus on problem-solving has been implemented in the Community Monitoring School through a targeted process of moving from alerts to actual problem-solving. We used the results from community skills audits to set up two cooperatives.

4.1 MONITORING AND EVALUATION

We use Google Forms and participant registers for community events differentiating between gender and age. However, monitoring is an area that can be improved. We plan to dedicate 2024 to these developments, together with a new Programmes Manager. In 2023, an organisational Annual Plan was developed that was reviewed on a bi-monthly basis. The reviews served as an additional form of organisational monitoring and learning. We also had an organisational planning meeting for 2024.

The Bench Marks Foundation has regular external evaluations. The last evaluation was done in March 2019. The next external evaluation is planned for 2024. A facilitated self-evaluation involving two facilitators as community representatives was carried out at the end of 2023. We conducted programme and conference evaluations and reviewed the Community Monitoring School Programme in 2023. The findings helped to shape the programme conceptualisation for 2024. The Outcome Harvesting Process conducted in 2022 has also yielded meaningful results that helped us to plan our work and approaches going forward.

4.2 DIGITALISATION AND INNOVATION

We continued to work in hybrid ways in 2023. Team meetings are hybrid and only every second month do we all get together physically. The same goes for our work with communities. We have a core team of 18-20 people that we see face-to-face twice or thrice a year for training purposes. The rest of the engagements are digital.

WhatsApp is our primary entry point into communities and provides easy access, at least via messaging. Overall, we continue to find that new technologies work well for connecting and training activists in urban areas. In rural areas, we still struggle with connectivity. We use WhatsApp workshops to address this challenge, but it is difficult to have proper discussions in that way. In our last two conferences, we opted for less printing and used QR codes to share our material. We optimised the use of our Facebook pages for the Community Monitoring School, which is a very helpful tool. We also campaign with others for free internet access for all people in communities.

In our internal evaluation at the end of the year, we reflected together and learnt a few more things. The following were mentioned as the most successful events/processes in 2022 and 2023 by the team: the two Annual Conferences, the Gender workshop, the published reports (from the Community Monitoring School and Research) and the community intervention and problem-solving at Wonderkop.

In terms of impact, the following were highlighted:

- Having shorter research reports was a great decision.
- Supporting community investigations worked out well.
- Responsiveness to a difficult and ever-changing context.
- Action from the bottom up to the national level is important.
- We have a good, motivated team but we can still get better in cooperation and teamwork.
- Constant planning, implementation and follow-through can be improved.



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5. PROGRAMMES

5.1 RESEARCH

The BMF's research focuses on the impact of mining on communities and alternative justice narratives, aiming to drive advocacy and legal processes with big businesses and government.

In 2023, we conducted the following studies:

- The report on the impact of mining on children in the Welkom area in the Free State was launched in cooperation with Save the Children on 1 June 2023.
- A report on the breaking of the tailings dam in Jagersfontein in September 2022 was updated and launched on 10 September 2023.
- Our lead researcher contributed to a chapter on "A scoping review of the literature on mine closure" published by the University of the Free State.

The following studies are in progress or planned for 2024:

- The Zama Zama report was completed in January 2024 and will be launched at the Alternative Mining Indaba 2024.
- Work with the National Institute of Occupational Health (NIOH) on a health study in Riverlea will continue in 2024. The University of Johannesburg, an initial partner in the project conception, is carrying out dust sampling, which needs to take place in the wet and dry seasons. We expect a final report towards the end of 2024.
- A Policy Gap report on Sibanye Stillwater.



Phytoremediation project, Snake Park, Soweto



Flooded house in Nyakallong



Phytoremediation project, Snake Park, Soweto

The research team has engaged 191 people, with 80 actively involved in decision-making and representing their communities. Out of the 507 trained members, 190 participate in decision-making processes.

Collaborations include the Madithlokwa community in the North West Province, Riverlea Mining Forum, Snake Park Cerebral Palsy Forum, Magolakwena Mining Communities in Limpopo, Jagersfontein Development Forum, Jagersfontein Stakeholder Mining Forum, and Nyakallong.

