

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Thursday, 13 March 2025 6:03 PM
To: s 22(1)(a)(ii)
Cc:
Subject: Media article Simandou [SEC= [REDACTED]]



Dear s 22(1)(a)(ii)

With thanks to s 22(1)(a)(ii) (RCO), there has been some overnight reporting on the Simandou project in Guinea regarding unfortunate fatalities associated with the project.

[Accidents at giant Simandou iron ore project kill more than a dozen workers, prompting inquiry](#)

s 47G(1)(a), s 47G(1)(b)

Also as mentioned in the article, there is a statement on Rio's website regarding the one reported death.

s 22(1)(a)(iii) has been working on a Guinea cable, so will update it with more information but we just wanted to put the article on your radar and note that post is tracking.

Happy to discuss if needed,

With thanks
s 22(1)(a)(ii)

Deputy High Commissioner
Australian High Commission, Accra
s 22(1)(a)(ii)

[Smartraveller.gov.au](https://www.smartraveller.gov.au) for the latest travel advice

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Monday, 25 August 2025 7:00 AM
To: s 22(1)(a)(ii)
Cc:
Subject: Simandou - reported fatality [SEC=OFFICIAL]

OFFICIAL

s 22(1)(a)(ii)

Just a heads up on this:

[Rio Tinto's \(RIO ASX\) new boss to travel to Guinea after fatality at giant iron ore project](#)

We haven't received inquiries but let us know if you hear anything about it at your end.

s 22(1)(a)(ii)

Director
Southern, Central and West Africa Section
Middle East and Africa Division
s 22(1)(a)(ii)

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Friday, 19 September 2025 2:28 PM
To: s 22(1)(a)(ii)
Subject: RE: [External] Hello from Ghana [SEC=OFFICIAL]

OFFICIAL

Hey s 22(1)(a)(ii)

We had a chat with our Rio Tinto contact a couple of weeks ago and the fatal incident came up. We s 47G(1)(b), s 47G(1)(a)

Essentially a workplace health and safety issue as you note below, and not a security incident.

Thanks for the notes below on what kind of info you will need. s 22(1)(a)(ii)

Thanks so much,
s 22(1)(a)(ii)

Second Secretary, Political
Australian High Commission, Accra
Ts 22(1)(a)(ii)

© Brooke Rigney-Lively (2024)

We acknowledge the Traditional Custodians of Country throughout Australia, and their continuing connection to land, waters and community. We pay our respects to all First Nations peoples, their cultures and to their Elders, past, present and emerging.

From: s 22(1)(a)(ii)
Sent: 19 September 2025 12:58
To: s 22(1)(a)(ii)
Cc: s 22(1)(a)(ii)
Subject: RE: [External] Hello from Ghana [SEC=OFFICIAL]

OFFICIAL

Also – Just flagging this recent press release: [Fatal incident at Simandou project | Global](#)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Regional Security Officer, West Africa
Australian High Commission – Abuja
Department of Foreign Affairs and Trade
MOB s 22(1)(a)(ii)

s 22(1)(a)(ii) – this section, together with the following pages (8-16) have been removed



s 33(a)(iii), s 33(b)

s 22(1)(a)(ii) – this section, together with the following pages (25-27) have been removed





s 33(a)(iii), s 33(b)

s 22(1)(a)(ii) – this section, together with the following pages (32-34) have been removed





s 22(1)(a)(ii)

s 33(a)(iii)

s 22(1)(a)(ii) – this section, together with the following pages (59-63) have been removed



s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Wednesday, 4 February 2026 12:34 PM
To: s 22(1)(a)(ii)
Cc:
Subject: RE: Mock Estimates questions - Pretoria's countries of accreditation [SEC=OFFICIAL]

OFFICIAL

Hello team

Some questions below from Abuja, Accra and I've checked the European posts' countries.

s 22(1)(a)(ii)

s 33(a)(iii)

Thanks
s 22(1)(a)(ii)

From: s 22(1)(a)(ii) @dfat.gov.au>
Sent: Wednesday, 4 February 2026 12:04 PM
To: s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>
Cc: s 22(1)(a)(ii) @dfat.gov.au>
Subject: Mock Estimates questions - Pretoria's countries of accreditation [SEC=OFFICIAL]

OFFICIAL

Hi team

I've only got one new question from my patch:

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Many thanks

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Assistant Director (responsible for: Angola, Botswana, eSwatini,
Lesotho, Mozambique, Namibia, South Africa/G20 and AfCFTA)
Southern, Central and West Africa Section (SWA)
Africa Branch | Middle East and Africa Division

s 22(1)(a)(ii)

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Friday, 14 March 2025 11:58 AM
To: s 22(1)(a)(ii)
Subject: FW: Media article Simandou [SEC=[REDACTED]]

[REDACTED]

Also s 22(1)(a)(ii) please update the Guinea brief with this reference if you weren't already.

From: s 22(1)(a)(ii)
Sent: Friday, 14 March 2025 9:14 AM
To: s 22(1)(a)(ii)
Cc: s 22(1)(a)(ii)
Subject: RE: Media article Simandou [SEC=[REDACTED]]

[REDACTED]

s 22(1)(a)(ii)

Thanks for putting it on our radar, we'll keep an eye out for the cable.

We see it also made Australian media (paywalled): [Nearly 20 people killed from various accidents in less than two years at Simandou project | The West Australian](#)

s 22(1)(a)(ii)

Director
Southern, Central and West Africa Section
Middle East and Africa Division
Ph: s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Last updated: 29 September 2025

OFFICIAL

Guinea

s 22(1)(a)(ii)

Prepared By:

Name s 22(1)(a)(ii)

Branch: MAD/AFB/SWA

Phone: s 22(1)(a)(ii)

Cleared By:

Name: Paul Griffiths

Position: First Assistant Secretary

Group: ISG | MAD | Africa Branch

Last updated: 29 September 2025

OFFICIAL

s 22(1)(a)(ii)

Worker fatalities at the Simandou project

- On 23 August 2025, Rio Tinto announced an employee of a contracting company had died following an incident at the SimFer mine site on 22 August
 - understand an investigation into the incident began immediately following the incident and operations were suspended
 - » it would not be appropriate to comment further.
- On 13 March 2025, Reuters published an investigation into worker fatalities on the Simandou mine’s rail and port infrastructure *[managed by Rio Tinto’s joint venture partner, WCS, which is responsible for safety on these sites]*
 - a spokesperson for Rio Tinto said the leadership from WCS and the SimFer mine meet regularly to discuss key issues and potential solutions.

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Prepared By:

Name: s 22(1)(a)(ii)

Branch: MAD/AFB/SWA

Phone s 22(1)(a)(ii)

Cleared By:

Name: Paul Griffiths

Position: First Assistant Secretary

Group: ISG | MAD | Africa Branch

Last updated: 17 November 2025

OFFICIAL

Guinea

s 22(1)(a)(ii)

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Branch: MAD/AFB/SWA

Phone: s 22(1)(a)(ii)

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Name: Paul Griffiths

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Last updated: 17 November 2025
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Group: ISG | MAD | Africa Branch

Last updated: 17 November 2025

OFFICIAL

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Branch: MAD/AFB/SWA

Phone: s 22(1)(a)(ii)

Cleared By:

Name: Paul Griffiths

Position: First Assistant Secretary

Group: ISG | MAD | Africa Branch

Last updated: 5 February 2026

OFFICIAL

Guinea

s 22(1)(a)(ii)

Prepared By:

Name: s 22(1)(a)(ii)

Branch: MAD/AFB/SWA

Phone: s 22(1)(a)(ii)

Cleared By:

Name: Paul Griffiths

Position: First Assistant Secretary

Group: ISG | MAD | Africa Branch

Last updated: 5 February 2026

OFFICIAL

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Branch: MAD/AFB/SWA

Phone s 22(1)(a)(ii)

Cleared By:

Name: Paul Griffiths

Position: First Assistant Secretary

Group: ISG | MAD | Africa Branch



Australian Government

Department of Foreign Affairs and Trade

HON DR ANNE ALY MP, MINISTER FOR SMALL BUSINESS, MINISTER FOR INTERNATIONAL DEVELOPMENT AND MINISTER FOR MULTICULTURAL AFFAIRS



AFRICA DOWN UNDER MINING CONFERENCE

Perth, 3-5 September 2025

OFFICIAL: Sensitive

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Guinea

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s 22(1)(a)(ii) – this section, together with the following pages (87-147) have been removed

OFFICIAL: Sensitive

OFFICIAL: Sensitive

Guinea

H.E. Ismael NABE [NAH-BAY]

Minister for Planning and International Cooperation

s 22(1)(a)(ii)

OFFICIAL: Sensitive

OFFICIAL: Sensitive

s 22(1)(a)(ii)

s 33(a)(iii)

In March 2025, Reuters reported that at least six, possibly up to 12, deaths have occurred at the port and rail sites run by the Chinese subcontractor, and Rio Tinto's partner in the project, Winning Consortium Simandou (WCS).

s 22(1)(a)(ii)

Deaths on Simandou Project site

Media has reported a fatality occurred in late August at the Simandou mine site, in relation to which the CEO of Rio Tinto reportedly travelled to Guinea to ensure the matter was dealt with appropriately. ^{s 33(a)(iii)}

OFFICIAL: Sensitive

OFFICIAL: Sensitive

s 33(a)(iii)

s 22(1)(a)(ii) – this section, together with the following pages (151-248) have been removed

OFFICIAL: Sensitive

<https://news.mongabay.com/2019/12/concerns-about-radioactive-contamination-dog-rio-tintos-madagascar-mine/>

Concerns about radioactive contamination dog Rio Tinto's Madagascar mine

by [Malavika Vyawahare](#) on 31 December 2019

- *The Rio Tinto-owned QMM mine in southeast Madagascar could be polluting water sources in the region with radioactive contaminants, activists say.*
- *Elevated background levels of radioactive uranium and thorium, and lead in water bodies near the mine, are most likely a result of mining activity, according to new analysis released by the Andrew Lees Trust UK.*
- *The company has refuted claims that it is responsible for high radiation levels in the environment, attributing them instead to the natural sources of radioactivity in the area.*
- *The lack of agreement about the existence and nature of the contamination means there is no clarity about remedial measures and who is responsible for providing safe drinking water to about 15,000 local people whose water sources could have been compromised.*

Activists have accused mining giant Rio Tinto of dragging its feet in addressing the fallout from a breach that occurred at its mine in Madagascar five years ago and that it only acknowledged this year.

The Andrew Lees Trust (ALT UK) is the U.K.-based charity that commissioned [studies](#) that uncovered the breach at the ilmenite mine operated by Qit Minerals Madagascar (QMM), in which Rio Tinto holds an 80% stake. Rio Tinto, headquartered in the U.K. and Australia, only [confirmed](#) the breach in March this year. "It took two years of persistent inquiry before RT admitted QMM's breach of the buffer zone. The company had claimed compliance despite the findings of two technical studies — one of which it commissioned," Yvonne Orengo, director of ALT UK, told Mongabay, "so it would be consistent to expect barriers and delay to any admission that elevated uranium and lead in waters around the mine are related to QMM operations."

ALT UK recently [released a new analysis](#) that showed, based on data collected by QMM, a spike in levels of uranium, thorium and lead in surface water from samples collected downstream from the mine. "These increases were sufficiently large that there was better than 99% confidence that they could not have occurred by chance," Steven Emerman, a Utah-based geophysicist and hydrology consultant who did the analysis, said in a statement.

The mine is located in the Anosy region near the port city of Tolagnaro, also known as Fort Dauphin, where QMM extracts ilmenite, a key source of titanium dioxide, used as white pigment in a wide range of products from paint to toothpaste. The company has downplayed the gravity of the breach and denied it has any role in contaminating the environment around the mine, including water sources. In response to Mongabay's questions, the company shared a statement saying that a baseline study done before mining began showed "that the area surrounding QMM has naturally elevated levels of radiation," adding that it was "not a QMM-related impact."



Rio Tinto's QIT Madagascar Minerals mine in southeastern Madagascar. Image courtesy of Google Earth.

Central to the controversy is whether the measured radioactivity around the mine is wholly natural or aggravated because of the mining activity. An [analysis](#) commissioned by ALT UK, conducted by Canada-based radiation expert Stella Swanson, found that waterways surrounding the QMM mine contain elevated levels of uranium, in some places 50 times higher than WHO drinking water guidelines. This could be because the mining operation displaces and redistributes naturally occurring radionuclides, sometimes causing concentrations to increase beyond acceptable limits, according to the report.

The breach occurred when mine tailings used in dam construction entered into a buffer zone that separates the mine from a sensitive wetland. While Rio Tinto said that the breach happened in 2014-15, ALT UK says it occurred between 2013-2014, according to data from the study commissioned by the company. It raised concerns about contamination and questions about whether the company was doing enough to prevent damage to the surrounding environment and harm to local communities who depend on regional water sources. About 15,000 people use nearby sources of surface water for drinking.

The ALT UK studies suggest that the mine generates wastewater rich in radionuclides and other contaminants, which finds its way into surface water bodies and groundwater. There are also concerns about exposure to dust carrying radionuclides, and to radioactive [radon gas](#), which is released when uranium and thorium decay and is linked to lung cancer. The decay of these two elements also produces lead, a heavy-metal contaminant.

"Current data available do not indicate that QMM is exposing local communities to health risks, particularly around exposure to radiation," the Rio Tinto statement said.

The lack of consensus means the question of what remedial measures need to be taken, and who is responsible for implementing them, remains contentious. Rio Tinto has agreed to support further investigations into the impact of exposure by an independent consultant.

