

Jagersfontein Tailings Dam Wall Collapse causes Fatalities, Injuries, Extensive Property Damage and leaves many homeless



On Sunday, 11 September 2022, the community of Jagersfontein, a small town located approximately 100km from Bloemfontein in the Free State Province, was severely traumatized after the dam wall of a mothballed diamond mine, collapsed, killing 3 persons, injuring more than 40 and causing major damages to many houses and loss of livestock. The damage

caused by the collapsed dam's water and mud also caused damage to the town's electrical power. The diamond mine has been out of operation since 1970 and was recently sold to a UAE based owner.

South African occupational legislation remains clear in that whether a workplace remains active or non-active, it remains the responsibility of the Employer to maintain the health and safety of such a facility and that includes ensuring that the safety and security of the general public is taken into consideration. To this end it would be prudent for the Employer to ensure that updated Risk Assessments are carried out, including the structural integrity assessments of the dam wall and similar structures. Even though a workplace is no longer in operation, the responsibility still lies with the Owner/Employer to ensure that potential safety risks are identified and minimized so as not to pose a risk to any person, the environment or the general public. This would include ensuring that updated risk assessments of the facility are carried out and that safety measures put into place are adequately maintained and that such maintenance is documented and recorded.

While local community members attest to being aware that there were leaks in the dam walls and the new Owners admitting that engineers did assess the dam on the 20 July 2022, as part of the condition of sale and had declared the mine as safe, one is forced to question as to how possible it is to conduct a structural assessment of a dam, while the dam remains full of water and mud? A structural engineering assessment would typically take into consideration the origin of the dam, previous inspections and maintenance works done on the structure including the previous structural assessments carried out during the operational phases of the dam. The assessment would also typically identify the safety measures to be taken, should a catastrophe of this magnitude occur and what measures should have been taken so as to minimize loss of life and damage to property. The Jagersfontein Mine is not the only workplace in South Africa, that has been identified as a safety risk to the local community, either by virtue of its processors or its geographical location in proximity to local communities.

Mine dumps have also recently come under the spotlight in South Africa with communities pointing fingers at Owners/Employers for abandoning their safety responsibilities towards the communities that are in close proximity to their mining operations. Many of these mine dumps have become hives of criminal activities as recently reported with the criminal syndicates of “zama zama’s” in many of the abandoned mining facilities and mine dumping sites.