5.1.1 Community engagements

In 2023, our direct engagements addressing community concerns included:

- **Snake Park**, formerly an informal settlement in Soweto, has implemented community patrols to address crime rates and prevent shack construction in response to concerns about zama zama activities.
- In November 2022, a phytoremediation project was initiated in Snake Park to rehabilitate mine waste and tailings. The community successfully grown sunflowers on the tailings, establishing a cooperative. The NCA facilitated an exchange programme with Tanzanian representatives, emphasising the importance of patience and continuous learning in agricultural projects. The

project was extended to the Free State in 2023.

- The **Riverlea Mining Forum (RMF)** and Sehlahla 68 are fighting over the Valley Silts Project, DRDGOLD's water license, and abandoned shaft closures. They also submitted interest in a solar energy project to the Gauteng Government. The engagement around the Central Rand Gold pit is ongoing.
- The **Madithlokwa** community faces ongoing protests and court cases due to a mine contamination. The Centre for Applied Legal Studies is assisting community members. Water testing with NGO WaterCAN indicates health risks. Advocacy and collaboration with Corruption Watch are aiming to strengthen collaboration in 2024 on common interests.
- We assisted local organisations in contesting mine ownership in **Jagersfontein**, conducted a skills audit with 525 people, and plan to engage with the community in 2024 to explore potential cooperatives, following a tailings disaster.
- The **Nyakallong** community, in Matjhabeng, is developing cooperatives for agriculture, hospitality, and construction, with the process starting in 2024. The cooperatives could be linked to a phytoremediation project, aiming to drain polluted water and plant sunflowers for soil rehabilitation.

5.2 COMMUNITY MONITORING SCHOOL

The objective of Bench Marks’ community-building pillar is to empower local communities in mining-affected areas to engage with corporations and the government about human rights and resist injustices.

Sixty monitors from six provinces worked in 36 locations across 15 local municipalities, overseen by nine facilitators. The table below provides an overview of the spread of monitors and facilitators:

Province	Local municipality and area
North West	Matlosana Rustenburg Moses Kotane
Limpopo	Makhuduthamaga Lephalale Mogalakwena Fetakgomo
Mpumalanga	Emalahleni Mbombela
KwaZulu-Natal	Emadlangeni Newcastle Dannhauser
Free State	Matjhabeng Kopanong
Gauteng	City of Johannesburg

Facilitators attended the BMF annual planning meeting in January, which included training on human rights and strategies for improving interactions with parliamentary portfolio committees. The regional training focused on conducting targeted investigations with an emphasis on problem-solving and encouraging community self-organisation.

The targeted investigations in 2023 focused on strengthening women’s participation in decision-making and raising awareness around transactional sexual relationships; addressing rising dam levels and its impact on housing; the impact of polluted streams on communities; the impact of mining on farmers; and the health impacts of a tailings dam on a community and rehabilitation possibilities.

The Tunatazama Community Monitors completed six targeted investigation reports:

- Addressing housing challenges in Voelpan

- Advocating for female participation in decision-making
- Understanding transactional sex in communities near mines
- Fighting for the restoration of a beautiful community stream in Mpumalanga
- The impact of mining on a rural community and livestock farming in KwaZulu-Natal
- Phytoremediation in Snake Park, Soweto

In 2023, the monitors posted 619 alerts and contributed to the monthly Bench Marks Bulletin. They also completed a regional publication, a selection of monitors’ reports, a report on the phytoremediation project, and a newsletter. These are available on the Community Monitors website: www.communitymonitors.net.

During the reporting period, the BMF worked with 194 rights holders in different communities and a further 607 were trained by community monitors and facilitators with our support.

Three resource centres in Rustenburg, Limpopo, and Mpumalanga were used by local organisations such as Bafokeng Land Buyers Association, BuaMC, Vukani Environmental Movement, and Sekhukhune Environmental Justice Network (SEJN). During 2023, usage of the resource centres increased. We developed a monthly attendance form and had a headcount of 659 people (including return visitors) at the Mpumalanga Resource Centre between June and December 2023.