Activists including Orengo say this is too little, too late. "First, the company must acknowledge the relationship between uranium and lead contaminants and QMM's mining activity," she said. "Then it must manage the mine's wastewater and provide alternate safe drinking water sources for affected communities."

ALT UK has also said Rio Tinto is attempting to deflect attention from contamination that could be linked to its mining operations to other causes of water pollution like biological pathogens, which places the burden of providing safe drinking water on the Malagasy government. "We understand that Rio Tinto representatives have met and are consulting with the WHO, Malagasy ministers and other

actors at national level to discuss the Swanson report findings, but as yet there are no open communications or engagement about our studies in Anosy,” Orengo said.

In its statement, Rio Tinto did not mention the involvement of these parties, saying only that it continues to “work in close collaboration with the Government of Madagascar to identify opportunities for partnering around public health issues.” The WHO told Mongabay it had received a letter from Madagascar’s ministry of health requesting its support, but said it was not involved in the process at the moment.

(Banner Image: A stream near the village of Mandena in Anosy region, upstream from the QMM mine. Image Courtesy of Andrew Lees Trust)

Malavika Vyawahare is a staff writer for Mongabay. Find her on Twitter: [@MalavikaVy](https://twitter.com/MalavikaVy)

FEEDBACK: Use this [form](#) to send a message to the author of this post. If you want to post a public comment, you can do that at the bottom of the page.

Article published by [malavikavyawahare](#)

[Drinking Water](#), [Environment](#), [Environmental Law](#), [Environmental Politics](#), [Mining](#), [Water](#), [Water Pollution](#)

From: s 22(1)(a)(ii)
 To:
 Subject: Madagascar: Mining: Rio Tinto JV/QMM operations halted, local communities demand compensation [SEC=OFFICIAL]
 Date: Monday, 12 December 2022 10:18:59 PM
 Attachments: [image001.png](#)

OFFICIAL

Hi s 22(1)(a)(ii)

Sharing below two recent articles on local communities' grievances against Rio Tinto JV, QMM which is in negotiation process for renewal of its bilateral convention (expiring in 2023) with GoM.

- Rfi : Madagascar: des riverains de Fort Dauphin bloquent une mine de Rio Tinto (9 Dec)
- The Ecologist: Villagers demand Rio Tinto compensation (2 Dec)

QMM operations are halted since 1 December as local communities have blocked road access to its mines.

Cheers, s 22(1)(a)(ii)

[Madagascar: des riverains de Fort Dauphin bloquent une mine de Rio Tinto \(rfi.fr\)](#)

Madagascar: des riverains de Fort Dauphin bloquent une mine de Rio Tinto

Publié le : 09/12/2022 - 05:15

À Maroamalona, environ 200 personnes se relaient depuis le 1er décembre 2022 pour tenir le blocus et empêcher les camions de QMM de transiter les précieux minerais de la mine vers le port d'Ehoala à Fort Dauphin. Ici, le 8 décembre 2022. © Sarah Tétaud, RFI

Depuis le 1er décembre, des habitants de la banlieue de Fort Dauphin (sud-est de Madagascar) bloquent l'unique route qui permet d'accéder au site d'extraction d'ilménite de la filiale malgache QMM, du géant minier Rio Tinto, pour réclamer des indemnités en contrepartie du manque à gagner dû à la mine. Mais la société a annoncé placer ses opérations en service minimum, tant en réponse au barrage des manifestants qu'aux discussions de renégociation fiscale avec le gouvernement.

Avec notre envoyée spéciale à Fort Dauphin, Sarah Tétaud

Aux abords du barrage routier de Maroamalona, ils sont quelque 200 mécontents à tenir le siège, empêchant tout camion de se rendre à la mine. Bonaventure a perdu le terrain de ses ancêtres, Martial a des difficultés pour trouver du poisson et Christiana n'a plus accès au terrain où elle cueillait le raphia qui lui permettait de gagner sa vie :

« On est fâchés contre QMM parce qu'ils disaient qu'ils **apporteraient du bien**. Or, ils exploitent les sous-sols de notre terre et après, la terre est devenue stérile, incultivable. Il n'y a plus d'eau potable, des espèces endémiques ont disparu, et tout ça, sans dédommagement pour les terres exploitées. Ils n'arrivent pas à payer toutes les indemnités, dont on a besoin pour faire face aux dégâts provoqués. Ils ont tué six zébus ici pour le fihavanana [concept culturel malgache de paix sociale, NDLR], ils pensaient sans doute que ça allait calmer "la guerre". Mais non. Ils doivent nous indemniser. »

Les locaux estiment ne pas profiter des emplois créés par le plus gros employeur de la région

Depuis 2005, QMM est le plus gros pourvoyeur d'emplois de la zone. Seulement, les manifestants présents estiment ne bénéficier d'aucune retombée du géant anglo-australien : « On est des paysans, nous. Des illettrés ! On ne peut pas gagner notre vie en se faisant embaucher par cette société. C'est pour cela qu'on est là. Le président de la République, pour qui on a voté, pourrait régler nos différends, mais il ne fait rien pour nous. Aujourd'hui, on est désespérés. »

D'après QMM, ce barrage a donc **stoppé net toute la production** et toutes les démarches entreprises depuis juin dernier pour traiter les presque 9 000 plaintes reçues en un mois.

Depuis, **la commission composée** de représentants de QMM, mais aussi d'élus locaux, de représentants des services techniques ministériels, de notables, et de leaders des manifestations a cessé de se réunir. Elle est chargée d'arbitrer sur l'éligibilité des plaignants à une compensation, soit une quarantaine de personnes en tout.

Négociations avec le gouvernement sur la fiscalité

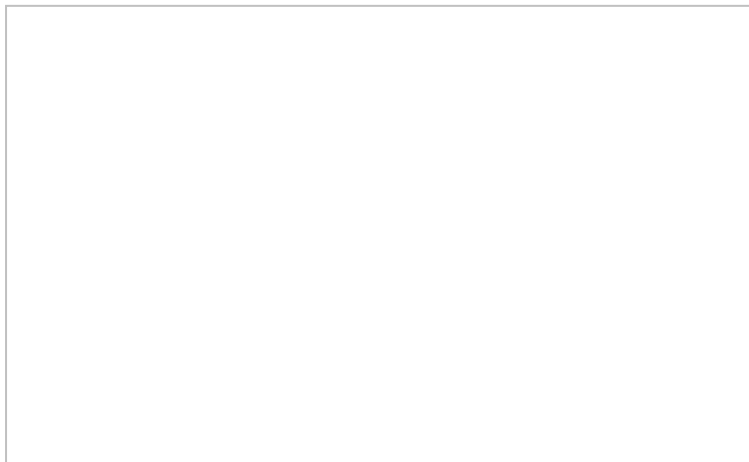
« Nous restons ouverts au dialogue, mais pas sous la menace », avertit la société minière qui embauche aujourd'hui plus de 2 000 personnes et assure seule l'alimentation en électricité de la ville de Fort Dauphin.

Si QMM hausse le ton, c'est qu'en parallèle, l'entreprise discute également du renouvellement de sa convention fiscale et douanière avec le gouvernement : une négociation hautement sensible tant les intérêts semblent pour l'instant diverger.

[Villagers demand Rio Tinto compensation \(theecologist.org\)](http://theecologist.org)

Villagers demand Rio Tinto compensation

[Yvonne Orengo](#) | 2nd December 2022 |



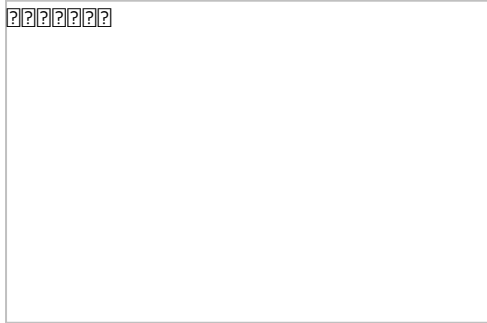
Traditional Antanosy fishermen on the estuary lake, before mining operations began.

Andrew Lees Trust

Rio Tinto faces new unrest at Madagascar mine as procedural dance delays promised compensation.

Protesters returned to the streets this week around the Rio Tinto's QMM Mine in Madagascar as the company's compensation process falters and villagers express doubts the company will deliver on its promises. The community recently gave an ultimatum to QMM, according to local sources: if landowners' claims for compensation are not recognised and met, the community will

once again take to the streets in protest. The compensation was agreed by QMM's during negotiations established through a local commission, set up in May 2022 to [end conflict](#) and protests, including and road blocks.



Community members receive negotiation updates from local Deputy at a meeting in April 2022 ([Andrew Lees Trust](#)).

Fisherfolk

The unrest began after two tailings dam failures at the QMM mine and also the release of a million cubic metres of mine basin water saw hundreds of [dead fish](#) appear in downstream waterways and a fishing ban put in place.

Villagers had suffered months of food insecurity and livelihoods losses as a result of the fishing ban, leading to protests and eventual negotiations with QMM.

The government commendably extended the agreement to encompass not only the period of the fishing ban, but also for [losses](#) from the start of the mine operations.

For some villagers the presence of the mine has resulted in a 45 per cent reduction in income, according to recent [studies](#).

There are approximately 15,000 people living in three communes around QMM's Mandena site, the majority of whom are subsistence farmer and fisherfolk living in multidimensional poverty. In July, the company announced they had received [8,778 complaint claims](#) from affected villagers.

Flaws

Months later, QMM declared the lists of fisherfolk and usufructuary claimants had been finalised and 5431 cases had been accepted under agreed criteria.

On 20 October 2022, a [joint letter from NGOs and across civil society](#) was submitted to Rio Tinto raising questions and critiquing the grievance process against international standards, including lack of transparency.

On the 15 November 2022, Rio Tinto [responded](#), claiming that the process is not part of the Rio Tinto/QMM grievance process but is separate and "relates exclusively to the May agreement reached between these parties" - ie, the community, the local authorities and QMM.

How soon can Rio Tinto ensure the current, government-led grievance process meets international standards?

Stating that this process was led by the Minister of Fisheries and Blue Economy, the company observed: "QMM had limited influence over it and is aware that it has flaws."

Standards

As QMM starts to review individual claims, Rio Tinto explains that "efforts are focused on recalibrating and reorienting this process and dialogue to better align with the key principles of the international standards [you] reference and ensuring the preservation of communities' rights."

The implicit admission that the process does not yet meet international standards is compounded by Rio Tinto as it goes on to say that QMM needs to review its normal grievance mechanism to “ensure compliance with international best practice” and “will complete this process during the course of 2023”.

Essentially, this has increased concerns that after almost two decades and throughout recent troubles, a grievance process meeting international standards has not yet been established at QMM.

QMM was neither dealing well with existing complaints, nor ready to meet outstanding as well as new claims emerging from the conflict earlier this year. The company has promised multiple times to do its best to help the communities.

Questions

Thankfully, Rio Tinto agrees that independent adjudication should form an essential part of the current complaints process, together with absolute transparency.

It is not clear when and which adjudicators are expected to be involved. Moreover, if this current process is not QMM’s, who and what will decide its final outcomes?

Rio Tinto explains that the criteria for compensation were drawn up through “numerous multistakeholder meetings and discussions” and were based on specific agreements, laws and Mining Code.

Why the company did not insist on applying their international standards at this stage is not clear. It is also unclear whether the communities have had access to legal assistance or accompaniment in the process.

Apparently, the registers and record of the grievance process will be held by the environmental regulator, the National Office for the Environment (ONE).

The ONE is paid at least \$30,000 to \$40,000 a year by QMM for its monitoring services to QMM, and is yet to demonstrate sufficient [transparency](#) to convince stakeholders it is not compromised in its relationship with the mine.

Importantly, facing renewed unrest, the question arises as to why land owners have been excluded from compensation.

Contestation

Land compensation in Anosy has been a source of conflict since 2005-6, when QMM displaced hundreds of villagers to build the port and infrastructure they required.

A decade ago, a liaison committee to Rio Tinto, convened between NGOs, international researchers and the company, heard Rio Tinto admit that both the process and communications had been flawed.

Notable features were poor communications, blame on the government for villagers being significantly underpaid the value of their lands, and the “disappearance’ of all paperwork that could evidence payments.

Given the efforts to that committee by civil society, principally to explain to Rio Tinto where QMM had gone wrong in order to avoid similar failures in future, there was little excuse when subsequent land compensation claims led to more unrest in 2013 and 2016, with many claims still unresolved.

For example, community members from Mandromondromotra commune who pressed for land claims were threatened and taken to court by QMM, fined and quelled from advancing further contestation.

In light of previous failures and conflicts, and following serious unrest this year, one could expect Rio Tinto to pull out all the stops to get this latest grievance process right.

Repression

The current contestations are occurring when people have been waiting months for resolution – some for more than a decade - to have redress for their losses.

Falling within an election campaign year, when the Government of Madagascar has announced it will not tolerate any “perturbation” - the risk to villagers who take to the streets to claim their rights has escalated above the normal levels of danger.

Civil society has already received a chilling message with the recent [persecution of Ketakandriana Rafitoson](#), the director of Transparency International Initiative Madagascar, for calling out potential corruption in the country’s lychee trade.

All human rights defenders in Madagascar are at risk while there remains no ratified law to protect whistleblowers. [Who will be next?](#)

If dissenting villagers in Anosy take to the streets in this in this febrile, pre-election atmosphere, there is appreciable concern their protests would be met with the threat of military force.

