

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case no: 71147/17

In the matter between:

The Chamber of Mines of South Africa	First Applicant
Mining Affected Communities United in Action	Second Applicant
Women from Mining Affected Communities United in Action	Third Applicant
Mining and Environmental Justice Community Network of South Africa	Fourth Applicant
Sefikile Community	Fifth Applicant
Lesethleng Community	Sixth Applicant
Babina Phuti Ba Ga-Makola Community	Seventh Applicant
Kgatlu Community	Eighth Applicant
and	
Minister of Mineral Resources	Respondent
and	
National Union of Mineworkers	First <i>Amicus Curiae</i>
Solidarity Trade Union	Second <i>Amicus Curiae</i>

FILING SHEET

Presented for service and filing: Joint Practice Note of the parties and *amici curiae*.

Dated at Pretoria on this the 15th day of February 2018.



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For: Second Amicus

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case No.: 71147/17

In the matter between:

THE CHAMBER OF MINES OF SOUTH AFRICA	First Applicant
MINING AFFECTED COMMUNITIES UNITED IN ACTION	Second Applicant
WOMAN FROM MINING AFFECTED COMMUNITIES UNITED IN ACTION	Third Applicant
MINING AND ENVIRONMENTAL JUSTICE COMMUNITY NETWORK OF SOUTH AFRICA	Fourth Applicant
SEFIKILE COMMUNITY	Fifth Applicant
LESETHLENG COMMUNITY	Sixth Applicant
BABINA PHUTI BA GA-MAKOLA COMMUNITY	Seventh Applicant
KGATLU COMMUNITY	Eighth Respondent
and	
MINISTER OF MINERAL RESOURCES	Respondent
NATIONAL UNION OF MINeworkERS	First <i>Amicus Curiae</i>
SOLIDARITY TRADE UNION	Second <i>Amicus Curiae</i>

JOINT PRACTICE NOTE OF THE PARTIES
AND *AMICI CURIAE*

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6. **Counsel for the second *amicus curiae***

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CHRONOLOGY

7. A chronology of the events leading up to the publication of the 2017 Charter is annexed hereto marked **A** (which is annexure RA1 to Chamber's RA, Vol 24, p 2364).
8. A chronology of the steps taken in the litigation in the urgent interdict application and the review application is annexed hereto marked **B**.

COMMON CAUSE FACTS AND DISPUTED FACTS

9. This case mainly concerns legal (as opposed to factual) matters. The facts, both common cause and disputed, fall into three broad categories.
10. **First: The facts as between the first applicant ("the Chamber") and the respondent ("the Minister")**
 - 10.1. As between these parties, there are no disputes of fact which preclude the determination of the material legal issues. Some of the more hotly contested facts are however set out below.
 - 10.2. Consultation processes in the period 2004 – 2007:
 - 10.2.1. Lack of consultation is not raised as a ground for review by the Chamber (**Chamber's RA, Vol 24, para 4, pp 2244-2247**).
 - 10.2.2. The Minister, however, gave a detailed version of the facts ultimately leading to the publication of the 2017 Charter (**Minister's AA, Vol 4, paras 13 -138, 289-346**).
 - 10.2.3. The Chamber contends they are irrelevant but does not admit the Minister's rendition of the facts (as set out in the **Chamber's RA, Vol 24, paras 23-47, pp 2265-2295**).

10.3. Ownership issue:

10.3.1. This issue pertains mainly to legal issues relating to the nature and scope of the Charter and the Minister's powers.

10.3.2. Not all the underlying facts are, however, common cause. It is, for example, in dispute whether the transitional period is sufficient. The Chamber contends that it is far too short; the Minister disagrees (**See Chamber's heads paras 100 ff**).

10.4. Non-ownership issues:

10.4.1. The following main disputes of facts exist in this regard.

10.4.2. Whether, as the Chamber alleges (**Chamber's FA, Vol 1, pp 93-94, para 208**), there is no evidence that black-owned companies will have the capacity to assist Holders to meet the mining goods procurement targets when the latter have to comply with those targets. The Minister contends otherwise (**Minister's AA, Vol 5 pp 414-422 paras 322-331**). The Chamber replies to this (**Chamber's RA, Vol 24, pp 2329 paras 105.1-105.25**).