5.2.1 Community capacity building

Monitors and facilitators engaged with communities in three provinces, engaging 607 members in campaigns and capacity building initiatives. Examples of community capacity-building initiatives include:

Sekhukhune Environmental Justice Network

Quarterly meetings took place in Limpopo with Sekhukhune Environmental Justice Network (SEJN) together with Nkuzi Development Association supported the applicants in the Tribal Levies court case in Polokwane. SEJN also made an oral submission at a land expropriation public participation meeting. SEJN further engaged different municipal and mining



Photos from KwaZulu-Natal targeted investigation

players in preparation for International Biodiversity Day and planted 250 trees at Ntswaneng village.

Sisonke Environmental Justice Network

In KwaZulu-Natal, the Community Monitoring School facilitator from the SEJN participated in a public meeting organised by the climate change bill portfolio committee. The meeting was about MSI mining. Sisonke educates affected communities on social issues, the legal framework for protecting the environment and human rights and works together with communities to take resolutions on these issues. The targeted investigation report focussing on Allen Farm was discussed in November with six community representatives.

Justice and Peace

Monitors and the facilitator in Klerksdorp, North West Province, worked with the Justice and Peace Commission on three issues. Justice and Peace spoke with Mpho Trust about the community that lives on a wetland and agreed to intervene and provide support. They met with the Department of Health MEC and agreed to work together to address a backlog of mobile clinics that provide primary health care. Justice and Peace also attended the Department of Social Development’s consultative meeting on the organising of GBV summit. The Klerksdorp team hosted a community capacity-building event in September for 40 people.



Ikemeleng

Sixteen community members in Ikemeleng near Rustenburg gathered for a community capacity-building session on the issue of a stream that runs through the community, and which is affected by the mine tailing dam from Sibanye Stillwater. Ikemeleng Environmental Development and Justice (IEDJ) organised a training event and invited the NGO Ikemeleng Bana ba kgosi Environmental Care.

The team of monitors and facilitators in Phokeng, North West Province, presented the results of the targeted investigation and engagement with stakeholders and the community. They also had four meetings with the Trauma Centre to help address gender-based violence in the area.

Soweto

The Soweto team, Gauteng, had a capacity-building session for six people in November.

Toxic tours

In 2023, we continued doing Toxic Tours for various groups, mostly international journalists, academics, and media houses. On these tours, community activists have a chance to share their stories and raise awareness about the plight of mining-affected communities.

*Zama zama miner*

5.3 MEDIA AND ADVOCACY

In 2023, the BMF participated in advocacy activities aimed at improving the overall status of mining-affected communities and safeguarding our democracy.

5.3.1 Collaborations

We have partnered with civil society organizations such as the Legal Resources Centre, ILRIG, and NAAM to address issues in artisanal mining. However, progress has been slow, as the government's approach to policy development has focused more on regulation than support. Despite legislation passing in 2023, artisanal and small-scale miners face complicated technical requirements and exclusion from policy.

The Raw Materials Initiative is in response to the European Union's strategic policy framework for raw materials, intending to ensure Europe's long-term supply. Through the campaign, we demand leaders rally around an African programme to assert Africans' rights as members of the Global South to determine their futures. The focus of the 2023 Bench Marks Conference was on critical raw materials.

The Health Justice Initiative argues that the pricing structure for medical drugs needs urgent reform,

as medical schemes will remain in place for some time before the National Health Insurance (NHI) is fully implemented. The NHI is particularly crucial in mining regions, where poorly managed mining operations often put people's health at risk.

The BMF, as a member of the People's Media Consortium, played an active role in safeguarding and expanding the right to free speech. We celebrated media freedom on the SABC News and took part in the online public event, The Media: Free for All?

We supported the Minerals and Petroleum Resources Development Act (MPRDA) Coalition, involving 35 organisations. We held regular meetings, considered legislation revisions, and agitated for FPIC inclusion. Our involvement also involved agitating for Anglo American's planned relocation.

