



ALLRISE

Attorneys for climate and environmental justice



Mining Right Area 1: mining activities north of the Mfolozi River. **Mining Right Area 2:** Waste rock dumps in background.

Background of Somkhele Coal Mine, KwaZulu-Natal, South Africa

Tendele Coal Mining (Pty) Ltd, a subsidiary of **Petmin**¹, has been operating the **Somkhele Coal Mine** in northern KwaZulu-Natal since 2007. This open coal cast mine is located on Ingonyama Trust land under the Mpukunyoni Traditional Authority and is situated between the Hluhluwe- iMfolozi Park to the west, and the N2 national road and town of Mtubatuba to the east and southeast.

Tendele currently holds the following **mining rights** in the Mpukunyoni area granted under the Mineral and Petroleum Resources Development Act 28 of 2002 (“MPRDA”), the most recent of which was granted in 2016 for Areas 4 and 5 and has been challenged through a high court review application by MCEJO and others (see Court Case 2 below):

- **Area 1 (6.6 km²):** immediately north of the Mfolozi River. Tendele is still actively mining Area 1.
- **Area 2 & 3² (14.6 km²):** south of the R618 road that runs between Mtubatuba and the Hluhluwe-iMfolozi Park. This mining right was extended to include the areas of

¹ Petmin’s majority shareholder is Capitalworks Private Equity.

² It is our understanding that Tendele undertook not to exercise its mining right in Area 3 due to its proximity to the Hluhluwe-iMfolozi Park

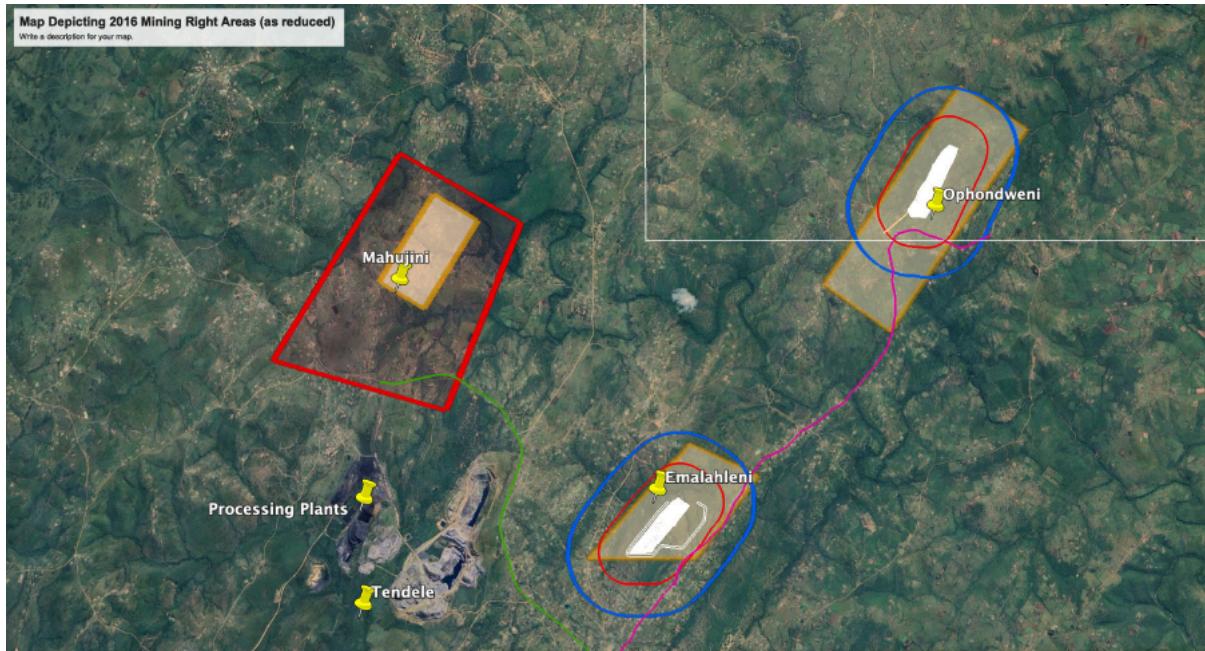
KwaQubuka, and Luhlanga, including the Luhlanga Extension (Boxcut Zero). The coal processing plant is located in Area 2. Tendele is currently mining KwaQubuka and Luhlanga Boxcut Zero.