The question being asked is, what measures can be taken to avoid the politicisation of the situation in Anosy ahead of the electoral year?

Licence

To what extent will Rio Tinto defer its own responsibilities to the Malagasy government is uncertain, especially **while at the same time it is advancing [its own interests](#) to secure QMM’s new lease agreement.**

In the mine joint venture, ultimately both parties carry responsibilities. Rio Tinto/QMM for its part is obligated to apply its own and international standards if those within the country they work are less exigent.

However, civil society observes that QMM frequently firewalls requests for technical information and reports, such as the external evaluation of the mine tailings dam failures, behind the Malagasy regulator.

QMM has also enjoyed impunity for illegally breaching an environmental buffer zone when it placed mine tailings on the bed of Lake Besaroy, thanks to the regulator’s technically unsupported conclusion of “no significant impact”.

Not forgetting that, over a decade ago, Rio Tinto passed the blame for its first compensation failures on to the government’s regional process.

The principal questions must therefore include: How soon can Rio Tinto ensure the current, government-led grievance process meets international standards?

As a participating member of the May 2022 Commission, which allowed for all parties to reflect and achieve its goals, and with so much at stake, why did QMM allow grievance mechanisms to be developed without international standards being applied in the first instance?

Most critically, who is going to rectify the current situation and take responsibility to avoid further conflict in the region and the threat of harm to aggrieved villagers?

This Author

[Yvonne Orenge](#) is an independent communications consultant and director of the [Andrew Lees Trust](#) (ALT UK) a British charity set up following the death of its namesake in 1994. She lived and worked in southern Madagascar to develop social and environmental programmes and has followed the evolution of the Rio Tinto/QMM mine for over twenty-seven years. ALT UK is working with Publish What You Pay (PWYP) Madagascar and international campaigners to r

OFFICIAL:Sensitive

s 22(1)(a)(ii)

Title: Southern Africa: Security s 22(1)(a)(ii)
MRN: s 22(1)(a)(ii)
To:
Cc:
From:

References:

Response: Routine, Information Only
Summary:
s 22(1)(a)(ii)

s 33(a)(iii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

OFFICIAL:Sensitive

OFFICIAL:Sensitive

s 22(1)(a)(ii)

s 33(a)(iii)

s 22(1)(a)(ii) – this section, together with the following pages (266-267) have been removed



s 22(1)(a)(ii)

—

Title: African Mining Indaba 2023 – Australian companies expand their footprint

MRN: s 22(1)(a)(ii)

To:

Cc:

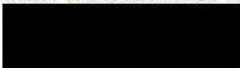
From:

References:

Attachments:

Response: Routine, Information Only
s 22(1)(a)(ii)





s 22(1)(a)(ii)

s 33(a)
(iii), s
45(1)

s 22(1)(a)(ii) – this section, together with the following pages (281-282) have been removed



s 22(1)(a)(ii)

From: s 47G(1)(a), s 47G(1)(b)
Sent: Tuesday, 24 August 2021 9:42 AM
To: Dyssel, Irma
Cc: s 47G(1)(a), s 47G(1)(b)

Subject:
Attachments:

CAUTION: This email originated from outside the organisation. Do not click links or open attachments unless you recognise the sender.

Dear Irma Dyssel,

I hope this email finds you well.

s 47G(1)(a), s 47G(1)(b)

Many thanks for your continued support,

Regards

s 47G(1)(a), s 47G(1)(b)



Australian Government
Department of Foreign Affairs and Trade

11 October 2021

Ms Sinead Kaufman
Chief Executive, Minerals
Rio Tinto

Sinead.Kaufman@RioTinto.com

Dear Ms Kaufman

Thank you for your letter of 24 August 2021 with an update on Rio Tinto's Richards Bay Minerals operation in South Africa. I sincerely apologise for the delay in providing a formal response to your letter.

We were pleased to hear you were able to secure an arrangement with community stakeholders in KwaZulu-Natal and release your disbursements in a transparent and controlled manner. We were also glad to hear you have resumed operations at RBM.

Please be assured the Australian Government will continue to advocate for the safety and security of Australian businesses and their personnel overseas, including in South Africa. Like you, we hope for a proper resolution of South African authorities' investigation into the May 2021 death of RBM's General Manager, Mr Nico Swart. I know Rio Tinto executives in South Africa have discussed the issue with Australia's High Commission in Pretoria. Our High Commissioner and her team at our Mission will continue to provide advice and assistance as appropriate.

Please do not hesitate to reach out to us with any further updates.

Yours sincerely

A handwritten signature in cursive script that reads "Alison Chartres".

Alison Chartres
Assistant Secretary
Africa Branch

Cc H.E. Gita Kamath
High Commissioner
Australian High Commission in Pretoria

s 47G(1)(a), s 47G(1)(b)

Meeting Briefs

s 22(1)(a)(ii)

s 47G(1)(a), s 47G(1)(b)

Rio Tinto (Mon 6th, 0700)

s 22(1)(a)(ii)

- Condolences for the loss of Nico Swart in 2021
 - interested in whether police have progressed investigations into the case.
- Interested in your assessment of the security situation at Richards Bay.

s 22(1)(a)(ii)

Rio's plans

to expand its minerals sands mining activities remain suspended due to security concerns. The shooting and death in May 2021 of former RBM General Manager Nico Swart remains a sensitive issue. Investigations into the killing are ongoing.

s 22(1)(a)(ii) – this section, together with the following pages (292-295) have been removed

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Friday, 2 June 2023 2:50 PM
To: s 22(1)(a)(ii)
Cc:
Subject: Brief on community trusts and TPs for meeting with s 47G(1)(a), s 47G(1)(b)
Attachments: 230502 community trusts - Meeting with s 47G(1)(a), s 47G(1)(b) docx

OFFICIAL

Hi s 22(1)(a)(ii)

I've pulled together in one doc some TPs you might draw on in your discussion with s 47G(1)(a), s 47G(1)(b) some background on where RBM is at in terms of its legal action and some of the recent media on the report on community trusts that has just been published.

I thought it might be useful in one doc.

s 47G(1)(a), s 47G(1)(b)

has promised to send me a copy of the actual report. I'll go through it and bring it on Monday but I doubt you'll need to worry about it as its pretty long and I've already made some references to its key findings in the attached brief.

Kind regards

s 22(1)(a)(ii)

First Secretary (Trade & Economic)

Australian High Commission, Pretoria
 Department of Foreign Affairs and Trade
 292 Orient Street, Arcadia

s 22(1)(a) @dfat.gov.au

Office +s 22(1)(a)(ii)

Mobile +s 22(1)(a)(ii)

Voice Net s 22(1)(a)(ii)

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Meeting with s 47G(1)(a), s 47G(1)(b)

Talking Points

s 22(1)(a)(ii)

- How is the **security situation around RBM** at the moment
s 22(1)(a)(ii)

s 22(1)(a)(ii)

Media

<https://www.businesslive.co.za/bd/opinion/editorials/2023-06-02-editorial-we-must-fix-broken-mining-trusts/>

EDITORIAL: We must fix broken mining trusts

The government and mining industry must take urgent steps to reform and strengthen governance and oversight of these trusts

BL PREMIUM

02 JUNE 2023 - 05:00

Mining is one of the most important sectors of the South African economy, contributing about 8% of GDP and employing more than 400,000 people. However, mining also has a significant social and environmental impact, especially on the communities that live near the mines. These communities often face displacement, pollution, health risks and loss of livelihoods as a result of mining activities.

To address these challenges, the government introduced the Mining Charter in 2002, which requires mining companies to allocate a percentage of their equity to mining community trusts. These trusts are supposed to receive dividends from the mining companies and use them for the benefit of the affected communities. They are also supposed to involve the communities in their decision-making and governance processes.

However, after almost two decades, the mining community trusts have largely failed to deliver on their promises. A new study reveals that they are plagued by corruption, mismanagement and lack of accountability.

The study, commissioned by Richards Bay Minerals, a subsidiary of Rio Tinto, and conducted by fund manager Tshikululu Social Investments, found that many of the trusts are plagued by poor governance, lack of transparency, corruption and interference by traditional leaders.

It also found that some trusts do not have proper financial records, do not consult with the communities, do not report on their activities, and do not use their funds for development purposes. Instead, some are used as vehicles for personal enrichment by trustees, traditional leaders and mining companies.

These problems are not unlike those experienced by rural communities that have gained access to land through large land reform deals.

In some cases, the trusts appointed to manage the communal lands are plagued by poor governance, and too often the type of land access community members get depends on their proximity to traditional leaders.

The Richards Bay Minerals study came after the company went to court to seek an order to amend the trust deeds of the community trusts set up in 2009 as part of its BEE deal with host communities.

“The trusts have not appeared to be consistently delivering meaningful and sustainable benefit to community members,” the company said in a statement laying down the basis for the court application.

This situation is unacceptable and undermines the objectives of the Mining Charter and the constitutional rights of mining communities. Both the government and mining industry have a responsibility to ensure the trusts are properly regulated, monitored and are accountable. The communities also have a right to participate in and benefit from the trusts that are meant to serve them.

These trusts have the potential to be a powerful tool for social and economic development in SA. They can provide resources for education, health, infrastructure and entrepreneurship in some of the most marginalised and impoverished areas of the country. They can also foster social cohesion and empowerment among communities that are often divided and dispossessed by mining activities.

However, this potential can only be realised if they are managed with integrity, transparency and accountability. The government and the mining industry must take urgent steps to reform and strengthen governance and oversight of these trusts. Communities must also be empowered to claim their rights and hold the trustees accountable. Only then will they become a catalyst for positive change in SA.

<https://www.businesslive.co.za/bd/opinion/2023-05-26-werner-duvenhage-learning-from-the-past--role-of-community-trusts-in-the-future/>

WERNER DUVENHAGE: Learning from the past — role of community trusts in the future

Facing hurdles in implementing community ownership and trust management, RBM seeks improved oversight and transparency measures to foster sustainable community benefits

26 MAY 2023 - 05:00

WERNER DUVENHAGE

When the department of mineral resources & energy (DMRE), in its administration of the Mining Charter, introduced the idea that one element of the empowerment ownership formula be community ownership — along with employee and entrepreneur ownership — no significant group in the mining industry demurred.

Indeed, the imperative to implement broad-based empowerment meant that many companies (including our own) had already implemented community- and employee-based ownership transactions. This was before the 2018 iteration of the Mining Charter introduced a provision that there should be a 5% equity equivalent benefit for communities. At Richards Bay Minerals (RBM) communities hold 10.8% (indirectly) in equity. The company also included its smelting operation in the transaction, even though the charter could have been interpreted as only applying to the mining side.

Complications and challenges

As a step towards enhancing a mine’s social license to operate the concept is positive, and RBM entered into the transaction in good faith. However, the complication of this approach comes in its implementation, where there is little guidance on how the structures that would administer the mining company shareholdings on behalf of the communities would operate. Who should oversee

them? How could it be ensured that the benefits of community ownership would actually flow to the communities whose members are intended beneficiaries of the companies involved?

RBM is not the only mining operation that has borne the consequences of these challenges with community trusts. As has been well reported in recent times, one reason for community dissatisfaction towards RBM is the fact that benefits have not meaningfully and consistently flowed from the four community trusts established to administer the assets included in the 2009 empowerment transaction.

Several efforts to negotiate better governance standards with the trustees have unfortunately failed. And, as was reported in November last year, as a last resort RBM took the matter to court, seeking amendments to the trust deeds of the four communities' trusts, in line with transparency and improved governance. The goal is to ensure that the trusts can consistently deliver meaningful and sustainable benefit to all community members.

Lessons to learn

As we pursued trust reform we wanted to understand not only what went wrong, but also how we — and the industry — can find better ways to contribute to the improvement of the lives of our host community members over the long-term, through improved governance and management of the trusts.

As a step, RBM commissioned a study into the management of community trusts established by mining and other businesses. This study is being published this week and we believe it offers helpful findings and recommendations to prevent similar tensions arising between mining operations, host communities and their representatives.

[T]here is little guidance on how the structures that would administer the mining company shareholdings on behalf of the communities would operate.

The report was developed by Tshikululu Social Investments, a long-established institution that, among other things, carries out community development project work for a wide range of companies both in the mining industry and elsewhere. The findings and recommendations are borne of the many years of experience of the 11 trusts whose trustees or managers were interviewed as part of the research.

Tshikululu found that to operate effectively community trusts need:

Clear objectives and long-term strategy;

Strong governance and oversight, including a combination of necessary skills and a good balance between independent trustees, on the one hand, and community and founding company representation on the other. Independent trustees should comprise at least half the total number of trustees and no single group should have control of the trust board;

Recognition of the trust's independence, while it has an obligation to report regularly to stakeholders including the founding company and community representatives;

Sufficient operational, legal and financial capacity effectively to carry out its developmental tasks;

Consistent, transparent and deliberately planned community engagement and no direct or preferential benefit for any special interest group, including traditional leaders; and

Robust monitoring and evaluation systems.

In all communities the perspectives, interests and preferences of community members are not homogeneous. For a mining company seeking to develop and sustain positive relationships with surrounding communities, it requires us to recognise and respect all of these groups and interests, even where they might not be aligned.

It is no easy task, but it is a lesson we and our peers need to learn. We believe the Tshikululu report has an important part to play in these efforts and we welcome wider dialogue on mining's contribution to socioeconomic development in SA.

- Duvenhage is MD of Rio Tinto Iron & Titanium Africa Operations.

