The dust hasn't settled

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The controversy does not end with the settlement reached between local sufferers of asbestos-related diseases and UK-based Cape Plc

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Local mining companies Anglo-American and Gencor as well as Swiss-controlled Eternit, which once owned profitable asbestos mines in South Africa, face swingeing legal claims after the multimillion-rand settlement in the Cape plc case.

Nelspruit-based lawyer Richard Spoor has issued a first summons against the Griqualand Exploration and Finance Company (Gefco) for R377 000 on behalf of Maria Visser, the 69-year-old widow of Jan Visser, who died in 1998 of mesothelioma (cancer of the lung lining).

Gefco belonged to Gencor until it was sold to its directors in 1998. At this stage 15 more summonses are being prepared against these two companies and will be served shortly. Claims against Anglo and Eternit are also under consideration, says Spoor.

British-controlled Cape plc was sued for damages of about R1-billion by 7 500 South Africans who contracted asbestos-related diseases from the company's mines in the Northern Cape and the Northern Province. Cape late last month agreed to pay a total of £21-million in settlement.

On September 14 last year, the last asbestos mine in the country, Msauli, on the banks of the Komati river in Mpumalanga, was decommissioned and all asbestos mills have been closed. However, the legacy of asbestos-related diseases, many of them fatal, will continue for years.

Spoor says asbestos mining was at its peak in South Africa between 1937 and the 1970s, when the heat-resistant mineral yielded a significant percentage of profits for the major mining houses. In 1977 alone R91-million was made from South Africa's asbestos mines. Spoor says "there is no doubt that these companies have been intentionally run down to cut down liabilities".
Gefco's financial director, Piet van Zyl, told the Mail & Guardian his company would defend the case brought against it by Maria Visser and "that is all we can say at this stage".

He said his company had complied with the legal requirement to rehabilitate its former mines in Northern Cape and Northern Province. It was rehabilitating the Msauli mine, and hoped to complete the process by the end of this year or early next year.

Gencor's secretary, Johan Marais, said: "We have no comment and we are not party to the dispute. We have not been summoned. We are adopting a wait-and-see approach."

Spoor said huge profits were made from asbestos mines in South Africa by Cape plc, once in the Anglo-American stable.

That Anglo once controlled the Cape plc mines was confirmed by Lawrie Flynn, author of the book Studded with Diamonds, Paved with Gold: Mines and Mining Companies in South Africa. He said Cape Industries was controlled by Charter Consolidated, which became part of the Anglo-controlled Minorco. The latter sold the mines to Cape plc.

"Anglo is clearly responsible," Flynn said from London. "Of course, they know exactly the scale of the problem."

Spoor also says Anglo-American controlled Gefco until it was sold in 1962 as part of the initiative to establish an Afrikaner mining house, which was first known as Federale Mynbou and then became Gencor. Gefco also acquired several asbestos mines from Barlow Rand after Cape plc left South Africa in 1979.

Eternit, on the other hand, owned Abesco, which had asbestos mines in Kuruman and Daniëlskuil. Abesco was eventually acquired by Rand Mines, which in turn sold them to Gefco.

Spoor adds that during the apartheid years the international campaign against asbestos was seen by the government as part of the "total onslaught", and it had played down disturbing evidence about the dangers of mineral. As a result, there was close collaboration between the apartheid government and the asbestos producers.
He believed the best solution would be for the mining companies and the government to come together to establish a fund to assist the victims of asbestos-related disease, rather than a protracted and expensive legal process.

A study by Brown University of the United States, presented last year to Parliament's environmental affairs committee, concluded: "South Africa faces an epidemic of asbestos contamination of the environment. Thousands of people across the nation currently suffer from asbestos-related diseases, such as asbestosis, mesothelioma and lung cancer. Hundreds die each year in what is arguably South Africa's single largest environmental health catastrophe."

A senior researcher at the University of Cape Town's school of public health, Dr Sophie Kisting, said: "What we know about asbestos-related diseases is that we have a major health problem." She believed the number of cases would grow over the next 20 to 30 years.