10.4.3. Whether, as the Chamber alleges (**Chamber's FA, Vol 1, p 97, para 217**), the Minister had no demonstrable evidence, before publishing the 2017 Charter, that local companies had capacity to conduct an analysis of 100% of a Holder's mineral samples. The Minister denies this (**Minister's AA, Vol 5, pp 428, paras 349-349.3**). The Chamber replies to this (**Chamber's RA, Vol 24, pp 2340-2343 paras 107.1-107.8**).

10.4.4. Whether, as the Chamber alleges (**Chamber's FA, Vol 1 pp 105-106 paras 238-239**), the Minister has failed to demonstrate (with relevant research and in the absence of a transitional period) that Holders can meet the employment

equity targets in the 2017 Charter. The Minister disputes this (**Minister's AA, Vol 5 pp 442-445 paras 385-392**). The Chamber replies to this (**Chamber's AA, Vol 24 p 2351-2355 paras 110.1-110.10**).

10.4.5. The principal legal issue relevant to the disputes referred to in paragraphs 10.4.2 – 10.4.4 above relates to the question of onus. The Minister argues that it is for the Chamber to show that the targets were not reasonably achievable. The Chamber argues that unless the Minister had satisfied himself that the targets were reasonably achievable, his decision to impose them was irrational.

11. **Second: The contested facts between the Minister and Second to Fourth applicants are set out below.**

11.1. Lack of meaningful participation

11.1.1. The Second to Fourth Applicants argue "lack of adequate consultation" as a ground of review.

11.1.2. Therefore the central dispute between the Second to Fourth Applicants and the Minister primarily relates to whether or not the Minister adequately consulted with relevant stakeholders, including but not limited to the Second to Fourth Applicants, before publishing the 2017 Charter (**Second to Fourth Applicants' FA; Vol 14 pp1451, 1463-1465 paras 18, 69-74; Second to Fourth Applicants' RA Vol 26 pp 2484-2494 paras 9-13,17-21, 25, 27, 41**).

11.1.3. The Minister however contends that there has been adequate consultation with the Second to Fourth Applicants and with affected community members generally (**Minister's AA, Vol 15 pp 1565-1571 paras 15-24,27-35, 39-40**).

11.2. Accessibility of the 2017 draft Charter as published

11.2.1. The Second to Fourth Applicants contend that publication of the draft 2017 Charter was not adequately published on any alternative and/or accessible platform beyond the GG, to reasonably notify affected mining communities of their right(s) to comment on the draft Charter (**Second to Fourth Applicants' FA: Vol 14 p 1463 paras 67-68; Second to Fourth Applicants' RA Vol 26 pp 2485- 2486 paras 12-13, 15**).

11.2.2. The Minister however contends that the publication of the draft 2017 Charter was widely published on "many websites", including the Department's (**Minister's AA, Vol 15 pp 1563-1565 paras 18-21**) and therefore he acted in compliance with the requirements reflected in section 10 of the MPRDA.

12. **Third: The facts as between the Minister and the fifth to eighth applicants**

12.1. The factual disputes between these parties relate primarily to whether or not the Minister adequately consulted all relevant stakeholders, including mining affected communities, before publishing the 2017 Charter. There is no dispute as to the facts of what took place, but there is a dispute as to whether that constituted adequate consultation. None of these disputes preclude the determination of the key legal issues as between these parties.

12.2. The Minister does not dispute the common, difficult circumstances of mine hosting communities, including the fifth to eighth applicants. He does, however, dispute that there has been a lack of compliance by mining companies with the obligations of the 2004 and 2010 Mining Charters (**Minister's AA, Vol 21, pp 2232.30 paras 75-76**). The fifth to eighth applicants reply to this (**RA, Vol 26, pp. 2540, para 59**).

13. **Fourth: The facts as between the Chamber and the *amici curiae***

- 13.1. There are no relevant factual disputes between the Chamber and the *amici curiae*.
- 13.2. Such factual disputes as there might be, however ultimately resolved, do not have a bearing on the primary *legal* issues between the Chamber and the *amici curiae*. Accordingly, it is not necessary either to set out the disputed or common cause facts in this regard.

PARTS OF THE RECORD THAT NEED NOT BE CONSIDERED

14. The parties respectfully request the Court to read all the substantive affidavits and the 2017 Charter. If parties wish to refer to annexures, they will do so in argument.

