

Anglo Platinum's Response to:

“A clash of cultures (and lawyers): A case study of Anglo Platinum and its Mogalakwena mine in Limpopo, South Africa”

Background

Anglo Platinum is resettling the Motlhotlo villages around its Mogalakwena mine, in Limpopo Province to gain access to land for surface infrastructure. A detailed overview of why the resettlement was required and the latest status (“Mogalakwena Resettlement Update - November 2009.pdf”) is available on the Business and Human Rights Resource Centre website and at www.angloplatinum.com.

Anglo Platinum was approached in January 2009 by Dr Ralph Hamann of the University of Cape Town to participate in his research into the complexities of the Motlhotlo resettlement so that a corporate governance case study could be submitted for a competition hosted by the Unit for Corporate Governance at Stellenbosch University.

The purpose of the case study “was not to identify right or wrong, but to develop lessons from a corporate governance point of view, highlighting the complexities that can arise in such situations” so that these lessons could be shared with other companies.

In line with Anglo Platinum's values of openness and transparency, the company agreed to participate in the research and Mpho Matjila (Senior Manager – Legal), Greg Morris (Project Manager), Steve Bullock (Sustainable Development Manager) and Mary-Jane Morifi (Executive Head Corporate Affairs) were the company representatives interviewed by the research team.

Anglo Platinum's Response

We welcomed the publication of this case study when it was released in June 2009 by the University of Stellenbosch's Unit for Corporate Governance because we believe it fairly portrays the magnitude and extent of the complexities of conducting community resettlements in South Africa.

Where the study identified areas of activity which, in retrospect, could have been done differently, it has provided us with a valuable guide to making improvements in the way the resettlement is being conducted.

Since the case study's release in June, there has been significant progress on many of the issues raised. These are detailed in our report entitled "Mogalakwena Resettlement Update - November 2009.pdf" which is available on both the Business and Human Rights Resource Centre and the Anglo Platinum websites.

Three aspects of the case study require particular comment. The first is the clear need for any future resettlement to make it a priority to obtain formal agreement of the Resettlement Action Plan with the community before any other action takes place.

The second is to provide the project team with specialist social skills during the implementation phase to gain a deeper understanding of cultural issues and other sensitivities associated with conducting a resettlement.

Clearly, these lessons will be valuable to other companies who are undertaking resettlements and we would encourage them to read this case study.

A third aspect requiring comment is the description of the process as a "clash of lawyers." While it is true that we have been compelled to protect our rights in court, it has not been an arena of our choosing although we do see the courts as a legitimate means of retaining, defending and clarifying our role. Full accounts of all cases brought against the company and their outcomes are available both in the Anglo Platinum 2009 Sustainable Development Report, and on www.angloplatinum.com.

Should you need additional details, contact information is supplied below.

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