The collaboration with London Mining Network on Anglo American is aimed at pressuring Anglo Platinum to interact with the affected communities of Skimming, Magobading, and Sekhukhune. We met Anglo American in June following the London Mining Network's successful intervention at the Anglo American International AGM to discuss the planned relocation of 1,000 homes in Skimming, broken pledges to compensate already moved communities in prior years, and a failure to adhere to the Magobading Agreement. In November 2023, we attended the Anglo American Sustainable

Development Goal (SDG) Dialogue, which focused on SDG 16: Peace, Justice, and Strong Institutions. The gathering comprised a variety of interests, including labour and the government. The absence of communities affected by Anglo Platinum was visible. The discussion focused on the risks posed by zama zamas, and our contribution included noting that the government is victimising small-scale mining operations that could be supported to help with poverty reduction.

We contacted Pan African Resources, the firm that had purchased the Vlakfontein Tailings Dam. We inquired about their tailings rehabilitation plan, presented our phytoremediation project, and asked for their support with rehabilitation.

Two engagements with the International Council on Mining and Metals (ICMM) were held in 2023, following an earlier engagement at the AMI. The discussions focused on ICMM's role in overseeing global standards and community engagement practices. One of the talks focused on documenting the process of creating an engagement framework.

We met with Dr Marcos A. Orellana, the Special Rapporteur on toxins and human rights, during his country assessment of South Africa in August 2023. The first day was a civic society gathering, and the second day was a toxic tour. Many of our comments were addressed in the Special Rapporteur's final communique.

5.3.2 Advocacy and community engagement

The Wonderkop community has raised concerns about the Sibanye Stillwater tailings complex, its potential hazards, the tailings dam spillage, and air pollution. In response, the BMF, in partnership with three international partners, Earthworks, Mining Watch Canada, and the London Mining Network, has sought to raise awareness and activism about tailings facilities so that they can be considered high-priority action points for governments (as regulatory authorities) and tailings facility owners. Following a letter submitted to Sibanye, five meetings were held, one of which was between the mine and representatives from the Wonderkop community,

which has over 500 members. Our collaboration with Mining Watch Canada and Earthworks also focused on the tailings at Marikana and expanding capacity building and training for frontline community people.

The BMF plays a leading role in the national and international Tailings Working Group that focuses on mine waste and tailings. EarthWorks Canada is a leading partner, and together we are promoting the Safety First standards, while developing a broad-based coalition that serves to hold government and companies accountable for the social and environmental damage. Important steps to develop this campaign and accelerate advocacy will start in 2024.

In October, we launched the National Convention of Mining Affected Communities. The Convention is the result of a recommendation made at the 2022 Annual BMF Conference. The Convention's goal is for mining-affected communities to speak with one voice to stakeholders such as the Minerals Council and the DMRE, and to advocate on a national scale.

Provincial collaborations have been formed in various areas, such as Gauteng's Snake Park Bambanani Cooperative, KwaZulu-Natal's Dannhauser and Newcastle, Limpopo's nine organizations, Ikemeleng's North West Province, and Phokeng's Trauma Center, to fight injustice and increase activists' voices. These collaborations aim to combat tailings remediation and environmental issues.

5.3.3 Churches and faith-based groups

Regional work with churches and faith-based groups included two direct engagements and four workshops which helped to strengthen regional connections. Three faith leaders represented the BMF at its Annual Conference.

- We met with the South African Council of Churches to re-establish collaboration on mining issues and to discuss new areas of cooperation, such as Snake Park and Magobading.
- We re-established connections with church leaders in Tanzania through an engagement with the Norwegian Church Aid office and a study tour in Tanzania.

