



RESILIENT FUTURES PROJECT

FROM TAILINGS TO TILLINGS

FIBRE FARMING FOR THE FUTURE: LEGAL INTERESTS

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NRF COMMUNITY OF PRACTICE TOWARDS RESILIENT FUTURES

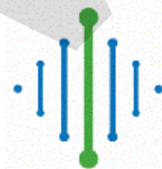
OUR PREMISE:

Fibrous plants (such as bamboo) can be used to transform degraded (mine waste) land into a restorative agricultural sector and a dynamic manufacturing sector which provides employment opportunities, inclusive socio-economic growth and poverty reduction in mining communities beyond the life-of-mine



MINERAL LAW
IN AFRICA

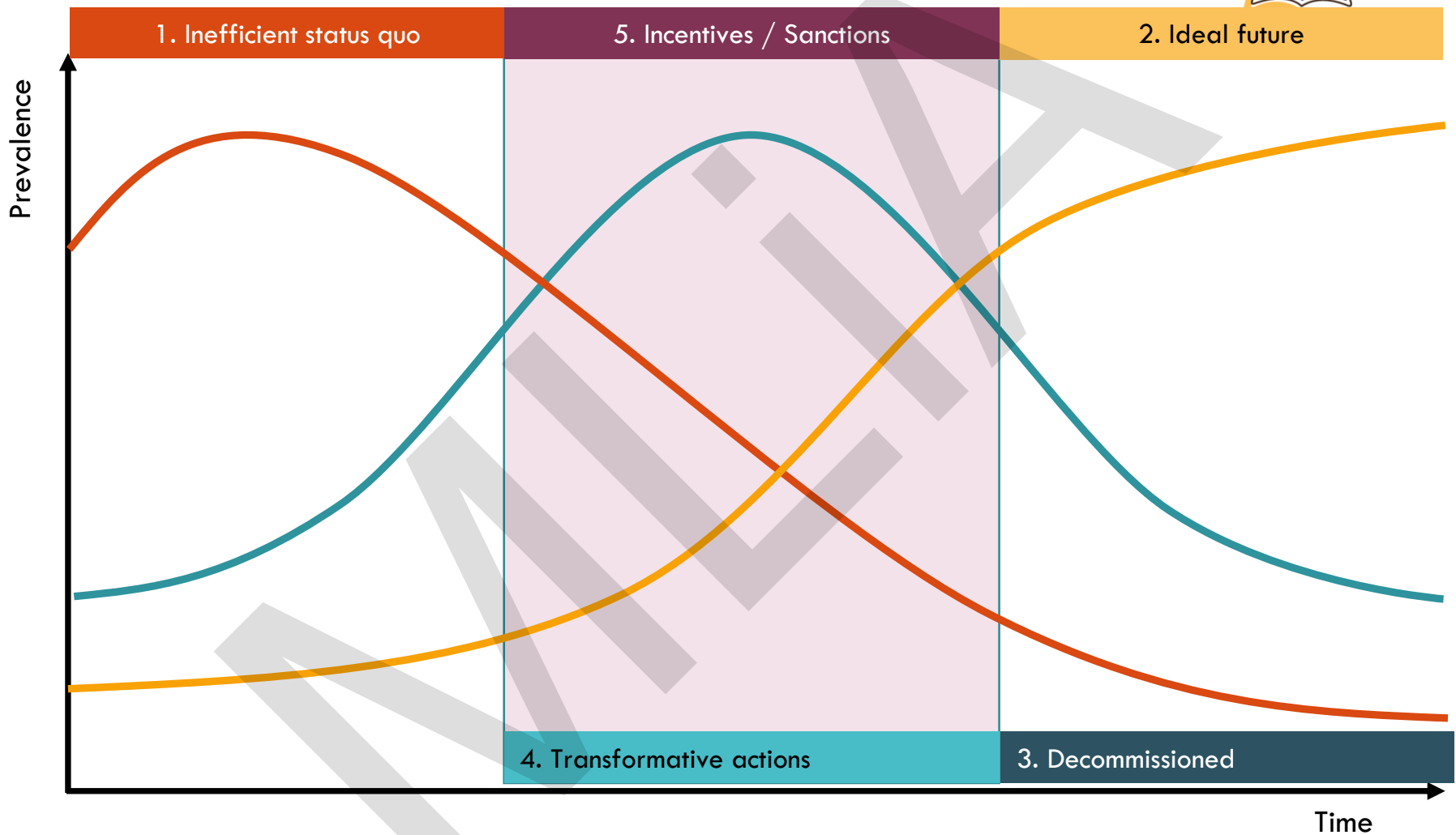
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DEVELOPMENT POLICY
RESEARCH UNIT