ISSUES THAT WILL BE ARGUED

15. The Chamber contends that the 2017 Charter is unconstitutional, *ultra vires* the MPRDA, and reviewable under PAJA and the principle of legality. The grounds upon which the Chamber relies are set out in its founding papers and heads of argument. The Minister resists these arguments. (See pp 2-3 of the Minister's Heads where the issues are listed by way of reference to the headings in the Chamber's founding affidavit.)
16. The second to fourth applicants seek to review and set aside the 2017 Charter on the basis that it was adopted and published pursuant to a procedurally unfair procedure. The Minister resists this.
17. The second to fourth applicants further seek a declaratory order to the effect that host and affected mining communities are key stakeholders in all negotiations and engagements on any further or future mining charters. The Minister has indicated that he does not oppose the

declaratory relief that the Second to Fourth Applicants seek. However, the Minister is of the view that it is not necessary given that his Department already view mining affected communities as “stakeholders” in the mining industry (**Minister’s AA, Vol 15 pp 1578 para 59**). The Minister accepts this. The Chamber does not oppose this relief.

18. The fifth to eighth applicants seek to review and set aside the 2017 Charter primarily on the ground that the Minister did not adequately consult mining affected communities before publishing the 2017 Charter, with the result that the 2017 Mining Charter substantively fails to fulfil the legislative mandate of the MPRDA with respect to mining affected communities. The fifth to eighth applicants seek an accompanying order directing the Minister to start a new process of drafting a Mining Charter, using a properly consultative approach. The Minister resists this relief.
19. The fifth to eighth applicants further seek declaratory relief in the form prayed for in paragraph 2 of their Notice of Motion in order to clarify the rights and interests of mining affected communities in the context of any new Mining Charter, and seek appropriate interim remedial relief pending the development of any new Mining Charter to prevent prejudice to the rights and interests of mining affected communities. The Minister does not directly address this requested relief.
20. The first *amicus curiae* generally supports the Charter, but objects to the definition of “Black Person” in the 2017 Charter as being *ultra vires* the MPRDA and as constituting a breach of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (“PEPUDA”) for being insufficiently inclusive of women. The Minister resists this.
21. Furthermore the First Amicus is opposed to the Chamber’s contention that the Minister has no powers to “legislate” a document in the mould of the Charter. Therefore submissions will be made in support of a view that the Minister did not act *ultra vires*.

22. Solidarity, intervening as second *amicus curiae*, has recorded its belief that the Charter is unlawful in its totality but, cognisant of the submissions of the Chamber, elects to deal only with the provisions it embodies governing employment and labour relations.

22.1. Solidarity submits, first, that the provisions are reviewable as being beyond the competence of the Minister under s 100(2) of the MPRDA since –

22.1.1. the Minister–

22.1.1.1. must ‘develop’ a Charter within six months after the statute’s promulgation, a date now long gone;

22.1.1.2. can do so only once and, having so acted (as the Minister did), has become *functus officio*;

and/or

22.1.2. in the light of the definition of ‘historically disadvantaged person’ in s 1 of the MPRDA, the Charter, to satisfy the requirements of s 100(2),

22.1.2.1. must comprehensively redress the discrimination suffered by all such persons and so cannot *inter alia* exclude white women from preferment;

22.1.2.2. cannot, in any event, endeavour to redress discrimination arising after the enactment of the Constitution as it purports to do;

and/or

22.1.3. in enacting s 100(2), the lawgiver –

22.1.3.1. conferred no power on the Minister to create a structure for the empowerment of personnel in

parallel with, and in measure in conflict with, the empowerment structures contemplated by the Employment Equity Act,

22.1.3.2. and, in particular, never contemplated that a Charter would establish employment goals, especially quotas, that would, being mandatory, constitute *ius cogens*.

22.2. Solidarity submits, secondly, that the provisions governing the empowerment of Black Persons, which travel far beyond the scope of constitutionally enshrined affirmative action and into the domain of rigid race norming, are discriminatory and irrational and, as such, fall to be reviewed on this ground under the Equality Clause and the common law.

DURATION OF ARGUMENT

23. As to the duration of the argument, the parties have agreed the allocation of time for argument among themselves, as appears from the letter by the Chamber's attorneys to the honourable Judge President's registrar dated 14 February 2018, written by agreement between all the parties.