- Another engagement was re-establishing cooperation with the Botswana Council of Churches during our gender workshop in July 2023, which included regional representatives and reviving the Tunatazama network, paving the way for a new regional publication to be presented at AMI 2024. In August 2023, we attended a District Alternative Mining Indaba in August 2023 in Botswana hosted by Botswana Watch and the Botswana Council of Churches. It was also attended by NGOs from Zambia and Zimbabwe, all of whom shared their experiences with the impact mining has on communities.
- A staff member, as part of the AMI Steering Committee, attended a sideline meeting at the National Mining Indaba in Zambia focused on the governance and guiding principles of AMI. This meeting helped strengthen ties with Zambian activists and church leaders.
- A staff member and a community activist attended the Eastern and Southern African Young Leaders Learning Exchange in Kenya, creating connections with young leaders from the region. We also attended the regional strategy development session of NCA in Kenya, which reconnected the BMF with organisations and faith leaders from the region.

5.3.4 Media engagements

During the reporting period, the Bench Marks Foundation maintained a strong media presence across all platforms, including TV, radio, newspapers and social media engagements. Interviews focused mostly on the Alternative Mining Indaba and various engagements around the zama zama issue, the deaths of 31 unregulated miners at a Harmony Gold mine in Virginia, and the situation in Jagersfontein one year after the disaster.

Ninety media engagements took place in 2023. Nearly two-thirds (62%) of them were on the radio, about one-third were on TV (36%), and 2% for the newspapers (including one big article for the *New Yorker*). The interviews on average lasted 20 minutes and came to a total of 1750 minutes of airtime.

We published nine Bench Marks Bulletins (newsletters) in the reporting period which provided

insight into our work:

- January: *Power concedes nothing without a demand*
- February: *What does social justice mean to you?*
- March: *The native found himself a pariah in his land*
- April: *To rebuild hope we must rediscover ubuntu?*
- May: *Clean drinking water sanitation fundamental human rights*
- June: *For Freedom We Shall Lay Down Our Lives*
- July: *Illegal not allowed by the law human a bipedal primate mammal*
- August: *Mining has not delivered, will critical minerals otherwise?*
- September: *It's the water stupid, without it we die*
- October: *Our empathy solidarity cannot be conditional but universal?*
- November: *Will matters be worse for foreign nationals in 2024?*

5.3.5 Alternative Mining Indaba

In 2023, the Bench Marks Foundation played a very active role in the Alternative Mining Indaba (AMI) as the Deputy Chair of the AMI Steering Committee and helped shape the focus and agenda of AMI 2024. The BMF will take over the chairing of the AMI Steering Committee in 2024.

Capacity-building sessions were held during the 2023 AMI as part of the 12 engagement sessions. The Bench Marks Foundation was directly involved in two sessions, one on the reality of power imbalances, unresolved problems and impeding disasters and in the other, the Bench Marks Foundation and Southern Africa Resource Watch facilitated a discussion around the formation of an African SLAPP (Strategic Lawsuits Against Public Participation) Coalition at the end of AMI. The Coalition was officially launched in Johannesburg in May 2023.

The AMI Steering Committee has been working with the ICMM to develop a common engagement platform for civil society and mining companies to discuss inequalities as they affect communities' health, safety, and livelihoods.

5.3.6 Bench Marks Annual Conference

The BMF Annual Conference brings together organisational partners, representatives from civil organisations, labour organisations, political leaders, government leaders, corporations, and community organisations.

A total of 215 people attended the 2023 Annual Bench Marks Conference, including participants attending virtually from London, Canada, Germany, and Amsterdam.

Guest speakers included Dr Yao Graham from Third World Network-Africa based in Ghana; Rachmi Hertanti from the Transnational Institute in Indonesia; and Solly Mapaila, Secretary General of the Communist Party in South Africa.

The theme of the Bench Marks Foundation's 2023 Annual Conference was "Critical raw materials for whom and at what cost?" The conference highlighted the ongoing exploitation of Africa's raw materials, endangering forests, soils, seas, waterways, and drinking water. It emphasized the need for consultation, consent, and benefits for poor communities who own these resources to transition into a fossil-free world.

