



INNOVATION AND THE LAW IN MINE REHABILITATION: THE CASE OF FIBROUS PLANTS IN THE MINING INDUSTRY

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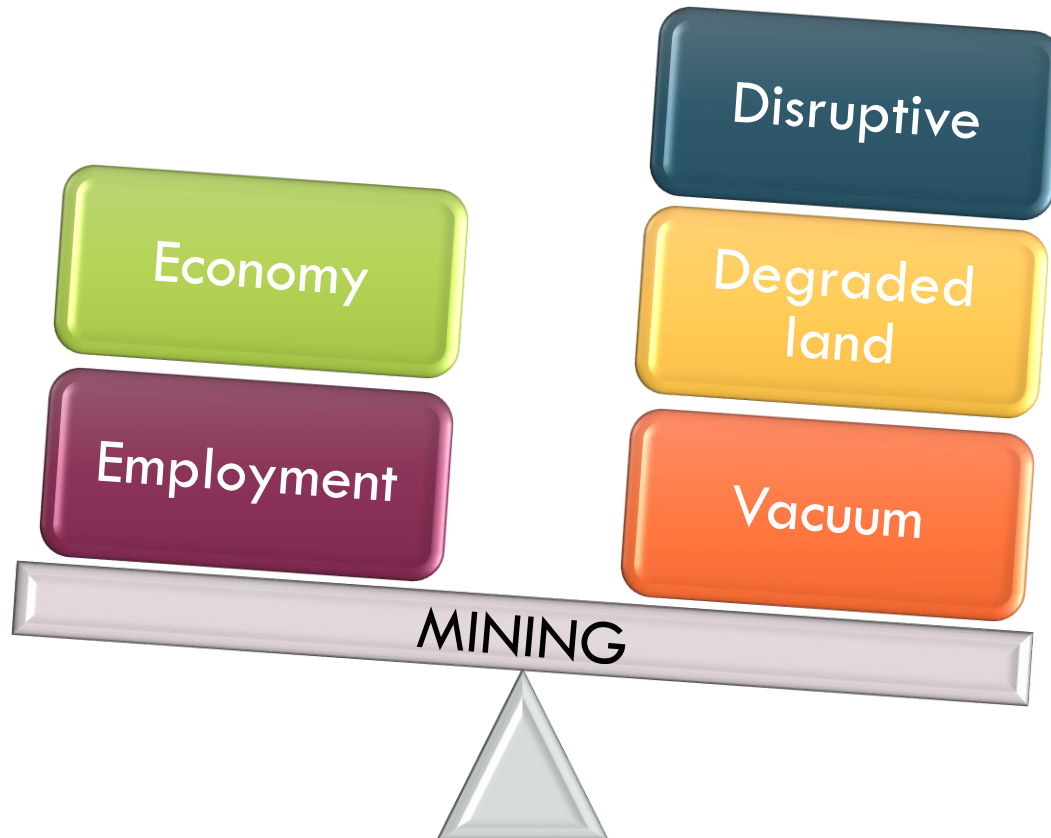
RESILIENT FUTURES PROJECT