THE THREE HORIZONS





ADDRESSING THE 'EVIL TRIPLETS'

Poverty:
55,5%

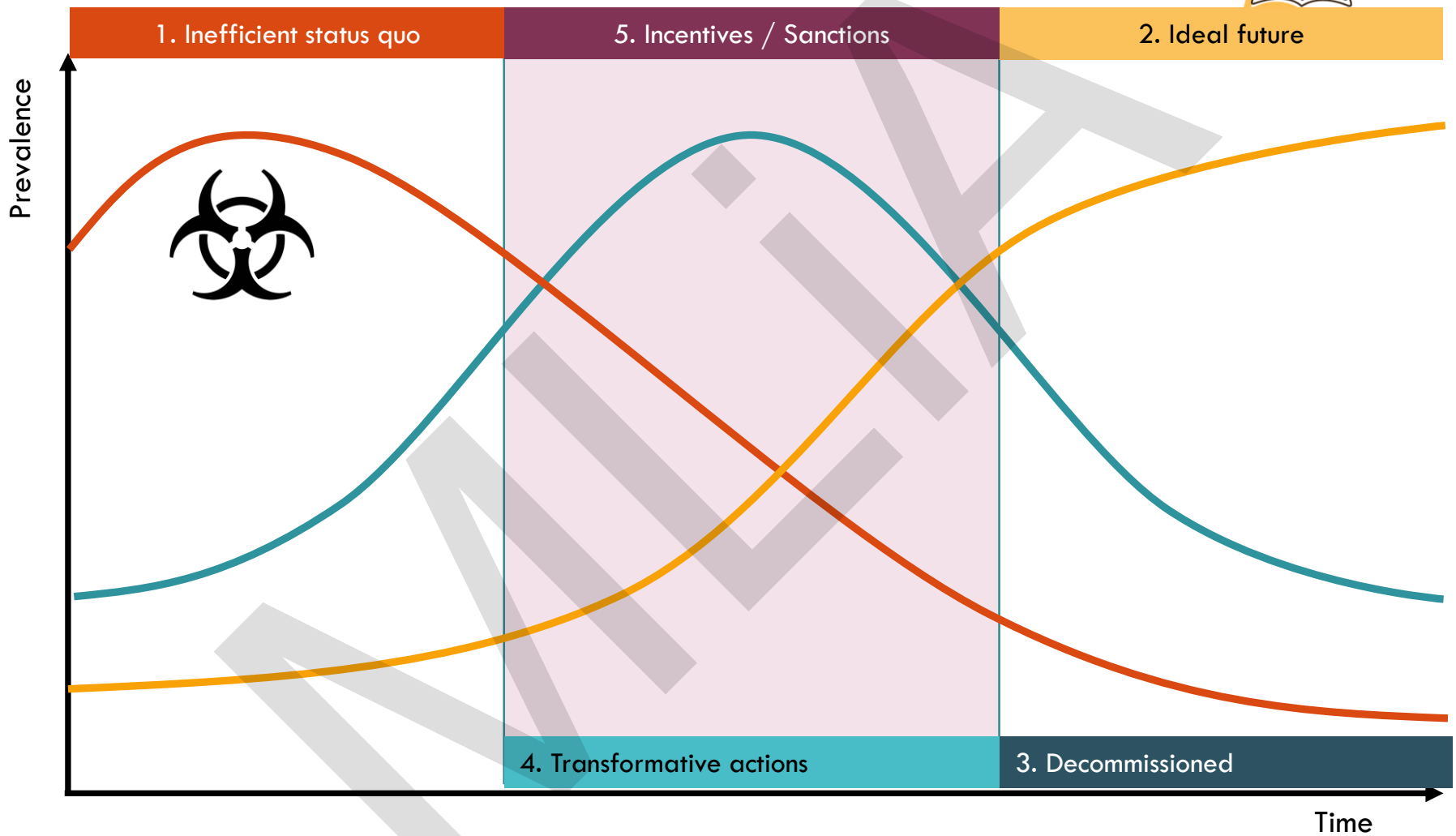


Unemployment:
27,5%

Inequality:
Gini 0,62

- National Development Plan
- Report: High Level Panel on the Assessment of Key Legislation
- SONA 2018