BUNDLE OF AUTHORITIES

24. The parties will file a consolidated, indexed and paginated bundle of authorities on Friday, 16 February 2018.

END

CHRONOLOGY OF EVENTS

NO.	DATE	DESCRIPTION
1.	31 March 2015	The declaratory order process was agreed by DMR Minister Ramathodi
2.	8 September 2015	President Zuma asked the Chamber to consider engaging the DMR in a negotiation process to resolve the declaratory order issue, outside of the courts
3.	23 October 2015	The Chamber office bearers had an introductory meeting with DMR Minister Zwane
4.	5 December 2015	First full DMR-CoM 5-a-side task-team meeting to try and resolve the declaratory order disagreement was held
5.	15 April 2016	Meeting between the Chamber office bearers (the President and two vice Presidents), the Chamber CEO and other Chamber member CEOs, and Minister Zwane was held, during which the Minister announced that the draft Reviewed Mining Charter would be gazetted on the same day
6.	15 April 2016	Draft Reviewed Mining Charter 2016 was gazetted
7.	26 April 2016	The Chamber-DMR 10-a-side principals meeting was held. It was agreed that a 5-a-side Chamber-DMR negotiating team would assemble to try and resolve the declaratory order dispute
8.	5-6 May 2016	The 5-a-side Chamber-DMR negotiating team held a meeting to try and resolve the declaratory order dispute

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9.	3 June 2016	The 5-a-side Chamber-DMR negotiating team held a meeting to try and resolve the declaratory order dispute
10.	9 June 2016	The 5-a-side Chamber-DMR negotiating team held a meeting to try and resolve the declaratory order dispute
11.	8 July 2016	The 5-a-side Chamber-DMR negotiating team held a meeting to try and resolve the declaratory order dispute.
12.	8 July 2016	Bilateral meeting between Chamber and DMR was held
13.	18 July 2016	The 5-a-side Chamber-DMR negotiating team held a meeting to try and resolve the declaratory order dispute
14.	19 July 2016	The 10-a-side Chamber-DMR principals meeting was held to report-back on the progress of the 5-a-side task team's progress
15.	24 September 2016	The list of affected companies was given to DDG Mabuza
16.	18 October 2016	Further bilateral meeting between Chamber and DMR was held
17.	17 January 2017	The Chamber office bearers met with DMR Minister Zwane
18.	18 January 2017	A further meeting of the Chamber-DMR task team on resolving the declaratory order process was held
19.	23 January 2017	A further meeting of the Chamber-DMR task team on resolving the declaratory order process was held
20.	28 January 2017	A further meeting of the Chamber-DMR task team on resolving the declaratory order process was held. DMR

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		provided a set of brand new ideas, given on a memory stick to the Chamber at the end of the meeting, that would limit continuing consequences, and were contrary to all the Chamber-DMR 5-a-side task team declaratory order discussions that had taken place in 2016.
21.	9 February 2017	The Chamber President and CEO met with the DMR Minister, Deputy Minister and acting DG at the Mining Indaba in Cape Town.
22.	17 February 2017	The Chamber-DMR 5-a-side task team met in one last effort to try and reach agreement on the declaratory order dispute
23.	20 March 2017	The Chamber office bearers and CEO were asked to meet the Minister and his team for a final discussion on the critical issues in the declaratory order
24.	15 June 2017	The DMR published its unilaterally developed 2017 Mining Charter

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CHRONOLOGY OF LITIGATION IN THE URGENT INTERDICTION APPLICATION (CASE NO. 21/17) AND LEADING TO THE JUDICIAL REVIEW APPLICATION (CASE NO. /1147/17)

Date of publication of the Reviewed Broad Based Black-Economic Empowerment Charter of the South African Mining and Mineral Industry 2016 ("2017 Mining Charter"): **15 JUNE 2017**