<https://www.businesslive.co.za/bd/national/2023-05-26-mining-community-trusts-should-have-no-direct-benefit-for-traditional-leaders-study-says/>

Mining community trusts should have no direct benefit for traditional leaders, study says

Poor governance that threatens the financial sustainability of these trusts is just one of the issues undermining the success of these structures

BL PREMIUM

26 MAY 2023 - 14:49

DENENE ERASMUS

Getting real and lasting benefits to flow from community trusts that are often used as the vehicle for BEE transaction deals between mining companies and communities that live on mining land has long been a thorny issue for miners in SA.

Poor governance that threatens the financial sustainability of these trusts, and instances where a large share of the benefits would go directly to traditional leaders and their families instead of the whole community, have been some of the issues undermining the success of these structures.

A new benchmarking study of community trusts, by investment fund manager Tshikululu Social Investments and commissioned by Richards Bay Minerals (RBM), recommends that best practice is "to have no direct or preferential benefit for any special interest group, including government and traditional leaders".

"Mechanisms can be explored where the Amakhosi (and their families) could still get a share of the dividend, but there is a separation between the interests of the Amakhosi and that of the community trust itself," the study said.

This would however require further engagements and legal advice, it adds.

RBM, a subsidiary of Rio Tinto in SA, produces ilmenite, rutile and zircon from mineral sand deposits in the area north of Richards Bay.

In November RBM approached the KwaZulu-Natal High Court seeking an order to amend the trust deeds of community trusts that were established in 2009 as part of its BEE deal with host communities.

The communities, Mbonambi, Sokhulu, Mkhwanazi and Dube, own a 24% stake in RBM and they have earned more than R530m in dividends since 2009.

In papers filed as part of its application to the high court in Pietermaritzburg, RBM asked the court, among other things, to remove the Amakhosi from the four communities and their families as trustees and beneficiaries saying that without such intervention “there is a reasonable prospect that the trust income flowing through the dividends paid ... will not be utilised to promote and protect the interests of the host communities who are the intended beneficiaries of those dividends”.

In a statement announcing the move, the miner said that it has for several years, had “serious concerns about the governance and management of the community trusts and trusts’ assets”.

“The trusts have not appeared to be consistently delivering meaningful and sustainable benefit to community members, and in August 2021 all parties committed to reforming the trusts in a manner consistent with broad-based community empowerment,” RBM said.

Little, however, came of this commitment after the Amakhosi pulled out of the process, moving RBM to initiate litigation “as a last resort to change the trust deeds in such a way that it supports “long-term, broad-based empowerment”.

Werner Duvenhage, MD of RBM, said at the launch of the benchmarking study on Thursday “we have for several years been looking for ways to improve the governance of our community trusts and unfortunately these efforts have not been successful, leaving us with no other choice than to go the legal route to try to resolve these issues”.

He said that while this legal process remained under way, RBM commissioned the research as a parallel action to build a better understanding of the various challenges faced across the industry with community trusts, and the best practices.

“With our trusts deeds we have allocated 10% of the dividends received from RBM to be allocated to the chiefs in their personal capacity — if you look at the research report a key finding is that that is not appropriate. [Through litigation] we are looking to remove or adjust that part of the trust deed. We are not saying it should be removed completely, but the allocation should be appropriate. We do respect the traditional leadership and the role it has in the standing of the community,” Duvenhage said.

The researchers interviewed trustees and managers from 11 community trusts or non-profit companies.

“Ultimately, community trusts may be a problematic structure, but they remain a viable model for broad-based community ownership as long as they have good governance and the ability to operate effectively in a community context,” the report said.

Tracey Henry, CEO of Tshikululu Social Investments, said some of their key findings and recommendations include that good governance of such trusts was critical from the outset and when setting up governance structures it was important to consider who the trustees are and ensuring they have the right skills. Trustees should ideally serve for a fixed term and should consist of at least 50% independent trustees including the chairperson. Trustees had to be accountable to communities in terms of how the trusts are governed.

When setting up trusts, companies had to make sure they understood who the beneficiaries and the communities are, “ensuring that everything you do is focused on empowering those communities to ultimately achieve a broad social effect”.

Another problem was that many of the community trusts did not have financial sustainability plans beyond the life of mines, said Henry.

<https://www.businesslive.co.za/bt/business-and-economy/2022-12-11-rbm-accused-of-bullying-as-it-seeks-to-reform-trusts/>

RBM accused of 'bullying' as it seeks to reform trusts

Mining company says it wants to see benefits go to communities

BL PREMIUM

11 DECEMBER 2022 - 08:55

Martin Mbuyazi, administrator of one of the four community development trusts in a joint venture with mineral sands producer Richards Bay Minerals (RBM), has accused the company of bully tactics after it approached the high court last month to seek reform of the trusts.

RBM wants the court to change the trust deeds of Mbuyazi's Mbonambi trust and the three others, Sokhulu, Dube and Mkhwanazi, amid corporate governance concerns that include the mismanagement of funds.

The court action was lodged at the high court in Pietermaritzburg.

Mbuyazi told Business Times this week that RBM wanted to withhold benefits for the community after extracting minerals from its ancestral land for more than 40 years.

"At the time when they [RBM] are supposed to pay out, now they want to manage the community trust and as a result they are holding out and do not want to pay," said Mbuyazi.

RBM, which extracts heavy metals from sand dunes along the KwaZulu-Natal coast, is a joint venture between Rio Tinto, which owns 74%, and Blue Horizon — a consortium of investors and host communities of Mbonambi, Sokhulu, Mkhwanazi and Dube — which own 24%. The remaining 2% is held in an employee participation trust.

Mbuyazi said RBM had no control over community trusts.

"Everyone knows that the community trusts have their own processes. RBM manages 74% in the operation and the stake of the communities is not through RBM but Blue Horizon. So RBM has no direct link with the communities. They are just bullying the communities because they can."

However, RBM MD Werner Duvenhage told Business Times that RBM had no desire to disempower the host communities and had been focused on improving trust governance so that host communities received their rightful share of benefits from the funds.

"To achieve this, we have given the trusts every opportunity to engage meaningfully on trust reform, which they agreed to do in the August 2021 memorandum of understanding. However, in July 2022, the trustees unilaterally reneged on the agreement, leaving us no option but to seek legal action. We remain open to a court-mediated process and to find a solution based on consensus and mutual trust."

In 2018, RBM operations were suspended twice due to violent protests by contractors at the mine and again in December last year when an employee was shot. Last year general manager Nico Muller was killed in an alleged assassination.

“We really need to see the benefits for the communities,” Duvenhage said.

“The trusts have up to date received R530m. It is a huge amount of money. There has been a lot of violence. It is because controls are not strong. Stronger [governance] controls and more independence from trustees are needed. Mines have a finite life. We would love to rather leave a legacy that is tangible and right now we are worried that it is not happening.”

Alex Khumalo, head of social performance at Minerals Council SA, said only a handful of community trusts set up as part of BEE transactions had been able to truly deliver benefits to communities.

All we are asking for is that the majority of the trustees be independent. We are not trying to take control of the trusts

RBM MD Werner Duvenhage

“The vast majority might be delivering but no-one can really say the benefits those trusts have delivered have been optimal for communities,” said Khumalo.

Khumalo said the council was concerned about a lack of governance in community, public and private institutions.

“In theory, community trusts should be partners in development with mining companies by, for instance, partnering with mines in funding social and labour plans. Or they could partner with local municipalities in the execution of their integrated development plans.

“In the best possible outcomes, community trusts could become significant economic players by investing in key job-creation industries, in much the same way that the Royal Bafokeng Nation has become a notable investor in the South African economy,” he said.

Asiphe Funda, an attorney at Corruption Watch, said there had been a lack of administration and oversight and a lack of capacity to administer trusts effectively as well as corruption scandals over the years at trusts. She said often traditional authorities and local elites ran the trusts.

“Advocacy for an ombud in this area of the sector must be seriously considered to ensure accountability and a reporting institution which is independent,” she said.

Duvenhage said the court action was RBM’s last option to resolve a protracted governance issue.

“All we are asking for is that the majority of the trustees be independent. We are not trying to take control of the trusts. We are not trying to remove the involvement of the traditional council; all we are saying is that the trustees should be mostly independent. They should have the skills trustees in those roles [need to] have.”

Duvenhage said RBM would remain in South Africa despite the challenges.

“The way to solve problems is not to run away from them. As RBM and Rio Tinto we are long-term investors in South Africa. This mine started its operations in 1976 and we have other operations in South Africa as well. We have no intention to pack up and leave. We believe we have a role to play in addressing challenges and we will do our part to contribute like what we are doing with the trusts.”

Last month the mediation session with Glencore, the Kgosi, the Bakwena-ba-Mogopa Traditional Council and the Royal Family for a functional and legal trust structure to be put in place, was terminated. Glencore also appealed a September high court ruling which recognised trustees appointed by the traditional council.

Richards Bay Minerals

s 22(1)(a)(ii)

Investment security

s 33(a)(iii)

As a result, RBM declared Force Majeure on June 30, 2021 following an escalation in the security situation which resulted from protest action and the subsequent murder of the firm's operations manager Nico Swart. In August 2021, RBM resumed operations following the stabilisation of security around the mine with the help of the national and provincial government. On 18 March 2020, RBM announced the end of the force majeure after the improvement of the security situation through a collaborative process between the company, community, and government representatives.

From: "s 22(1)(a)(ii) @dfat.gov.au"
Date: Tuesday, 24 August 2021 at 10:03:02 am
To: "Kamath, Gita" <Gita.Kamath@dfat.gov.au>
Cc: "s 22(1)(a)(ii) @dfat.gov.au", s 22(1)(a)(ii) @dfat.gov.au, "s 22(1)(a)(ii) @dfat.gov.au", s 22(1)(a)(ii) @dfat.gov.au, s 22(1)(a)(ii) @dfat.gov.au, s 22(1)(a)(ii) @dfat.gov.au
Subject: FW: s 47G(1)(a), s 47G(1)(b)

OFFICIAL

FYI

Kind regards
s 22(1)(a)(ii)

From: s 22(1)(a)
Sent: Tuesday, 24 August 2021 10:01 AM
To: 's 47G(1)(a), s 47G(1)(b)
Cc: s 47G(1)(a), s 47G(1)(b)

Subject: s 47G(1)(a), s 47G(1)(b)

OFFICIAL

Dear s 47G(1)(a), s 47G(1)(b)

Good morning and thank you s 47G(1)(a), s 47G(1)(b)

s 47G(1)(a), s 47G(1)(b)

Kind regards
s 22(1)(a)(ii)

Executive Assistant to the Australian High Commissioner HE Ms Gita Kamath
Australian High Commission, Pretoria
292 Orient Street, Arcadia
Tel: s 22(1)(a)(ii)
Cell:

From: s 47G(1)(a), s 47G(1)(b)
Sent: Tuesday, 24 August 2021 9:42 AM
To: s 22(1)(a)(ii) @dfat.gov.au
Cc: s 47G(1)(a), s 47G(1)(b)

Subject: s 4/G(1)(a), s 4/G(1)(b)

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Dear [s 22\(1\)\(a\)\(ii\)](#)

I hope this email finds you well.

[s 47G\(1\)\(a\)](#), [s 47G\(1\)\(b\)](#)

Many thanks for your continued support,

Regards

[s 47G\(1\)\(a\)](#), [s 47G\(1\)\(b\)](#)

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Monday, 24 May 2021 3:32 PM
To: s 22(1)(a)(ii)
Cc: s 22(1)(a)(ii)
Subject: FW: General manager of Rio Tinto's Richards Bay Minerals shot dead in KZN [SEC=UNOFFICIAL]

Hi s 22(1)(a)(ii)

No doubt you've heard this tragic news. Just wondering if you'd have time for a quick telephone call. We just want to make sure your operation is ok and to check in on your security arrangements.

Kind regards
s 22(1)(a)(ii)

First Secretary (Trade & Economic)

Australian High Commission, Pretoria
Department of Foreign Affairs and Trade
292 Orient Street, Arcadia

s 22(1)(a)(ii) [@dfat.gov.au](mailto:dfat.gov.au)

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General manager of Rio Tinto's Richards Bay Minerals shot dead in KZN

<https://www.news24.com/fin24/companies/mining/rio-tintos-richards-bay-minerals-rocked-by-assassination-of-general-manager-20210524>

Rio Tinto's Richards Bay Minerals (RBM) in KwaZulu-Natal has confirmed that its general manager for operational services, Nico Swart, was shot dead on Monday morning.

While the RBM operation has seen incidents of violence in recent years, with the shooting of an employee halting operations in December 2019, this latest incident remains under investigation by police.

In a statement, RBM said Swart sustained injuries after a shooting incident while he was travelling to work and that police are investigating.

● **READ | Rio Tinto faces loss of key bloc of black investors**

"The circumstances around the shooting are unknown at this stage and the incident is being investigated by the South African Police Services [SAPS]. The company is cooperating fully with the SAPS to support its investigation into this very serious matter," the statement said.

According to the **Zululand Observer**, 20 high-calibre bullets were sprayed into his vehicle shortly before 07:00, in the Richards Bay suburb of Meerensee.

Swart was 47 years old and served as a RBM employee for 14 years. He is survived by his wife and two children. The company expressed condolences to his friends, family and colleagues.

s 22(1)(a)(ii)

From: Gita Kamath
Sent: Tuesday, 25 May 2021 3:26 PM
To: s 47G(1)(a), s 47G(1)(b)
Cc: Eugene Olim; s 47G(1)(a), s 47G(1)(b)
Subject: [SEC=UNOFFICIAL]

UNOFFICIAL

Deal s 47G(1)(a), s 47G(1)(b)

I am shocked and appalled to learn about the death of your colleague and long-serving RMB employee, Mr Nico Swart.