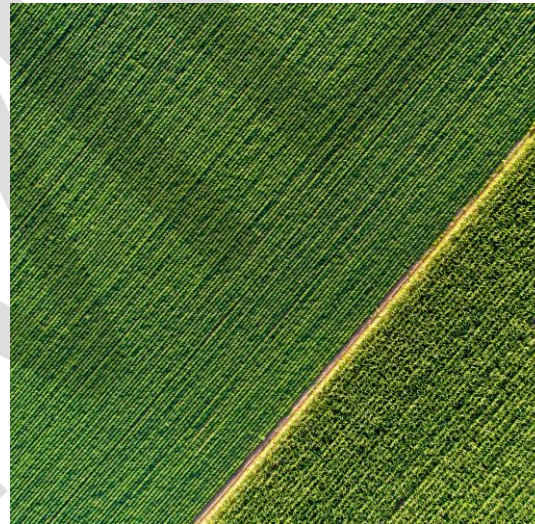
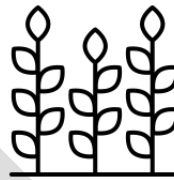


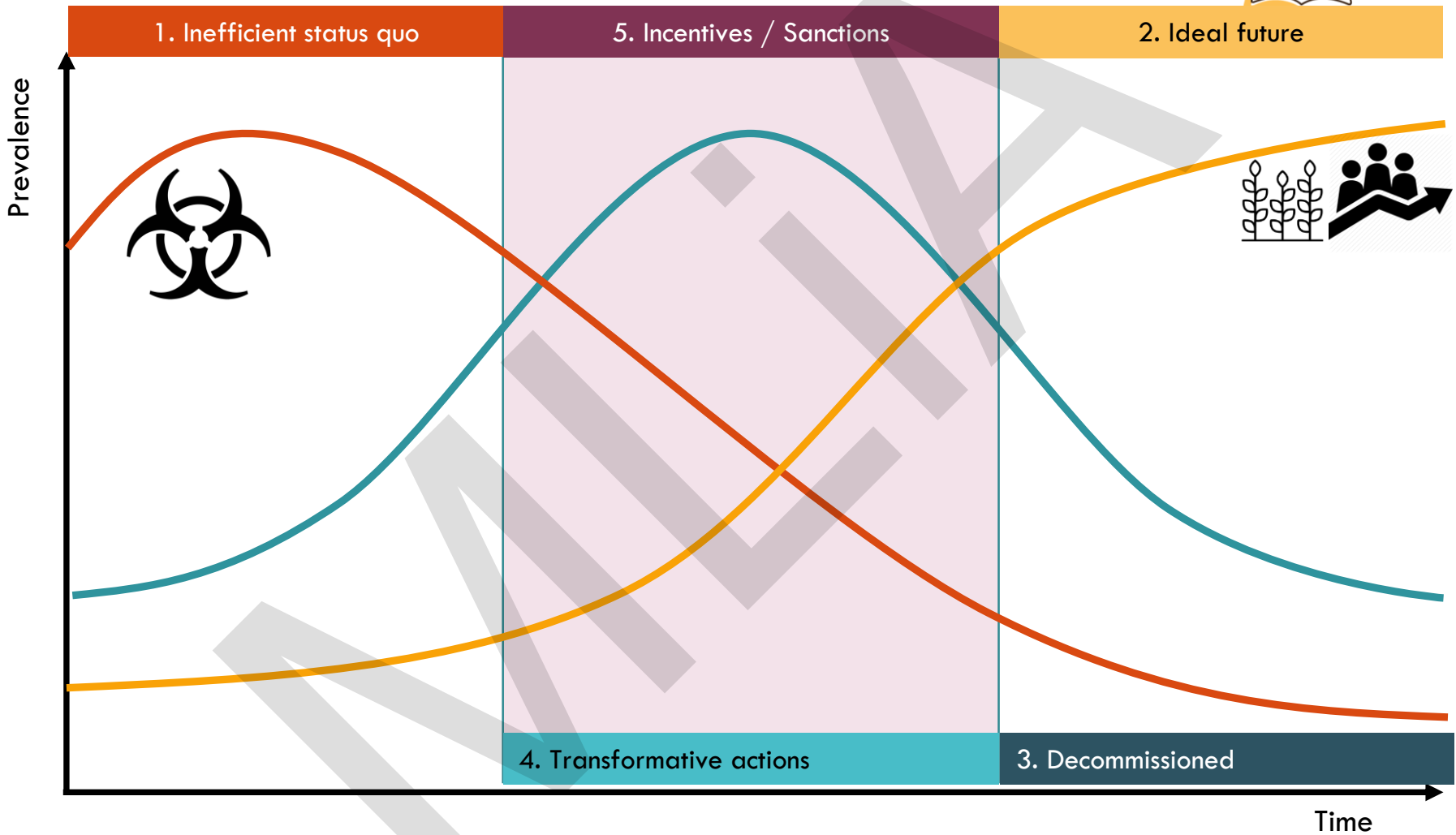
VISION

Mine Waste

Agricultural Productivity

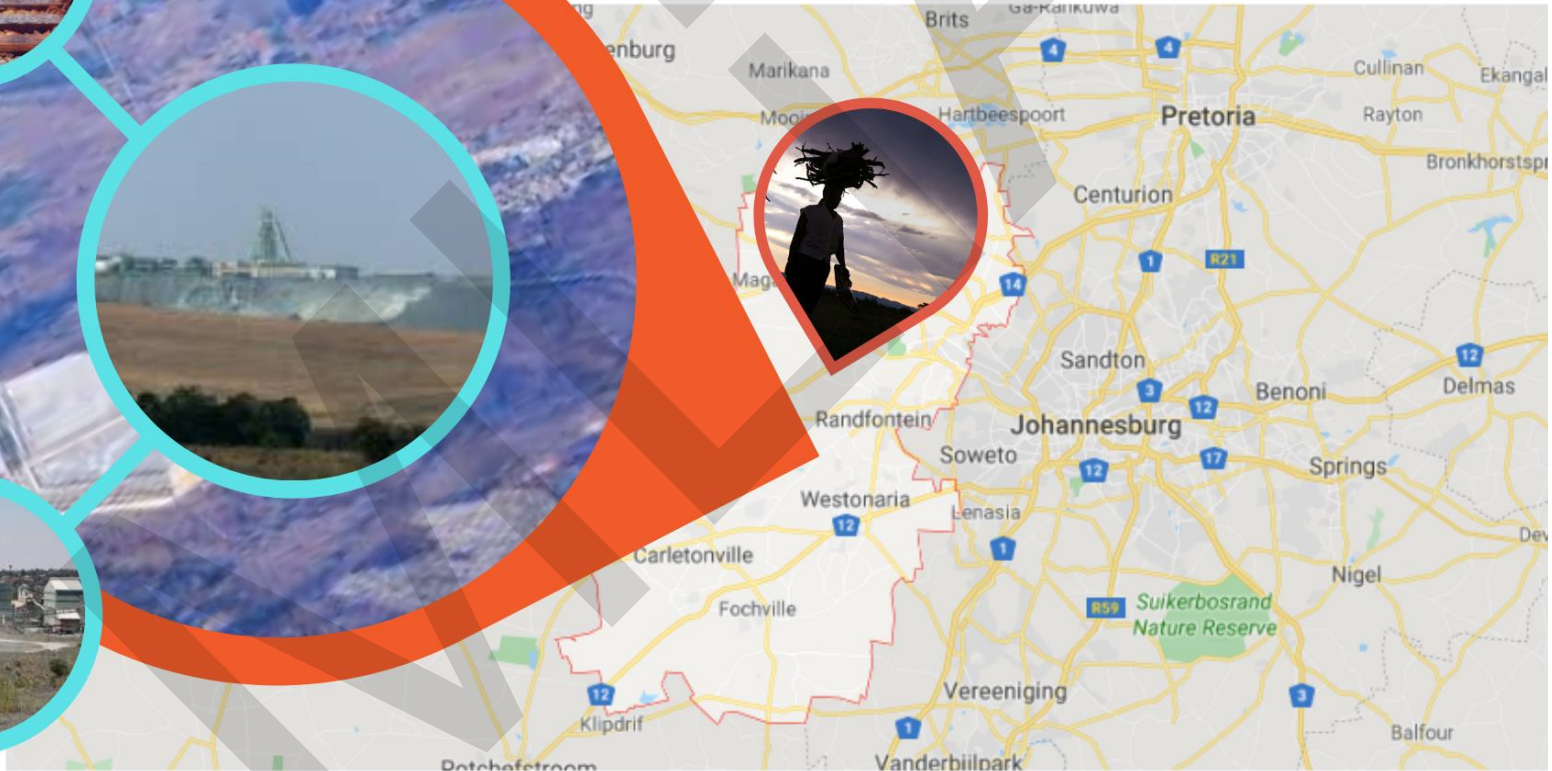
Diversified Economy