- **Areas 4 & 5 (212 km² / 17.66 km²):** mostly north of Area 2 and the R618 road.

Mining has commenced in mining area 4. Tendele started mining in Emalahleni in May 2024 and blasting in September 2024. Tendele has also begun preparatory work in Ophondweni to commence mining there too. In early 2021, Tendele undertook to abandon most of the area under this mining right except for Ophondweni, Emalahleni and Mahujini totalling 17.66 km² in Mining Areas 4 and 5. In early 2021, Tendele undertook to abandon most of the area under this mining right except for Ophondweni, Emalahleni and Mahujini totalling 17.66 km². Tendele has applied for a prospecting right for the remainder of Area 5 for which an EIA is required.

Figure 1: Tendele's mining areas are shown on the map below.

- *The three mining areas are Emalahleni, Ophondweni and Mahujini.*
- *The buffer zone of 500m from each mine is depicted by a red line around the mining area.*
- *The blue lines around Ophondweni and Emalahleni depict 1000m buffer zone between the mine and the surrounding communities.*



MCEJO (our client):

The Mfolozi Community Environmental Justice Organisation (MCEJO) was formed in late 2015 by residents of several rural villages under the Mthethwa Traditional Authority who were opposed to the Fuleni coal mining project being proposed in their area. (*In relation to the Somkhele Coal Mine, the proposed Fuleni coal mining area is south of the Mfolozi River and southwest of Tendele's Mining Areas 1 and 3*).

After MCEJO's successful challenge to the Fuleni mining application through the environmental impact assessment (EIA) process with the assistance of Youens Attorneys, residents of the Somkhele area under the Mpukunyoni Traditional Authority asked to join MCEJO to challenge Tendele's Somkhele mining operations.

Their grievances included dust emissions, blasting, cracked houses, polluted drinking water, dried up water resources, unlawful and insensitive exhumation of ancestral graves, loss of livestock, loss of grazing land and fields, no real benefits including no jobs, and no/inadequate compensation for loss and damages because of mining operations in Mining Areas 1 and 2.

It was also around this time that MCEJO learnt that Tendele had been granted a Mining Right for Areas 4 and 5 to expand its existing mining area by 212 km², mostly to the north of the R618 road, impacting on the villages of Ophondweni, Emalahleni, Mahujini, KwaQubuka North, Gwabaland, Tholokuhle and Mvutshini. Members of MCEJO residing in these future mining areas did not want a repeat of what was happening in Areas 1 and 2 and thus, wanted to appeal the new Mining Right for Areas 4 and 5.

The history of these cases and their status quo is described in more detail below.

Over time, MCEJO has grown to more than 3,000 members, comprising the original members opposed to the Fuleni mine as well as those who joined wanting to challenge the mining by Tendele in Mpukunyoni.

MCEJO has had the active support of several other organisations since 2016 including:

- Global Environmental Trust (GET)
- Mining Affected Communities United in Action (MACUA)
- ActionAid South Africa
- South African Human Rights Defenders Network

- Frontline Defenders
- Human Rights Watch
- Environmental Defender Law Centre (EDLC)
- groundWork
- Land and Accountability Research Centre (LARC)
- Centre for Environmental Rights
- Lawyers for Human Rights

ALL RISE also represents MCEJO and GET in licence application processes, including EIAs for **environmental authorisation** and **waste management licences** and associated appeals, as well as in matters relating to **compliance**.

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