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LAND REFORM

Implications on Mining Communities in the 'New Minerals' Revolution

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The advent of the of the discovery of new critical minerals in the quest to fulfil the growing demand for a low-carbon economy, has had unique consequences for South Africa and in particular, for communities that either own or occupy land communally. Many of these minerals are located beneath informal land, where tenure is precarious.

The interactions between mining companies, environmental practitioners, lawyers, funders and communities, are no longer limited to environmental and mining issues. Expertise required are increasingly in the area of the social impact of expanding mining operations onto communal land. It has now become even more critical for mining houses to employ teams that are well versed in not only dealing with mainstream mining and regulatory issues, but in addition, those that have the depth and experience to deal with Traditional Councils, Chiefs and affected communities, in a manner that ensures equity and unity long after the mining activities have ceased. The level of expertise required stretches beyond the realm of land reform and requires professional teams that have an appreciation of cultural rights, values, language as well as the ability to crystallise complex legal and mining concepts to be distilled effectively to the most vulnerable and least educated or skilled member of a community.

Now more than ever, mining communities should be centre stage in mining projects as it is their rights, land, dignity and ancestry that are most affected by mining activities.

The time has now passed where Traditional Councils and communities are spoken for, such that there is an increasing need to monitor and evaluate their level of meaningful and effective participation with Traditional Authorities that filters down to every member of the community.

One such an example is the grave relocation process, which is undertaken in the course of mining expansions and the resettlement of mining communities. In addition to procuring a suitably qualified grave relocation specialists, the observation and respect of the community's spiritual needs and practices, as well as the relationship that families have with their ancestors requires much more than a desktop exercise.

The Mineral and Petroleum Resources Development Act No. 28 of 2002 no longer affords the holder of mining right priority over the rights of people on their land.

Meaningful and adequate engagement with affected communities, with the assistance of experts that have the know-how remains a key component in ensuring that mining communities and mining right holders build and maintain a relationship of trust that gives effect to sustainable development beyond the life of the mine.

The economic benefits brought by mining into local communities are undeniable, but beyond that, mining communities' interests and desires are made up of both the tangible and intangible connectedness to their land, which is associated to their sense of belonging and dignity.

The mining revolution towards the exploration for new critical minerals on communal land, provides new opportunities for inclusive growth, where mining can move from an extractive industry, to one that can champion sustainable social impact.



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