Promises

Pitfalls





Project Focus





Legal Team's Focus

Prohibitive



Enabling



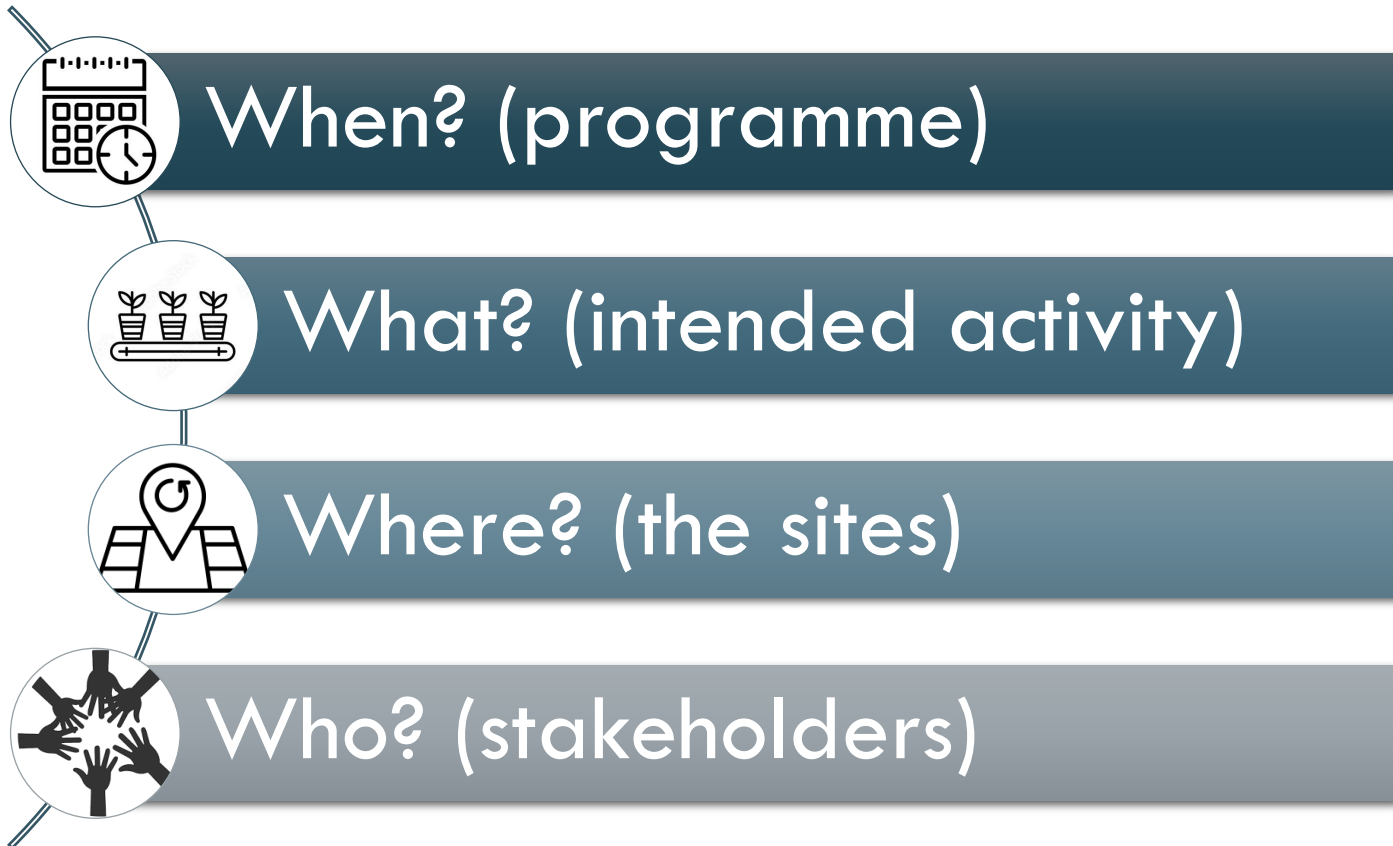


Themes of Legal Framework





Determining Questions





- During mining rehabilitation process
- After mine closure

When? (programme)





Producing

What is planted

Water & fertiliser needs

Pest control

Processing

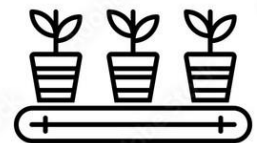
Nature of the process

Raw materials

End product

Waste outputs

What? (intended activity)





- Applicable zoning and environmental provisions
- Water availability
- Contamination levels

Where? (the site)





- Mining company
- Landowner
- Fibre-farmer
- Neighbours
- Community
- State

Who? (stakeholder)