I see that the KZN Premier has called on SAPS to make the investigation into Mr Swart's murder a priority. I do hope the perpetrators can be brought to justice swiftly.

On behalf of the Australian High Commission, I offer my sincere condolences to you and your colleagues as well as to the family and friends of Mr Swart.

If there is anything the High Commission can do to assist you and your team at this difficult time, please don't hesitate to let me know.

Regards
Gita

Gita Kamath
High Commissioner
Australian High Commission, Pretoria

Phone s 22(1)(a)(ii) | Mobile +s 22(1)(a)(ii)

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UNOFFICIAL

s 22(1)(a)(ii)

From: Tegan Brink
Sent: Tuesday, 21 November 2023 10:44 AM
To: s 47G(1)(a), s 47G(1)(b)
Cc: s 22(1)(a)(ii)
Subject: Meeting with South African Government - any comments? [SEC=OFFICIAL]

OFFICIAL

Dear s 47G(1)(a), s 47G(1)(b)

s 22(1)(a)(ii)

I wanted to let you know that I have meetings scheduled with a couple of key South African Government ministers in early December and am writing to seek any comments you may have pertaining to the business environment, in particular, infrastructure and logistics, or indeed security matters.

s 22(1)(a)(ii)

I am consulting with ABCSA more broadly on this as well.

Please don't hesitate to call me directly on s 22(1)(a)(ii) or if you cannot get hold of me please call s 22(1)(a)(ii), First Secretary, in my team on s 22(1)(a)(ii).

Also very happy to receive any comments by return email.

All the best to you and your family for the festive season.

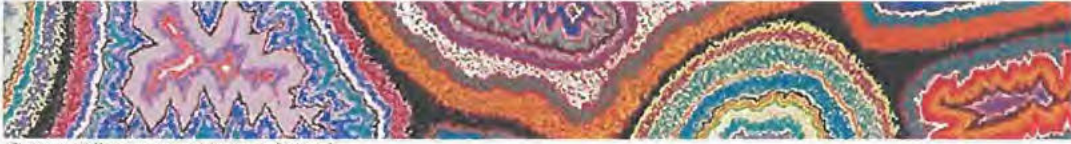
Kind regards

Tegan

Tegan Brink

High Commissioner
Australian High Commission, Pretoria
P s 22(1)(a)(ii) | M s 22(1)(a)(ii)

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s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Monday, 10 January 2022 9:17 AM
To: s 22(1)(a)(ii)
Cc:
Subject: Mining in Richards Bay remains a double-edged sword [SEC=UNOFFICIAL]

Mining in Richards Bay remains a double-edged sword

Sociopolitical conflict persists in the area because mining operations go hand in hand with filthy lucre that divides communities while devastating their natural environment.

By: Chris Makhaye
 Photographer: Mlungisi Mbele
 17 Dec 2021

Features

[Mining in Richards Bay remains a double-edged sword : New Frame](#)

23 November 2021: The entrance to Richards Bay Minerals' operations in KwaMbonambi in northern KwaZulu-Natal. The rich mineral deposits found in Richards Bay, an industrial city on the North Coast of KwaZulu-Natal, are both a gift and a curse. Their mining and beneficiation create thousands of jobs and contribute to the city's coffers through taxes, but their presence is also the cause of conflict and murder as well as environmental devastation.

Richards Bay Minerals (RBM), majority owned by multinational mining giant Rio Tinto, is an example of this. RBM, whose main product is titanium dioxide slag, says on its website it directly employs about 2 000 people full-time and has just over 3 000 contract workers.

At present, RBM operates four mines in the Zulti North lease area, alongside a mineral separation plant and smelting facility. But since the ore grades at Zulti North have been declining for many years, the company has been planning a R6.5 billion expansion that would extend its operations by another 25 years. The plans, however, were put on hold in 2019 owing to security concerns.

RBM's host communities are KwaMbonambi, KwaSokhulu, Mkhwanazi, Dube and Mandlanzini. In 2020, the company said, it contributed R8 billion directly to the South African economy in the form of salaries, royalties and taxes, despite significant lockdowns owing to the Covid-19 pandemic. In addition, R1.5 billion of its R5.5 billion procurement spend for the year went to local Richards Bay businesses and over R500 million was spent in its host communities, which also benefited from social projects worth over R43 million.

RELATED ARTICLE:

The tide turns to mining on the Olifants River

But this financial injection has led to bloody contestation that has pitted the mine against impoverished locals, opportunistic elites and disillusioned youths who are struggling to find employment. Young people say they have to bear the brunt of the environmental effects of mining but have nothing to show for it.

They also accuse members of the local traditional council of corruption, saying those seeking work at RBM have to get special permits from izinduna (headmen) to show they are from the area and thus "eligible" to work at the company. These jobs are lucrative, and there are allegations that izinduna take bribes from outsiders to pass as locals.

Jabu Mthethwa, 32, says she completed a two-year learnership at RBM but was never hired. She now sells sandwiches, fish, vetkoek and fruit outside the main RBM mine. “When it rains we cannot sell because there is no shelter,” she said.

Fellow hawkker Zanele Mbokazi, 46, has four children, two of whom are in their 20s and unemployed. She says the allegations about RBM and izinduna are true. “Even our children have been trying to [get work here] but they are ignored. They bring people from outside. We see it here every day because we sell here,” she said.

Environmental destruction

Derrick Dube, 43, a resident of KwaMbonambi, says RBM’s operations have forced the village to dig boreholes as they compete for water. “Even these borehole initiatives are supposed to be supported by RBM, but they do nothing to support us as small contractors,” he said. “We have no water as RBM is siphoning water from all three rivers. We have constant load shedding in our homes, yet the electricity that Eskom supplies to RBM is non-stop, even during severe load shedding.”

Richard Mbuyazi, a Richards Bay-based environmental activist with the Isolemvelo Community Environmental Group, says RBM’s operations are destroying the environment. According to Mbuyazi, RBM sources its water from the Mzingazi, Nhlabane and Nsezi lakes and from the St Lucia estuary.

“The local communities had no water until recently because local water sources had been gobbled by RBM. The environmental and ecological damage due to the dune mining is beyond measure. We have had many discussions with RBM and other stakeholders to try and rectify the damage done. The streams that were once pristine are now destroyed by the sludge from the mining. The water slides into people’s fields and peoples’ homes, destroying crops and cracking homes,” he said.

23 November 2021: Derrick Dube, who lives in KwaMbonambi, says residents have had to dig boreholes for water. Watson Ndlela, chairperson of the KwaMbonambi Land Committee, says tension in the area rose sharply in 2018 after RBM gave R79 million to the Kwambonambi Development Trust to fund community projects. “We don’t know what has happened to that money. Nobody has been able to account for this money. All we see is that members who are in charge of these funds buy themselves luxury cars and show off lavish lifestyles on social networks,” he said.

Ndlela says the disputes will only be resolved if the provincial government appoints the traditional leader of KwaMbonambi to manage the disbursement of the royalties the community gets from RBM. But since there are two rival families who are both claiming the leadership, this solution is not straightforward.

Violent conflict

RBM’s personnel and operations have been attacked in the past few years, but who is behind it has not been established. Many people say it is linked to local residents’ dissatisfaction over their lack of access to jobs. The most recent incident happened in June when a group of men and women – believed to be from KwaSokhulu – burnt heavy machinery in what was an alleged arson attack. The circumstances are still being investigated by the KwaMbonambi police and no one has been arrested. RBM closed down its operations after that and restarted them only in late August.

Months before that, on 24 May, RBM general manager of operations Nico Swart was killed in a hail of bullets on his way to work. His murder was blamed on tension between the mine and local communities. Two employees were also shot and injured late in 2019, while in August 2016, human resources general manager Ronny Nzimande, 39, was shot and killed in an apparent hit. He is said to have been targeted after investigating some of the mine’s supplier contracts.

But local residents have also been under attack. On 11 December 2019, community leader Meshack Mbuyazi was gunned down about 30 minutes after attending a meeting called by KwaZulu-Natal premier Sihle Zikalala to end the impasse in the Mbuyazi clan over the traditional leadership. A relative, Judea Mbuyazi, was shot and killed in July 2020

outside the Lakeside Mall in Richards Bay. In May 2021, KwaMbonambi land activist Msizi “Rasta” Mthethwa, 34, was assassinated by a gunman while sitting in his car at a shopping centre in Empangeni.

The government is desperate to secure RBM’s investment, but it is seemingly unable to find a lasting solution to the conflict between the mine and its surrounding communities, as well as the tensions within communities because of mining in their areas.

23 November 2021: Large pipes next to the road near KwaMbonambi carry water to Richards Bay Minerals. During a recent visit, many people in these communities had complaints about RBM and its operations, but they were afraid to go on record because of the violence meted out to those who dare to speak out. A group of men and women in the Nkunzebomvu area of KwaMbonambi accused RBM of driving a wedge between members of the community who are for and against mining.

“There are many local activists who lost their lives after RBM had awarded them contracts and turned them against the same community they were fighting for. These people have been shot and killed after becoming turncoats. I have known no less than 12 people who have been killed in this manner,” said one woman.

Her sentiments were echoed by an activist from KwaSokhulu. “RBM is making a lot of money here. Why can’t they have a genuine empowerment effort that would benefit the surrounding communities, that would ensure that local youths get jobs in the mine, where the mine is compensating communities who are affected by the environmental degradation due to the mining activities?” he said.

The government’s role

Heinz de Boer, the DA’s spokesperson for economic development in KwaZulu-Natal, says both the national and provincial governments have allowed the problems to escalate over the years by not intervening earlier.

“At the heart of the issue is money, local community structures and the empowerment of communities surrounding the RBM operations. The mineral resources mined by RBM are certainly not a curse to the region or the province. Of course, it is a scandalous indictment on [the police] that those who choose to kill RBM managers and set equipment alight are still at large.”

De Boer says a new “community beneficiation model” is needed so that peace can return and the mine operations resume normally. “Going forward, I see negotiation as the only solution. This should ideally be led by an independent business expert with government, communities and the business sector involved.”

23 November 2021: From left, Jabu Mthethwa, Lama Ntuli and Zanele Mbokazi walk home after a day of selling food at the gate to one of Richard Bay Minerals’ mines.

Zikalala, who has tried to mediate in the disputes between RBM and local communities, said in July during a media briefing on developments at the mine that there would be “more engagements with other stakeholders as we will not rest until we reach a long-lasting solution”.

“We recognise the immense economic impact that RBM operations have in the region and we believe that RBM operations and its employees must be protected. We equally recognise the genuine concerns raised by the host communities, including those by the youth of KwaSokhulu, but emphasise that such concerns should be raised in a manner that does not compromise jobs and the safety of individuals,” said Zikalala.

He added that RBM had agreed to reserve at least 40% of general worker positions for members of the KwaSokhulu community. In terms of objections to the environmental impact of RBM’s operations, he said they would “need to be deferred to the relevant committee”.

But environmental organisations like Isolemvelo say the government is conflicted and biased in favour of RBM on this matter as it is heavily reliant on the tax it gets and the jobs it provides.

Community trusts

In late August, RBM said it had reached an agreement with its host communities to closely monitor their trust funds through external audits. This would ensure better governance and greater transparency. After the signing of this agreement, RBM released over R130 million to the trusts.

“This is a major milestone,” said RBM managing director Werner Duvenhage at the time. “The contribution RBM makes to the communities through these funds will be put to achieving its intended purpose, which is to directly support local economic development in the communities. We are grateful for the support and collaboration of amakhosi, provincial and national governments, and other stakeholders. With this agreement, all parties have come together to commit to long-term modernisation of the trusts for the benefit of the host communities.

23 November 2021: A woman from KwaMbonambi waters her vegetable garden. Mining operations are said to have affected the water quality in the area.

“With the agreement in place, we believe that together with visible improvements on the safety and security front and support from the provincial and national governments and host communities, including reaching an earlier agreement with the Sokhulu Youth Forum, RBM has made good progress on the core issues ...”

David Mfeka, 65, a resident of KwaMbonambi who worked for RBM for 31 years, said he shudders to think what the area would be like without RBM. “This company has been providing for the workers and local community for many years. Imagine if all that is gone,” he said.

s 22(1)(a)(ii)

Senior Research & Policy Officer: Trade and Investment

Australian High Commission, Pretoria

Phone: +s 22(1)(a)(ii)

Mobile: s 22(1)(a)(ii)

s 33(a)(iii)

s 47G(1)(a) – this page, together with the following pages (368-370) are exempt and have been removed

Date: Tuesday, 6 February 2024 at 11:28:22

To: "s 22(1)(a)(ii) @dfat.gov.au>, "s 22(1)(a)(ii) @dfat.gov.au>, s 22(1)(a)(ii) @dfat.gov.au>

Subject: Richards Bay Minerals murders linked to "control of procurement", says MD
[SEC=UNOFFICIAL]

RBM murders linked to "control of procurement", says MD

Brendan Ryan - February 5 2024 [RBM murders linked to "control of procurement", says MD - Miningmx](#)

The assassinations of two top executives at titanium producer Richards Bay Minerals (RBM) were linked to "control of procurement issues" and not money due to community trusts from which the group had at one stage been holding back R130m in payments. RBM MD Werner Duvenhage told a media conference held on Monday at the Mining Indaba being held in Cape Town that the latest information obtained by the group clearly indicated the reason for the assassinations was procurement.