No.	Date	Court Papers / Activity	Applicant	Respondent
1.	26 June 2017	Urgent Interdict Application	The Chamber of Mines of South Africa ("CoM")	The Minister of Mineral Resources ("MMR")
2.	30 June 2017	Notice of Intention to Oppose the Urgent Interdict Application	The Chamber of Mines of South Africa ("CoM")	The Minister of Mineral Resources ("MMR")
3.	12 July 2017	Meeting with Rabie J	The Chamber of Mines of South Africa ("CoM")	The Minister of Mineral Resources ("MMR")
4.	12 July 2017	Undertaking by the Minister to the Chamber not to implement the 2017 Mining Charter	The Chamber of Mines of South Africa ("CoM")	The Minister of Mineral Resources ("MMR")
5.	13 July 2017	Notice of Set Down of the Urgent Interdict Application for hearing on 18 July 2017, Applicant's Practice Note and the Index to Pleadings.	The Chamber of Mines of South Africa ("CoM")	The Minister of Mineral Resources ("MMR")
6.	13 July 2017	Filing of the Respondent's Affidavit Regarding Urgency and the Respondent's Undertaking	The Chamber of Mines of South Africa ("CoM")	The Minister of Mineral Resources ("MMR")
7.	14 July 2017	Notice of Acceptance of Undertaking and Removal of the Interdict Application from the Urgent Court roll of 18 July 2017	The Chamber of Mines of South Africa ("CoM")	The Minister of Mineral Resources ("MMR")
8.	7 August 2017	Filing the Respondent's Answering Affidavit in the Urgent Interdict Application	The Chamber of Mines of South Africa ("CoM")	The Minister of Mineral Resources ("MMR")

CHRONOLOGY OF LITIGATION IN THE URGENT INTERDICT APPLICATION (CASE NO. 21/17) AND LEADING TO THE JUDICIAL REVIEW APPLICATION (CASE NO. 71147/17)

Date of publication of the Reviewed Broad Based Black-Economic Empowerment Charter of the South African Mining and Mineral Industry 2016 ("2017 Mining Charter"): **15 JUNE 2017**

No.	Date	Court Papers / Activity	Applicant	Respondent
9.	8 August 2017	Filing of the Respondent's Supplementary Affidavit for Condonation	CoM	MMR
10.	10 August 2017	Extension of the time periods for filing of affidavits and heads of argument granted by the DJP	CoM	MMR
11.	11 August 2017	Notice of Set Down of the Urgent Interdict Application for hearing on 14 & 15 September 2017	CoM	MMR
12.	18 August 2017	Applicant's Replying Affidavit	CoM	MMR
13.	29 August 2017	Applicant's Consolidated Index	CoM	MMR
14.	1 September 2017	Applicant's Heads of Argument	CoM	MMR
15.	1 September 2017	Respondent's Heads of Argument and List of Authorities	CoM	MMR
16.	4 September 2017	Application for Joinder as Second Respondent or as <i>Amicus Curiae</i>	National Union of Mine Workers (" NUM ")	CoM (1 st Respondent) & MMR (2 nd Respondent)
17.	5 September 2017	CoM's Notice to Oppose NUM's application for Joinder as Second Respondent or as <i>Amicus Curiae</i>	NUM	CoM (1 st Respondent) & MMR (2 nd Respondent)
18.	11 September 2017	Joint Practice Note	CoM	MMR
19.	11 September 2017	NUM's Written Submissions	NUM	CoM (1 st Respondent) & MMR (2 nd Respondent)

CHRONOLOGY OF LITIGATION IN THE URC THAT INTEDICT APPLICATION (CASE NO. 21/17) AND LEADING TO THE JUDICIAL REVIEW APPLICATION (CASE NO. /1147/17)

Date of publication of the Reviewed Broad Based Black-Economic Empowerment Charter of the South African Mining and Mineral Industry 2016 ("2017 Mining Charter"): **15 JUNE 2017**

No.	Date	Court Papers / Activity	Applicant	Respondent
20.	12 September 2017	Meeting Judge President Mlambo on the allocation of a full bench to hear the Judicial Review Application and the date of the hearing of the Judicial Review Application	CoM	MMR
21.	14 September 2017	Appearance in Court: Noting of the Respondent's revised Undertaking, NUM to abide with the agreed dates for its intervention agreement the Judicial Review Application to be heard on an expedited basis	CoM	MMR and NUM (<i>amicus curiae</i>)
22.	19 September 2017	Submission of the Record by the Respondent	CoM	MMR and NUM (<i>amicus curiae</i>)
23.	17 October 2017	Filing of the Judicial Review Application ito Rule 16	CoM	MMR and NUM (<i>amicus curiae</i>)
24.	23 October 2017	Application for Joinder	MACUA (1 st Applicant), WACUA (2 nd Applicant) & MEJCON (3 rd Applicant)	CoM (1 st Respondent) & MMR (2 nd Respondent)
25.	25 October 2017	Notice to Oppose Application for Joinder by Centre for Applies Legal Studies (obo MACUA, WACUA & MEJCON)	MACUA (1 st Applicant), WACUA (2 nd Applicant) & MEJCON (3 rd Applicant)	CoM (1 st Respondent) & MMR (2 nd Respondent)
26.	26 October 2017	Application for Joinder	Solidarity Union	CoM (1 st Respondent) & MMR (2 nd Respondent)