Scoping the Legal Framework





Accountable Party

Mining right holder = landowner

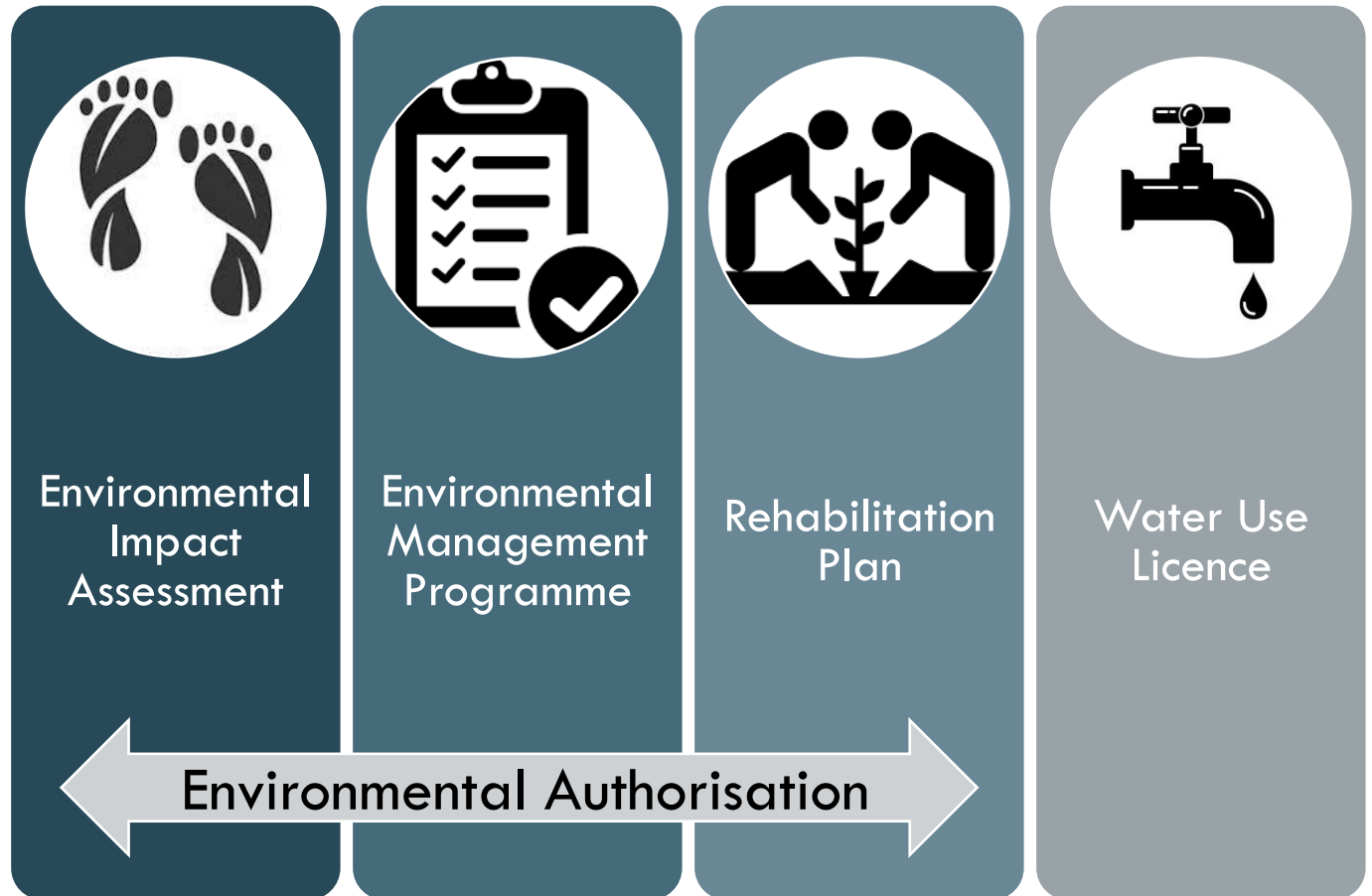
- Focus on mining, not agriculture
- Sell the land to invested purchaser
- State expropriation for public interest

Mining right holder ≠ landowner

- Land returned to owner obligation-free
- Project relies on settlement agreement
- Incentives: profits / tax rebates



Environmental Governance





Land Use Management

- Zoning categories
- Including mining & agriculture
- Cannot use land for other purposes
- Rezoning application required

Land use
scheme



- Single, inclusive strategic plan
- Guides decisions
- Long-term development vision & priorities
- Must reflect strategic fibre farming projects

Integrated
development
plan





Social Responsibility

Social & Labour Plan to align with IDP

3 Objectives

- Stimulate job creation & advance socio-economic wellbeing
- Improve inclusivity & equality in mining industry
- Compels mining companies to contribute to socio-economic development

Fibre farming meets all objectives



Incentives

Tax deduction: cash
payment to mine
rehabilitation
company

Proposed tax
deduction: land
donation to mine
rehabilitation
company

Proposed tax
deduction:
expenditure for
sustainable
development

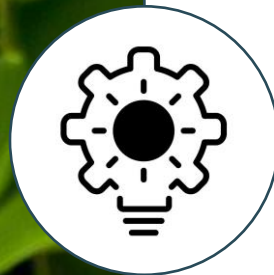
Proposed: transfer
duty & estate duty
exemption



Clear goals &
political will required



Good governance



Proactive law-
making

Conclusion





THANK YOU