RBM GM Nico Swart was shot to death in May 2021 on his way to work. This followed the earlier assassination in 2016 of RBM human resources general manager Ronny Nzimande. Following the death of Swart, RBM released some R130m in dividends due to local communities and trusts that – in some cases – had been held back since 2015 because of RBM management's concerns over governance issues surrounding the trusts. These involved the independence of the trustees of the community trusts while RBM management was not happy that certain individuals were also to receive payments of dividend declarations in their personal capacities.

The suggestion – denied at the time by Duvenhage – was that RBM had been "blackmailed" into paying out the funds because of the murder of Swart. Instead, Duvenhage maintained that RBM paid the money out after getting an agreement with the communities that they would commit to negotiations to reform the trusts and that, until the reforms were finalised, money would not flow directly to individuals.

"We paid the money out and the communities straightaway reneged on the agreement so we have been taking it further through the courts since then. "We have also taken very specific steps around how we manage the trusts issue. Only one person talks about the trusts and that's me. You will only find one name on the affidavits and that's mine. We have made it very clear there is no one else you can fiddle with that is going to impact where we are going with the trusts.

"On January 26 we had the court hearing to change the trust deeds. Judgement was reserved so we are waiting to hear that judgement," Duvenhage said. He added that no further funds had been paid to communities since the R130m payment because RBM had not declared a dividend since then. "None of our shareholders have received any funds since the end of 2019 because we cannot release money into an environment like this. We have made it clear that there is no money so it does not help to do anything."

Asked if he was concerned about the safety of his executives given this situation Duvenhage replied: "We are taking that extremely seriously. The majority of the senior leaders at RBM travel to work in armoured vehicles with close protection officers. Until we have dealt with this situation we just don't know."

In her presentation to the Mining Indaba, Rio Tinto CEO Sinead Kaufman said "the application in the Pietmaritzburg High Court seeking to strengthen the RBM community trusts was a significant milestone. The future of the trusts will be defined in a way that improves governance, transparency and accountability."

RBM reaches 11th hour deal with community over BEE deal

Carol Paton [RBM reaches 11th hour deal with community over BEE deal | Business \(news24.com\)](#)

Richards Bay Minerals' (RBM), which has asked the High Court in Pietermaritzburg, to allow it to amend the deeds of the community trusts that are part of its BEE deal, reached a last-minute agreement with the Sokhulu community on Friday.

Among other things the company wants to remove local traditional chiefs or *amakhosi* as beneficiaries of the trusts established in its 2009 black economic empowerment (BEE) transaction will be heard in the High Court in Pietermaritzburg on Friday. The company wants to find different ways for benefits to flow to the *amakhosi* and their families rather than an automatic share of the dividends. RBM also wants the *amakhosi*, political officer bearers, and municipal councillors to be barred from serving as trustees on the four trusts established as part of the deal.

The case will have implications for all mining operations on traditional land, many of which are mired in conflict.

Until early on Friday, all four trusts opposed the application. They argued that there is no evidence that the trusts have been mismanaged and that changes to the trust deeds that RBM wants would undermine the credibility of the BEE transaction and give the company control over its empowerment partners. But on Friday, the Sokhulu community finalised a negotiated settlement with RBM and voluntarily amended the trust deed to increase the number of trustees and enhance governance. RBM said in a statement:

"The Trustees of the Sokhulu Community Development Trust and Sokhulu Public Benefit Trust, along with INkosi Mthiyane and members of the traditional council, entered negotiations with RBM to consider how to strengthen the trusts' ability to deliver on their objectives. Working together, various improvements have been identified to align the trust governance structure and project delivery tools with current best practice." The agreement means that dividends that had been withheld over the dispute would now flow to the Sokhulu, it said.

RBM's appeal to the court to allow the amendment of the trust deeds follows ongoing strife and violence associated with the trusts in the surrounding communities. Since its inception, RBM has distributed more than R500 million in dividends to the community trusts. But, says RBM, there is little to show for it on the ground, and communities remain impoverished.

In the 2009 BEE transaction, RBM, owned by multinational Rio Tinto, sold a 26% stake, of which 10.8% was allocated equally to four community trusts established for the purpose. Each community has a Community Development Trust, which owns the shares and distributes 10% of the dividends directly to the *amakhosi*. The trusts also have large administration costs, which eat into what is available for the communities.

RBM began to raise concerns about governance and the lack of financial information and reporting as early as 2011. After the trusts did not respond positively, in 2015, it suspended dividend payments. By 2019, RBM and its employees had become the target of violence by the communities, which was directly linked to the issue of the trusts. Attempts at mediation by KZN provincial premier Sihle Zikalala also failed to break the impasse. In 2021, the general manager of operations, Nico Swart, was assassinated on the way to work, prompting RBM to shut operations for three months.

During the closure, RBM and the trusts began negotiating and, in August, reached an agreement to release the R160 million of unpaid benefits that had accumulated on the condition that reforms would be made to the trust deeds. For a year, no progress was made, and eventually, the trustees told RBM that they would not be amending the trust deeds. Of the R160 million and a further R25 million that flowed to the trusts, RMB claims that 16% of the funds went into community projects while all the rest went into administration costs.

RBM has asked the court that it be allowed to make the following changes to the trust deeds:

- A new process to appoint trustees: communities to appoint three trustees, RBM to appoint one trustee, and the trustees to appoint a further five independent trustees;
- Capping the terms of trustees at five years;

- Minimum qualifications for trustees, including tertiary education;
- Officers of political parties, local councillors and traditional chiefs be barred from serving as trustees;
- Compulsory training for trustees;
- The removal of *amakhosi* as beneficiaries;
- Step in rights for RBM to audit the trusts if necessary; and
- Regulation of trust expenses and remuneration of trustees.

The company has ceased paying dividends to all shareholders until the trust matters are resolved. In their answering affidavit, the chiefs of the Mbonambi and Sokhulu communities – which are the two bigger trusts on whose land mining and refining are done – argue that RBM's attempt to vary the trust deeds is a power grab and makes a mockery of the intention of BEE.

The affidavit reads: The applicants treat the trusts as legal institutions with no independence from them, which can be dictated to by the applicants. This was not the intention of the trusts or the empowerment transaction and would result in a sham trust structure and a BEE deal, which is likewise not credible.

The *amakhosi* also argue that there is no evidence of corruption or mismanagement. RBM has cast aspersions and presented the court with "ill-founded suspicions" that question their mandate, competence and bona fides. Their affidavit constitutes hearsay evidence and should be disregarded by the court. The trusts are discretionary, and payments to *amakhosi* were made part of the trust deed because they were integral to the empowerment deal. They say they can't be severed because RBM has changed its mind on who should benefit.

Had RBM decided in the first place that it wished to exercise control over the trusts, the BEE transaction would have looked quite different. "There may have been no empowerment deal at all, and any such powers provided to the applicant would undoubtedly been a matter of fierce debate," they say. The matter is set down for one day only.

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Tuesday, 3 June 2025 7:59 AM
To: s 22(1)(a)(ii)
Cc:
Subject: RE: Rio Tinto [SEC=OFFICIAL]
Attachments: s 47E(d)

OFFICIAL

Hi s 22(1)(a)(ii)

s 47E(d)

Cheers

s 22(1)(a)(ii)

First Secretary (Trade & Economic)
Australian High Commission Pretoria
M s 22(1)(a)(ii)
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From: s 22(1)(a)(ii)
Sent: Tuesday, 3 June 2025 4:31 AM
To: s 22(1)(a)(ii)

Cc: Tegan Brink, s 22(1)(a)(ii)

Subject: Rio Tinto [SEC=OFFICIAL]

OFFICIAL

s 22(1)(a)(ii)

I'm in Perth for a few days and will meet a few mining companies, including Rio Tinto.

If there's anything you would like me to seek an update on from Rio in particular, please let me know. They've confirmed a brief chat tomorrow morning (s 47G(1)(a), s 47G(1)(b)).

s 22(1)(a)(ii)

Director
Southern, Central and West Africa Section
Middle East and Africa Division
Ph: s 22(1)(a)(ii)

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Monday, 27 November 2023 10:53 AM
To: Tegan Brink
Cc: s 22(1)(a)(ii)
Subject: s 47G(1)(a), s 47G(1)(b)
 [SEC= [REDACTED]

s 47E(d)

s 22(1)(a)(ii)

From: s 47G(1)(a), s 47G(1)(b)
Sent: Monday, 27 November 2023 10:08 AM
To: Tegan Brink <Tegan.Brink@dfat.gov.au>
Cc: s 47G(1)(a), s 47G(1)(b)
 @dfat.gov.au>
Subject: s 47G(1)(a), s 47G(1)(b)

s 22(1)(a)(ii)

@dfat.gov.au> s 22(1)(a)(ii)

?[SEC=OFFICIAL]

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 47G(1)(a), s 47G(1)(b)

s 22(1)(a)(ii)

From: s 47G(1)(a), s 47G(1)(b)

Date: Thursday, 23 November 2023 at 14:44:56

To: "Tegan Brink" <Tegan.Brink@dfat.gov.au>

Cc: "s 47G(1)(a), s 47G(1)(b)

Subject: s 47G(1)(a), s 47G(1)(b)

s 22(1)(a)(ii)

@dfat.gov.au>

[SEC=OFFICIAL]

CAUTION: This email originated from outside the organisation. Do not click links or open attachments unless you recognise the sender.

Dear HC Brink,

s 22(1)(a)(ii)

s 47G(1)(a), s 47G(1)(b)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 47G(1)(a), s 47G(1)(b)

From: Tegan Brink <Tegan.Brink@dfat.gov.au>

Sent: Tuesday, November 21, 2023 10:44 AM

To: s 47G(1)(a), s 47G(1)(b)

Cc: s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s 22(1)(a)(ii)@dfat.gov.au)>; s 22(1)(a)(ii)

Subject: [s 47G(1)(a), s 47G(1)(b)]

[s 22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s 22(1)(a)(ii)@dfat.gov.au)>

? [SEC=OFFICIAL]

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 47G(1)(a), s 47G(1)(b) s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Kind regards

Tegan

Tegan Brink

High Commissioner
Australian High Commission, Pretoria
s 22(1)(a)(ii)

<http://www.southafrica.embassy.gov.au/>

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s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Friday, 26 May 2023 2:44 PM
To: s 22(1)(a)(ii)
Subject: Rio Tinto: [SEC=UNOFFICIAL]

Stinging review of RBM's trusts will open door to \$500m in KZN investment

[Stinging review of RBM's trusts will open door to \\$500m in KZN investment - Miningmx](#)

Richards Bay Minerals (RBM) said a review of its community trusts – which highlighted a raft of deficiencies – would eventually “enable” the development of Zulti South, an expansion project last estimated to cost \$463m.

The review published today found that RBM’s trusts – which is the subject to a High Court application – fell short on a number of metrics including a failure to benchmark trustee fees. Another deficiency was that community beneficiaries were ill-defined.

In November, RBM announced it had requested the KwaZulu-Natal High Court to change the trust deeds. This was after failing to reform the trust in consultation with communities which first participated in the reform, then disputed it.

The trusts were formed in 2009 as part of RBM’s black economic empowerment plan, but they have been embroiled in controversy.

“One of reasons we embarked on this (review) is to actually to create long term sustainability around business which, therefore, means Zulti South,” said Werner Duvenhage, MD of RBM. “We believe the process we’re working on is ... let’s call it an enabling process for future developments and investment,” he said.

RBM is 74% owned by Rio Tinto, the Anglo-Australian mining group which has an array of capital investments on its books. A consortium, in which Rio is a shareholder, recently resumed development of the \$15bn Simandou iron ore deposit in Guinea, for instance.

But Duvenhage said Zulti South could compete for group capital. “It remains an excellent orebody; the best mineral sands undeveloped around the world. “From that perspective it will remain really valuable and a prime investment for mineral sands. We haven’t cancelled the project. The official status is ‘on suspension’, so it remains in our plans,” he added.

RBM said in 2021 that at some point time would run out for Zulti South. Rio Tinto said in 2015 it was hoping to start the project in 2017 meaning it has missed the current up-cycle in commodity demand and pricing. Even in 2015 it was priced at \$500m; inflationary pressure is bound to significant increase that capital outlay.

The last five years in particular has been torrid for RBM. Two years ago today, the company’s GM Nico Swarts was murdered whilst travelling to work in an event that marked a nadir in community relations complicated by criminal syndicates. At one point, Rio Tinto CEO Jakob Stausholm convened a meeting with South African president Cyril Ramaphosa after community violence led RBM to enforce a force majeure over mineral supply.

“We have been prone to quite a bit of violence in the past .. We are making significant progress and I must compliment the police as they are really helping us a lot,” said Duvenhage. “We are experiencing a lot of goodwill from grassroots community at the moment when we would expect tension.”

The trust review, undertaken by Tshikululu Social Investments, drew its conclusions after weighing the activities of eight others including Anglo American Platinum's 'Project Alchemy 2' and the Royal Bafokeng Nation Development Trust. In essence key findings touched on transparency, active management, processes and controls including tighter definitions of beneficiaries. Duvenhage said financial benefits due to Nkosis (tribal leaders) would be modified as RBM set about reforming its trust.

