



Centre for Environmental Rights

Advancing Environmental Rights in South Africa

Ms Melanie Naidoo-Vermaak
Executive: Environmental Management
Harmony Gold Mining Company Limited
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By email: melanie.vermaak@harmony.co.za
Copied to: Mr. Alwyn Pretorius
Chief Operating Officer
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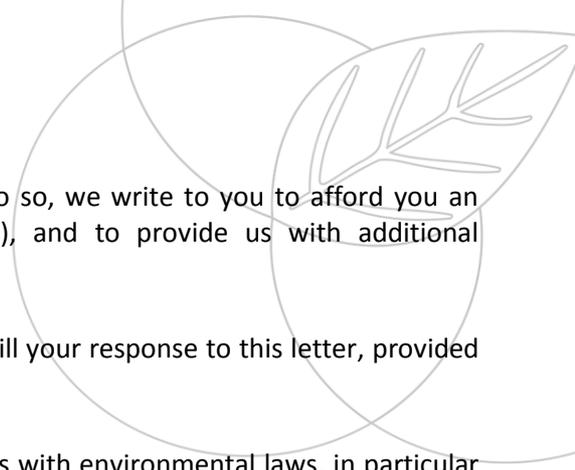
22 July 2015

Dear Ms Naidoo-Vermaak

Centre for Environmental Rights' baseline assessment of corporate environmental compliance

1. The Centre for Environmental Rights (CER) is a non-profit company and law clinic based in Cape Town. The CER's vision is a South Africa where every person's Constitutional right to an environment that is not harmful to health or well-being, and to have the environment protected for future generations, is fully realised. Our mission is to advance the realisation of environmental rights as guaranteed in the South African Constitution by providing support and legal representation to civil society organisations and communities who wish to protect their environmental rights, and by engaging in legal research, advocacy and litigation to achieve strategic change.
2. The CER has conducted a baseline assessment of listed South African companies with significant environmental impacts that have regularly appeared on the JSE's Socially Responsible Investment Index (SRI Index). The purpose of the assessment was to ascertain the extent of compliance by those companies with environmental laws, and the extent to which non-compliance with environmental laws is disclosed by those companies to their shareholders. Harmony Gold appeared on the SRI Index every year from 2005 to 2014, and is one of the companies that we assessed.
3. All of the information used to conduct the assessment is publicly available. We studied, where applicable, the Department of Environmental Affairs' National Environmental Compliance and Enforcement Reports (NECERs) for the period 2008 – 2014, Harmony Gold's annual reports, sustainable development reports and integrated reports for that period, as well as various other sources of publicly available information.

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4. We will publish the results of our assessment online. Before we do so, we write to you to afford you an opportunity to respond to our findings (attached to this letter), and to provide us with additional information should you deem this relevant.
 5. This letter will be published together with our research results, as will your response to this letter, provided we receive your response before Wednesday 19 August 2015.
 6. Harmony Gold's reports reveal a number of serious non-compliances with environmental laws, in particular multiple unlawful discharges and overflows, and ongoing excessive dust emissions.
 7. We would be interested to know how Harmony Gold reconciles these findings with the following statement published in its Environmental Policy: *"we aspire to leaving a net positive legacy wherever we operate. Excellence in environmental performance is essential to our business success."*¹

We look forward to hearing from you.

Yours faithfully

CENTRE FOR ENVIRONMENTAL RIGHTS

per:



Tracey Davies

Programme Head: Corporate Accountability & Transparency

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¹ <http://www.harmony.co.za/downloads/finish/30-policies/573-environmental-policy>