European civil society organisations and Global South partners signed an open letter in 2023 to oppose the Critical Raw Materials Act, citing the lack of participation from local communities and indigenous peoples. The letter criticises the lack of due diligence terminology and safeguards for raw material sourcing.

The conference had five working groups to discuss various themes related to the mining sector. The first

group questioned whether the current rush for critical raw materials by the EU, USA and allies presented an opportunity to organise ourselves differently. The second group emphasised the unemployment crisis and failed promises of beneficiation, as many minerals are depleted, and large-scale industrial mining is waning. The third group emphasised the need to invest in the regulation of artisanal mining, given the impact of apartheid and colonialism on South Africa's mining sector. The fourth group emphasised the importance of giving voice to the burden women carry in mining communities and addressing inequalities in extractives collectively. The fifth group emphasised the need for global solidarity in addressing inequalities in extractives.

Mr. Zithulele Cindi, Chairperson of the Bench Marks Foundation Board, emphasised the importance of community involvement, trade union participation, and artisanal miners' associations. He also addressed legislative frameworks, mine closures, and tailings dams.

Mr Moses Cloete, the Executive Director of Bench Marks Foundation in his closing remarks, highlighted the unequal power relations between mining corporations and communities. He stressed the importance of promoting people's solidarity and their ability of people to stand up and reject exploitation. He reminded the conference that the community is the foundation of all economic life and that it is critical to address the policy gap between what a mine says and what happens. He also addressed the issue of xenophobia (or Afrophobia), stating that as humans we all have dignity and a right to belong and contribute to a better society.



6. AUDITOR'S REPORT



To the Directors of Bench Marks Foundation NPC

Opinion

We have audited the Annual Financial Statements of Bench Marks Foundation NPC set out on pages 7 to 15, which comprise the Statement of Financial Position as at 31 December 2023, and the Statement of Comprehensive Income, Statement of Changes in Reserves and Statement of Cash Flows for the year then ended, and notes to the Annual Financial Statements, including a summary of significant accounting policies.

In our opinion, the Annual Financial Statements present fairly, in all material respects, the financial position of Bench Marks Foundation NPC as at 31 December 2023, and its financial performance and cash flows for the year then ended in accordance with International Financial Reporting Standard for Small and Medium-sized Entities and the requirements of the Companies Act 71 of 2008.

Basis for opinion

We conducted our audit in accordance with International Standards on Auditing. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Annual Financial Statements section of our report. We are independent of the company in accordance with the Independent Regulatory Board for Auditors Code of Professional Conduct for Registered Auditors (IRBA Code) and other independence requirements applicable to performing audits of financial statements in South Africa. We have fulfilled our other ethical responsibilities in accordance with the IRBA Code and in accordance with other ethical requirements applicable to performing audits in South Africa. The IRBA Code is consistent with the corresponding sections of the International Ethics Standards Board for

Accountants' International Code of Ethics for Professional Accountants (including International Independence Standards). We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Key audit matters

Key audit matters are those matters that, in our professional judgement, were of most significance in our audit of the Annual Financial Statements of the current period. These matters were addressed in the context of our audit of the Annual Financial Statements as a whole, and in forming our opinion thereon, and we do not provide a separate opinion on these matters.

We have determined that there are no key audit matters to communicate in our report.

Other information

The directors are responsible for the other information. The other information comprises the Directors' Report as required by the Companies Act 71 of 2008, which we obtained prior to the date of this report. Other information does not include the Annual Financial Statements and our auditor's report thereon.

Our opinion on the Annual Financial Statements does not cover the other information and we do not express an audit opinion or any form of assurance conclusion thereon.

In connection with our audit of the Annual Financial Statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the Annual Financial Statements or our knowledge obtained in the

audit, or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Responsibilities of the directors for the Annual Financial Statements

The directors are responsible for the preparation and fair presentation of the Annual Financial Statements in accordance with International Financial Reporting Standard for Small and Medium-sized Entities and the requirements of the Companies Act 71 of 2008, and for such internal control as the directors determine is necessary to enable the preparation of Annual Financial Statements that are free from material misstatement, whether due to fraud or error.