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Monday, 4 March 2024 9:29 AM
To: s 22(1)(a)(ii)
Subject: Rio Tinto/Richards Bay Minerals - South32: Violent mafias are holding Richards Bay industry to ransom [SEC=UNOFFICIAL]

Cowboys and Crooks – Violent mafias are holding Richards Bay industry to ransom

Getting coal to the deepwater port is a lucrative business and sabotaging the railway line means more trucks are needed. And then there are the worker forums demanding to be labour brokers.

Greg Ardé is an author and freelance journalist - [Violent mafias hold Richards Bay industry to ransom \(dailymaverick.co.za\)](https://www.dailymaverick.co.za)

More than 1,000 coal trucks descend on Richards Bay every day and city officials believe transport mafias are sabotaging rail lines and are linked to a string of murders intended to “strike fear into the hearts” of locals. Deputy Mayor Christo Botha says the murder of a councillor last year was meant to unseat an anti-ANC coalition government trying to bring stability to a city where businesspeople are forced to drive around in heavily armed convoys.

Industry in Richards Bay is massive: huge factories dominate the flatlands leading to the sea, like beast machines in the animated *Transformer* movies, grunting, groaning and indomitable. Monster power lines crisscross the 12km road running east of the N2 to Africa’s biggest deepwater port. But the well-documented woes of Transnet have turned the city into a mecca for coal trucks and they have brought with them the kinds of battles that used to be the sole preserve of the minibus taxi industry.

On 12 February, Foskor procurement manager Sifiso Mncube was shot dead while driving home after work. Gunmen pumped 25 AK-47 rounds into his car. This was no ordinary crime. His killing was the most recent high-profile corporate murder in Richards Bay. In 2021, Nico Swart, the general manager of Richards Bay Minerals (RBM), was shot dead while driving to work.

His murder and stoppages at RBM that year forced global parent company Rio Tinto to declare force majeure. Swart’s murder was preceded by the killings of community leader Meshack Mbuyazi in 2019 and RBM’s Ronny Nzimande in 2016, although police have linked almost a dozen murders to mafia-related activity in Richards Bay. In June last year, John Myaka, the sole African Christian Democratic Party (ACDP) councillor in the City of uMhlathuze, the municipality under which Richards Bay falls, was shot dead in front of his congregants.

Unsettling

What’s going on here? The frightened response from the Zululand Chamber of Business to inquiries sums up the mood: “The chamber is not in a position to comment ... the atmosphere here is unsettling. I hope you will understand,” a spokesperson said. A host of businesspeople and private security personnel in Richards Bay spoke anonymously for fear of reprisal.

“These are targeted killings,” said one source. “Nobody is safe. People are careful about what they are saying and who they are saying it to. Safety is key. Sifiso’s killing reopened the Christo wound. Most executives have bulletproof cars and bodyguards. “This is a scary environment. We are desperate. Organised business has approached the highest office in the land twice, crying out for the President to come here and give guidance.”

Another source said Richards Bay businesses were vigorously trying to resist worker forums demanding to act as labour brokers. “They say we have to recruit staff through them. It is straight extortion. They want to hand

out jobs and then they demand a cut of salaries. They are mainly taxi thugs. It's bad here. You have no idea. We need stability, but people are worried because of shootings and sabotage.”

Cowboys and crooks

In addition to RBM and Foskor, Richards Bay is home to corporate giants such as South32, Mondi, Bell, Tronox Sands, Bidvest and Richards Bay Coal Terminal (RBCT), once the world's largest coal terminal. South32 operates aluminium smelters; RBM and Tronox process minerals. Mondi has forests and a wood pulping plant and Bell makes big earthmoving equipment. About 5% of Eskom's power is consumed in the city, KwaZulu-Natal's second-biggest economy after eThekweni. Big firms employ thousands.

RBM alone, for example, has more than 5,500 employees and contractors, and is regarded as the biggest corporate taxpayer in KwaZulu-Natal. In 2022, it paid the government R1.4-billion in tax. Bell has 2,593 employees and Tronox more than 700 at its Fairbreeze mine.

The industry in Richards Bay has been a magnet for jobseekers and entrepreneurs. One businessperson said it is “still a frontier town where vast fortunes can be made, but it's also full of cowboys and crooks”. Richards Bay industry developed in the mid-1970s after the new deepwater harbour was excavated and a 594km railway line was laid between the city and Mpumalanga to facilitate coal exports. Botha, a lawyer, has lived in Richards Bay for 23 years, and for almost half that time has been a councillor for the ward that includes Alton, the main business zone.

Coalition success

After the local government elections in 2021, a coalition unseated the ANC, which had been in power for 15 years. The IFP, Botha's DA, the Freedom Front Plus and the ACDP secured enough seats to take over the municipality and control its R6.5-billion budget. “We scrutinise the budget, especially tender spending and service delivery,” Botha said. The size of the budget means the city's spending is also monitored by the National Treasury, and Botha said that since the ANC was ousted there have been clean audits and no adverse findings by the Auditor-General.

Assassinations in Richards Bay were related to procurement and supply chain issues, he said, echoing a comment made by RBM's managing director, Werner Duvenhage, at the recent Mining Indaba. Botha said business felt “very vulnerable”. The murder of the ACDP's Myaka was an attempt to unseat the coalition and shift the balance of power. It was meant to frighten councillors. There are 67 councillors. The IFP and the ANC each have 25, so the role of the minority parties is key — the DA has eight, the FF+ one, the ACDP one, the EFF six, and the National Freedom Party one.

Botha said the ACDP councillor who replaced Myaka was not intimidated, but people were understandably fearful. “I have two bodyguards. You can't hide away or stop AK-47s — you can only pray you aren't the victim of something nasty. But I speak my mind. If everyone shies away from the issues, we won't be able to deal with them. We need business confidence and stable government.” Botha got the bodyguards and the council installed security and face recognition access at the uMhlatuze municipal offices after threats to the deputy mayor and officials who instigated legal action against companies illegally stockpiling coal in Richards Bay.

Coal mafias

Botha said trucking mafias were part of the criminal underworld sabotaging the railway line so that millions of tonnes of coal are diverted from rail to their heavy-duty trucks. “At least 1,000 trucks are coming into the city a day — sometimes as many as 1,500. The port was never built to accommodate these trucks. It is logjammed. Some days we have a 10km line of trucks backing out of the port. They are demolishing our road network and creating havoc.” Truckers are making a killing and some operators own as many as 1,000 trucks. “There is no way these guys will stand back and allow their business to be affected. They will keep sabotaging the train lines even if you repair the routes.”

Botha said in 2020 about 75,000 heavy-duty trucks drove into Richards Bay. Last year the number was 500,000. One coal truck carries 34 tonnes and the capacity of a single rail wagon is three times that — more

than 90 tonnes. Botha said the rail system was designed for trains pulling 100 wagons. When demand for coal peaked at \$430 a tonne in 2022, truckers coined it.

Transnet did not respond to questions about how much coal has been diverted from rail to road. But Reuters reported that in 2022 coal miners said they were putting about 400 trucks on the road a day, carrying about six million tonnes of coal a year. Transnet said it shipped 58 million tonnes to RBCT, 24% below the annual capacity of 77 million tonnes. Botha said crime in Richards Bay was diverse and the local police had limited impact. Nobody of significance has been arrested for sabotage to the railway lines, so uMhlatuze is forcing a partial solution by imposing a levy of upwards of R20 a tonne on exports ferried by truck through Richards Bay. There is a council resolution to this effect.

Security

“The mafias have tentacles all over the place and are strangling business,” said a private sector risk expert who advises big companies in Richards Bay. “The state won’t help because it is corrupt. Crime has matured as the economy has grown.” The expert said mafias were well-resourced and knew the business landscape well. “They have money to register security companies and get powerful weapons. Businesses live in fear of sabotage and hits on their supply chains and the people running them. The security response to threats like this means an overhaul of almost everything you do, which comes at a great cost.” A Richards Bay entrepreneur said: “In Zululand, businesses are like frogs being slowly boiled alive. People are murdered but business carries on. It’s not unusual to see businesspeople with bodyguards these days. Lots of resources move through Richards Bay and the criminals are hi-tech. We are spending a fortune on protection.”

Another private security operator said: “Companies are resorting to extreme measures. Bigger companies have their principals travelling with close protection officers in B6 heavily armoured vehicles, which can withstand automatic rifle fire. They have backup vehicles and quick-reaction teams. One close protection officer costs R3,000 a day and the armoured car upwards of R850,000. “The psychological impact of an assassination is enormous. All it takes after a hit is a call to somebody in the supply chain to say: ‘Did you see what happened to so-and-so?’ There is a ripple effect on security costs. You can’t just protect the business leaders. Everyone in the company is afraid. The company has a duty of care to protect them too.”

Solutions

Business in Richards Bay, though seriously spooked, soldiers on. There is too much at stake to back down in the face of mafias. Botha said: “You can’t sit in the corner and cry; you have to get on with things. Make no mistake, we are under no illusion — the challenges here are huge. But we have a good political partnership and we account properly with clean budgets and a focus on service delivery. “We have an immense responsibility to make this work. This could be a blueprint for successful coalitions.” Botha’s can-do attitude seems to have business support. Businesspeople and entrepreneurs who spoke to *Daily Maverick* credited the municipality with “trying to get things done”.

The deputy mayor said issues related to Transnet and criminal justice were beyond the municipality’s purview, so it had to focus on what it could do. “We have to change perceptions about this being a war zone,” Botha said. “There is much opportunity here. Industry is huge and we must protect it. We just spent R100-million on water pipes in Alton. There are 17,400 streetlights in the city. When we took over, 1,000 of those weren’t working; now only 120 need to be repaired. “We have 91 traffic intersections, 45 substations, 700 mini-sub and 8,500 kiosks that provide power directly to the home. There are 2,000km of high-voltage cables underground and 125km of pylons overhead. We have to have a handle on this technical data to manage it properly. If I tried to change a plug at home I would electrocute myself, but up on my office wall is a map of the electrical grid. I have to know how it works. What is inspected is respected.”

On 23 February, President Cyril Ramaphosa was in Durban and met leaders from various business chambers. At least two people at the meeting confirmed that Richards Bay security issues were repeatedly emphasised and the President promised to send resources to help. “We told the President we cannot continue to do business where people are living in fear of their lives.”

From: Tegan Brink <Tegan.Brink@dfat.gov.au>
Sent: Tuesday, February 6, 2024 4:51 PM
To: s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; D s 22(1)(a)(ii) @dfat.gov.au
Subject: Re: Richards Bay Minerals murders linked to "control of procurement", says MD[SEC=UNOFFICIAL]

UNOFFICIAL

Yes, ok to wait till next week

From: "s 22(1)(a)(ii) @dfat.gov.au"
Date: Tuesday, 6 February 2024 at 16:16:22
To: "Tegan Brink" <Tegan.Brink@dfat.gov.au>, s 22(1)(a)(ii) @dfat.gov.au, s 22(1)(a)(ii) @dfat.gov.au
Subject: Re: Richards Bay Minerals murders linked to "control of procurement", says MD[SEC=UNOFFICIAL]

UNOFFICIAL

I saw ^{s 47(1)(a), s 47(1)(b)} there and we talked but this did not come up.

s 22(1)(a)(ii)

Happy to discuss
s 22(1)(a)(ii)

From: "Tegan Brink" <Tegan.Brink@dfat.gov.au>
Date: Tuesday, 06 February 2024 at 12:45:39
To: "s 22(1)(a)(ii) dfat.gov.au", "s 22(1)(a)(ii) @dfat.gov.au", "s 22(1)(a)(ii) @dfat.gov.au"
Subject: Re: Richards Bay Minerals murders linked to "control of procurement", says MD[SEC=UNOFFICIAL]

UNOFFICIAL

Really big news that requires a cable I think. Need to speak to ^{s 47(1)(a), s 47(1)(b)} to confirm that the matter is settled (well the trusts matter, not the murder). s 22(1)(a)(ii)

From: "s 22(1)(a)(ii) @dfat.gov.au"
Date: Tuesday, 6 February 2024 at 11:28:22
To: "s 22(1)(a)(ii) @dfat.gov.au", "Tegan Brink" <Tegan.Brink@dfat.gov.au>, "s 22(1)(a)(ii) @dfat.gov.au"
Subject: Richards Bay Minerals murders linked to "control of procurement", says MD [SEC=UNOFFICIAL]

RBM murders linked to "control of procurement", says MD

Brendan Ryan - February 5 2024 [RBM murders linked to "control of procurement", says MD - Miningmx](#)

The assassinations of two top executives at titanium producer Richards Bay Minerals (RBM) were linked to “control of procurement issues” and not money due to community trusts from which the group had at one stage been holding back R130m in payments. RBM MD Werner Duvenhage told a media conference held on Monday at the Mining Indaba being held in Cape Town that the latest information obtained by the group clearly indicated the reason for the assassinations was procurement.

RBM GM Nico Swart was shot to death in May 2021 on his way to work. This followed the earlier assassination in 2016 of RBM human resources general manager Ronny Nzimande. Following the death of Swart, RBM released some R130m in dividends due to local communities and trusts that – in some cases – had been held back since 2015 because of RBM management’s concerns over governance issues surrounding the trusts. These involved the independence of the trustees of the community trusts while RBM management was not happy that certain individuals were also to receive payments of dividend declarations in their personal capacities.

The suggestion – denied at the time by Duvenhage – was that RBM had been “blackmailed” into paying out the funds because of the murder of Swart. Instead, Duvenhage maintained that RBM paid the money out after getting an agreement with the communities that they would commit to negotiations to reform the trusts and that, until the reforms were finalised, money would not flow directly to individuals.