CHRONOLOGY OF LITIGATION IN THE URGENT INTERDICT APPLICATION (CASE NO. 521/17) AND LEADING TO THE JUDICIAL REVIEW APPLICATION (CASE NO. 71147/17)

Date of publication of the Reviewed Broad Based Black-Economic Empowerment Charter of the South African Mining and Mineral Industry 2016 ("2017 Mining Charter"): **15 JUNE 2017**

No.	Date	Court Papers / Activity	Applicant	Respondent
27.	27 October 2017	Application to Intervene (under case no, 73890/17)	Lesetheng Community (1 st Applicant), Ba Bina Phuthi Ba Makola Community (2 nd Applicant), Bakgatla Ba Sefikile Community (3 rd applicant) and Kgatlu Community (4 th Applicant)	CoM (1 st Respondent) & MMR (2 nd Respondent)
28.	2 November 2017	CoM's Answering Affidavit	MACUA (1 st Applicant), WACUA (2 nd Applicant) & MEJCON (3 rd Applicant)	CoM (1 st Respondent) & MMR (2 nd Respondent)
29.	3 November 2017	Notice by First Respondent in Application Intervention to Applicant in Intervention Application in terms of Rule 30 (2) (b) read with Rule 6 (12) and 27	Solidarity Union	CoM (1 st Respondent) & MMR (2 nd Respondent)
30.	3 November 2017	Solidarity's Notice of Withdrawal	Solidarity Union	CoM (1 st Respondent) & MMR (2 nd Respondent)
31.	7 November 2017	MMR's Notice to Abide	MACUA (1 st Applicant), WACUA (2 nd Applicant) & MEJCON (3 rd Applicant)	CoM (1 st Respondent) & MMR (2 nd Respondent)

CHRONOLOGY OF LITIGATION IN THE URCA'S INTERDICT APPLICATION (CASE NO. 21/17) AND LEADING TO THE JUDICIAL REVIEW APPLICATION (CASE NO. 1147/17)

Date of publication of the Reviewed Broad Based Black-Economic Empowerment Charter of the South African Mining and Mineral Industry 2016 ("2017 Mining Charter"): **15 JUNE 2017**

No.	Date	Court Papers / Activity	Applicant	Respondent
32.	7 November 2017	MMR's Notice to Abide	Lesetheng Community (1 st Applicant), Ba Bina Phuthi Ba Makola Community (2 nd Applicant), Bakgatla Ba Sefikile Community (3 rd applicant) and Kgatlu Community (4 th Applicant)	CoM (1 st Respondent) & MMR (2 nd Respondent)
33.	8 November 2017	Applicants' Replying Affidavit	MACUA (1 st Applicant), WACUA (2 nd Applicant) & MEJCON (3 rd Applicant)	CoM (1 st Respondent) & MMR (2 nd Respondent)
34.	8 November 2017	Applicants' Replying Affidavit	Lesetheng Community (1 st Applicant), Ba Bina Phuthi Ba Makola Community (2 nd Applicant), Bakgatla Ba Sefikile Community (3 rd applicant) and Kgatlu Community (4 th Applicant)	CoM (1 st Respondent) & MMR (2 nd Respondent)
35.	10 November 2017	MMR - Answering Affidavit to the Judicial Review Application	CoM	MMR and NUM (<i>amicus curiae</i>)

CHRONOLOGY OF LITIGATION IN THE URC COURT INTEDICT APPLICATION (CASE NO. 521/17) AND LEADING TO THE JUDICIAL REVIEW APPLICATION (CASE NO. 71147/17)

Date of publication of the Reviewed Broad Based Black-Economic Empowerment Charter of the South African Mining and Mineral Industry 2016 ("2017 Mining Charter"): **15 JUNE 2017**

No.	Date	Court Papers / Activity	Applicant	Respondent
36.	10 November 2017	MMR - Answering Affidavit to the Intervention Application	MACUA (1 st Applicant), WACUA (2 nd Applicant) & MEJCON (3 rd Applicant)	CoM (1 st Respondent) & MMR (2 nd Respondent)
37.	10 November 2017	NUM's Affidavit in Support of Application for Admission of NUM as Amicus Curiae	CoM	MMR and NUM (<i>amicus curiae</i>)