In preparing the Annual Financial Statements, the directors are responsible for assessing the company's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the directors either intend to liquidate the company or to cease operations, or have no realistic alternative but to do so.

Auditor's responsibilities for the audit of the Annual Financial Statements

Our objectives are to obtain reasonable assurance about whether the Annual Financial Statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with International Standards on Auditing will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these Annual Financial Statements. As part of an audit in accordance with International Standards on Auditing, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

Identify and assess the risks of material misstatement of the Annual Financial Statements, whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient

and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the company's internal control.

Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the directors.

Conclude on the appropriateness of the directors' use of the going concern basis of accounting and based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the company's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the Annual Financial Statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the company to cease to continue as a going concern.

Evaluate the overall presentation, structure and content of the Annual Financial Statements, including the disclosures, and whether the Annual Financial Statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the directors regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

David Douglas RA (IRBA:605581)
Douglas & Velcich, Chartered Accountants (SA)
(IRBA:926930)
05 June 2024

STATEMENT OF FINANCIAL POSITION

	Note	2023 R	2022 R
Assets			
Non-Current Asset		163 061	103 574
Deposits		40 164	19 664
Property, plant and equipment	2	122 897	83 910
Current Assets		3 854 375	3 293 507
Account receivable	4	34 516	16 591
Accrued income	3	1 239 314	-
Cash and cash equivalents	5	2 580 545	3 276 916
Total Assets		<u>4 017 436</u>	<u>3 397 081</u>
Reserves and Liabilities			
Reserves		1 766 319	1 451 131
Fixed asset reserve		122 897	83 910
Sustainability fund		566 350	562 250
Operating reserve		1 077 072	804 971
Current Liabilities		2 251 117	1 945 950
Accounts payable	6	7 665	36 379
Grant to be repaid	3	181 134	-
Deferred income	3	2 015 161	1 862 414
Provision for leave pay	7	47 157	47 157
Total Reserves and Liabilities		<u>4 017 436</u>	<u>3 397 081</u>

STATEMENT OF COMPREHENSIVE INCOME

	Note	2023 (R)	2022 (R)
Revenue		8 158 437	7 852 334
Grants	3	8 158 437	7 852 334
Other income		289 609	66 060
Interest received		289 609	66 060
Expenses		8 132 858	7 850 762
Direct project expenses		4 747 414	4 660 204
Africa round table		187 597	18 700
Community monitoring and media		529 514	730 073
SADC mining research and advocacy		667 377	310 932
Voice power		1 277 410	7 04 190
PSS / capacity fund		87 879	366 972
Human resource cost of projects		1 997 636	2 529 337
Administration expenses		3 385 445	3 190 558
Annual duty and tax services		6 546	1 2 106
Audit fees	9	123 050	171 350
Bank charges		14 533	1 6 278
Consulting fees		232 041	211 500
Courier services		7 695	6 373
Depreciation		61 461	74 214
Directors' meetings		23 753	12 869
Employee costs		1 737 525	1 663 481
Equipment hire		120 643	100 284
Insurance		28 610	40 702
Data system management		64 744	46 457
Cleaning and offices costs		187 680	46 767
Lease rentals on operating lease		270 219	281 667
Organisational development		249 314	200 445
Printing, photocopying, stationery and literature		77 445	61 241
Staff welfare		97 487	156 039
Subscriptions		-	9 246
Communications		70 695	57 290
Travel		12 002	22 249
Net surplus for the year		<u>315 188</u>	<u>67 632</u>
Less transfers (to)/from Reserve Funds		(43 087)	(11 413)
Net transfer (to) the Fixed Assets Reserve		(38 987)	(11 413)
Depreciation reversed		61 461	74 214
Cost of assets purchased		(100 448)	(85 627)
Transfer to the Sustainability Reserve		(4 100)	-
Comprehensive income for the year		<u>272 101</u>	<u>56 219</u>



Bench Marks Foundation

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