“We paid the money out and the communities straightaway reneged on the agreement so we have been taking it further through the courts since then. “We have also taken very specific steps around how we manage the trusts issue. Only one person talks about the trusts and that’s me. You will only find one name on the affidavits and that’s mine. We have made it very clear there is no one else you can fiddle with that is going to impact where we are going with the trusts.

“On January 26 we had the court hearing to change the trust deeds. Judgement was reserved so we are waiting to hear that judgement,” Duvenhage said. He added that no further funds had been paid to communities since the R130m payment because RBM had not declared a dividend since then. “None of our shareholders have received any funds since the end of 2019 because we cannot release money into an environment like this. We have made it clear that there is no money so it does not help to do anything.”

Asked if he was concerned about the safety of his executives given this situation Duvenhage replied: “We are taking that extremely seriously. The majority of the senior leaders at RBM travel to work in armoured vehicles with close protection officers. Until we have dealt with this situation we just don’t know.”

In her presentation to the Mining Indaba, Rio Tinto CEO Sinead Kaufman said “the application in the Pietmaritzburg High Court seeking to strengthen the RBM community trusts was a significant milestone. The future of the trusts will be defined in a way that improves governance, transparency and accountability.”

RBM reaches 11th hour deal with community over BEE deal

Carol Paton [RBM reaches 11th hour deal with community over BEE deal | Business \(news24.com\)](#)

Richards Bay Minerals' (RBM), which has asked the High Court in Pietermaritzburg, to allow it to amend the deeds of the community trusts that are part of its BEE deal, reached a last-minute agreement with the Sokhulu community on Friday.

Among other things the company wants to remove local traditional chiefs or *amakhosi* as beneficiaries of the trusts established in its 2009 black economic empowerment (BEE) transaction will be heard in the High Court in Pietermaritzburg on Friday. The company wants to find different ways for benefits to flow to the *amakhosi* and their families rather than an automatic share of the dividends. RBM also wants the *amakhosi*, political officer bearers, and municipal councillors to be barred from serving as trustees on the four trusts established as part of the deal.

The case will have implications for all mining operations on traditional land, many of which are mired in conflict.

Until early on Friday, all four trusts opposed the application. They argued that there is no evidence that the trusts have been mismanaged and that changes to the trust deeds that RBM wants would undermine the credibility of the BEE transaction and give the company control over its empowerment partners. But on Friday, the Sokhulu community finalised a negotiated settlement with RBM and voluntarily amended the trust deed to increase the number of trustees and enhance governance. RBM said in a statement:

"The Trustees of the Sokhulu Community Development Trust and Sokhulu Public Benefit Trust, along with INkosi Mthiyane and members of the traditional council, entered negotiations with RBM to consider how to strengthen the trusts' ability to deliver on their objectives. Working together, various improvements have been identified to align the trust governance structure and project delivery tools with current best practice." The agreement means that dividends that had been withheld over the dispute would now flow to the Sokhulu, it said.

RBM's appeal to the court to allow the amendment of the trust deeds follows ongoing strife and violence associated with the trusts in the surrounding communities. Since its inception, RBM has distributed more than R500 million in dividends to the community trusts. But, says RBM, there is little to show for it on the ground, and communities remain impoverished.

In the 2009 BEE transaction, RBM, owned by multinational Rio Tinto, sold a 26% stake, of which 10.8% was allocated equally to four community trusts established for the purpose. Each community has a Community Development Trust, which owns the shares and distributes 10% of the dividends directly to the *amakhosi*. The trusts also have large administration costs, which eat into what is available for the communities.

RBM began to raise concerns about governance and the lack of financial information and reporting as early as 2011. After the trusts did not respond positively, in 2015, it suspended dividend payments. By 2019, RBM and its employees had become the target of violence by the communities, which was directly linked to the issue of the trusts. Attempts at mediation by KZN provincial premier Sihle Zikalala also failed to break the impasse. In 2021, the general manager of operations, Nico Swart, was assassinated on the way to work, prompting RBM to shut operations for three months.

During the closure, RBM and the trusts began negotiating and, in August, reached an agreement to release the R160 million of unpaid benefits that had accumulated on the condition that reforms would be made to the trust deeds. For a year, no progress was made, and eventually, the trustees told RBM that they would not be amending the trust deeds. Of the R160 million and a further R25 million that flowed to the trusts, RMB claims that 16% of the funds went into community projects while all the rest went into administration costs.

RBM has asked the court that it be allowed to make the following changes to the trust deeds:

- A new process to appoint trustees: communities to appoint three trustees, RBM to appoint one trustee, and the trustees to appoint a further five independent trustees;
- Capping the terms of trustees at five years;
- Minimum qualifications for trustees, including tertiary education;
- Officers of political parties, local councillors and traditional chiefs be barred from serving as trustees;
- Compulsory training for trustees;
- The removal of *amakhosi* as beneficiaries;
- Step in rights for RBM to audit the trusts if necessary; and

- Regulation of trust expenses and remuneration of trustees.

The company has ceased paying dividends to all shareholders until the trust matters are resolved. In their answering affidavit, the chiefs of the Mbonambi and Sokhulu communities – which are the two bigger trusts on whose land mining and refining are done – argue that RBM's attempt to vary the trust deeds is a power grab and makes a mockery of the intention of BEE.

The affidavit reads: The applicants treat the trusts as legal institutions with no independence from them, which can be dictated to by the applicants. This was not the intention of the trusts or the empowerment transaction and would result in a sham trust structure and a BEE deal, which is likewise not credible.

The *amakhosi* also argue that there is no evidence of corruption or mismanagement. RBM has cast aspersions and presented the court with "ill-founded suspicions" that question their mandate, competence and bona fides. Their affidavit constitutes hearsay evidence and should be disregarded by the court. The trusts are discretionary, and payments to *amakhosi* were made part of the trust deed because they were integral to the empowerment deal. They say they can't be severed because RBM has changed its mind on who should benefit.

Had RBM decided in the first place that it wished to exercise control over the trusts, the BEE transaction would have looked quite different. "There may have been no empowerment deal at all, and any such powers provided to the applicant would undoubtedly been a matter of fierce debate," they say. The matter is set down for one day only.

s 22(1)(a)(ii)

From: s 22(1)(a)
Sent: Friday, 7 June 2024 8:54 AM
To: s 22(1)(a)(ii) Tegan Brink
Subject: Rio Tinto/SA: Richards Bay Minerals' \$460m expansion project revived as security improves [SEC=UNOFFICIAL]

Richards Bay Minerals' \$460m expansion project revived as security improves

Ed Stoddard – 6 Jun 2024 [Richards Bay Minerals' \\$460m expansion project revived as security improves \(dailymaverick.co.za\)](https://www.dailymaverick.co.za)

Richards Bay Minerals, which mines the key industrial mineral titanium from mineral sands, said on Thursday that its long-delayed \$460m Zuthi South expansion project was being resurrected as unrest around its operations has faded three years after its general manager was murdered.

Richards Bay Minerals (RBM) managing director Werner Duvenhage made the announcement as the company, a unit of global mining giant Rio Tinto, unveiled a 20-year renewable energy agreement to procure 140MW of wind power – a long-term commitment that shows it is in restive KwaZulu-Natal for the long haul.

The Zuthi South expansion project, originally priced at \$463-million, was put on ice by Rio in 2020 as the security situation around RBM deteriorated, culminating in the murder of general manager Nico Swart in May 2021.

Now the expansion project is back on track.

Duvenhage told journalists that RBM hoped to take the blueprint to the Rio board in the first half of next year, pending the outcome of a feasibility study and due diligence around that.

“Next year, we hope to get a decision and if it’s favourable, we hope to start with the project,” he said.

“In partnership with government, we have very much been able to get a stable environment... The current operations are running very smoothly. Unrest is almost unheard of.”

Duvenhage said it had been “very quiet” since the July 2021 riots, paving the way to revive the shelved expansion plans. This is likely to come at a higher price tag, depending on its scale.

RBM had effectively fallen prey to criminal gangs ranging from protection rackets to procurement mafias, while a fallout over funds linked to four community trusts also stirred a hornet's nest in the region.

The company has since reached an agreement to restructure one of the trusts and a court decision regarding the other three will be handed down soon.

Duvenhage said the election period had also been peaceful, but declined to comment on how he saw the outcome potentially affecting the security situation.

Disgraced former president Jacob Zuma’s upstart MK party has emerged as the biggest in KZN at the provincial level, and – aside from its thuggish posturing and air of menace – its policies are openly hostile to business and the private sector.

The stakes are high as RBM is the biggest contributor to KZN’s economy and, as a unit of Rio, it is firmly on the radar screen of foreign investors.

But the renewable project and decision to raise the expansion plans from the dead demonstrate a new level of confidence on RBM's part – and taking risks is what businesses do with their capital.

The two-decade renewable Power Purchase Agreement is with Khangela Emoyeni Wind Farm (Pty) Ltd to secure 140MW of energy from a new wind farm to be erected in the Western and Northern Cape provinces.

A wheeling agreement with Eskom will deliver the energy across the country and the project is likely to reach commercial operation within 28 months.

This is expected to reduce RBM's annual carbon emissions by 20%, which is important as the titanium dioxide slag it mines – used in the production of a range of industrial items from paint to toothpaste – is exported to markets such as the EU, which are increasingly tightening the noose on imported products with a high carbon footprint.

“RBM exports to almost everywhere in the world, but our biggest markets are North America and Europe. So we are trying to differentiate ourselves as a carbon-neutral producer...”

“It (decarbonisation) is an incentive for us if we want to retain our markets and we believe it's important if we want to grow our markets as well,” Duvenhage said.

The saga underscores the costs that are inflicted on South Africa's economy by unrest and unchecked criminality.

The expansion project – which is not set in stone – has been revived, but only after years of delays which have cost KZN billions in investment and tax revenue, not to mention unrealised job creation and opportunities for legitimate small businesses in the region.

South Africa's economy has also lost potential export earnings as a result.

As the wind turbines go up in the Cape, the menacing winds of political change in KZN will hopefully not blow RBM's tentative plans for expansion away again.

s 47G(1)(a), s 47G(1)(b)

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Wednesday, 9 March 2022 2:54 PM
To: s 22(1)(a)(ii)
Cc:
Subject: Suspect arrested for murder of Richards Bay Minerals community leader
[SEC=UNOFFICIAL]

Suspect arrested for murder of Richards Bay Minerals community leader

Kaveel Singh

- A man has been arrested in connection with the 2020 Richards Bay Minerals killing.
- The 40-year old was arrested following an intelligence-driven operation on Tuesday.
- The suspect is set to apply for bail next week.

Police have made a breakthrough in the July 2020 murder of a community leader linked to the Richards Bay Minerals (RBM) company.

A 40-year-old man has been arrested and charged in connection with the murder that took place at the Richards Bay Mall in 2020.

Judia Mbuyazi, 48, was gunned down on 28 July 2020.

This week, an intelligence-driven operation led to the arrest of Omega Khulani Ngubane, 40.

READ | Lucas family shooting: 'We heard the jingle bells of the ice-cream man' then a loud bang - neighbours

Shortly after, a case of murder was opened at Richards Bay SAPS for further investigation.

Following several incidents where people linked to Richards Bay Minerals were targeted, the police established a team under the Provincial Organised Crime Unit in June 2021 to specifically investigate those cases.

Police spokesperson Colonel Thembeke Mbele said:

The matter where Mbuyazi was killed, was amongst those cases. This arrest follows an intensive investigation by the team which required a lot of hard work and dedication under extremely difficult circumstances and more arrests can be expected.

Ngubane appeared at the Richards Bay Magistrate's Court on Tuesday and the matter was postponed to 15 March for a formal bail application.

"The accused will be profiled to establish if he is linked to any of the other cases investigated by the team," said Mbele

Mbuyazi was shot dead in 2020 shortly after a meeting with Premier Sihle Zikalala in an attempt to resolve conflict in the surrounding areas.

He was gunned down just a few minutes after the meeting. There had been several issues in the area, including a stalemate in the KwaMbuyazi community at Richards Bay, where the RBM mine and smelter is located.

Fin24 [reported](#) RBM reopened its operations around last August, after being closed since June due to local unrest. RBM also released more than R130 million to community trusts - which it had withheld due to concerns over transparency at these trusts.

READ | Sisters aged 12 and 7 killed in KZN

The company, a subsidiary of Rio Tinto, was thrown into turmoil in May following the murder of its general manager, Nico Swart, who was shot multiple times on his way to work.

Ahead of the reopening, the company engaged with local communities to address the key triggers of the ongoing violence.

This included tensions over the disbursement of money to community trusts, which the company had been withholding for a while due to a lack of transparency in the management of the trusts.

Last year, RBM managing director, Werner Duvenhage, said the R130 million was paid.

The RBM operations - which include the mining, refining, and smelting of heavy minerals - span several different villages, including Mbonambi, Sokhulu, Mkhwanazi, and Dube.

In 2009, as part of its BEE transaction, RBM established community trusts for these communities, who were due to receive dividend payments to support broad-based community upliftment.

But the company then raised "serious concerns around the governance of the community trusts", including that the money was not being used for the broader benefit of communities.

The eight community trusts also had a history of not adhering to financial reporting as required and producing qualified statements, prompting the company to withhold payments.

Last year, an agreement was signed with communities that would provide for improved governance and controls of community trusts, as well transparency.

s 22(1)(a)(ii)

Senior Research & Policy Officer: Trade and Investment
Australian High Commission, Pretoria

Phone: s 22(1)(a)(ii)

Mobile: s 22(1)(a)(ii)