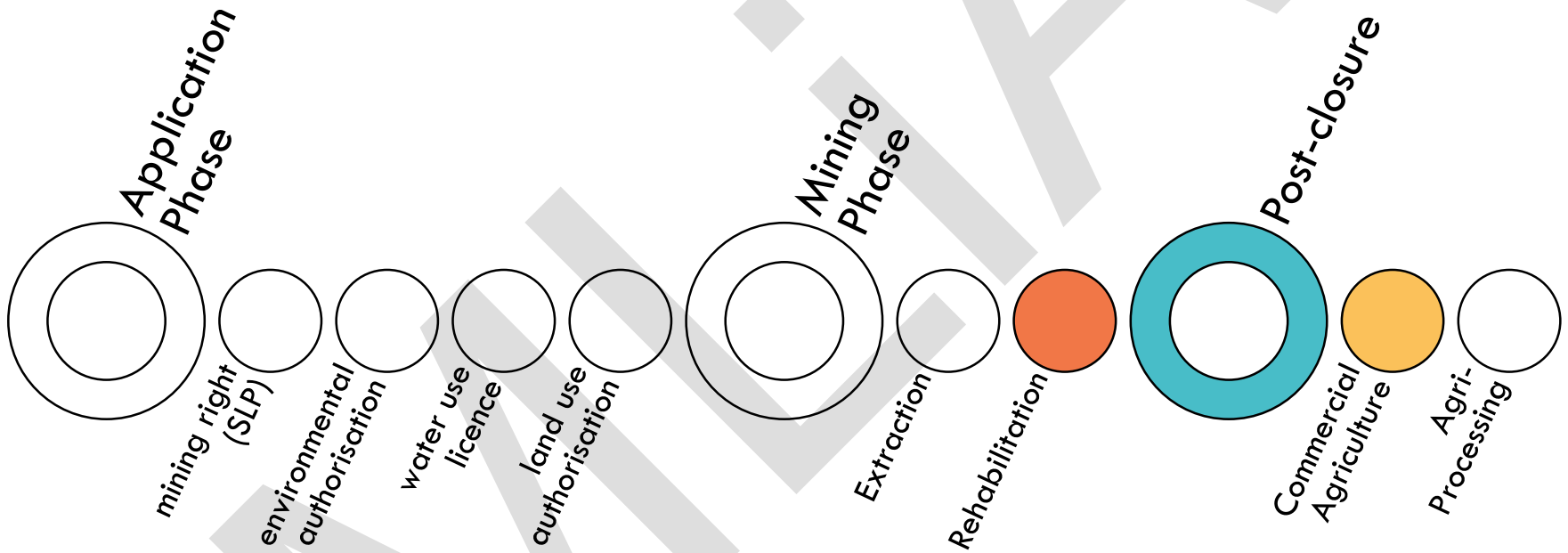




The Auriga Mine









FOCUS



Environment



Mining
Company



Municipality



Community



Landowner





ENVIRONMENT



POCKETS OF THE FUTURE

Environmental Impact
Assessment (EIA)

Environmental Management
Programme (EMP)

Rehabilitation Plan

Water Use Licence





Environmental
Impact
Assessment



Environmental
Management
Programme



Rehabilitation
Plan



Environmental Authorisation



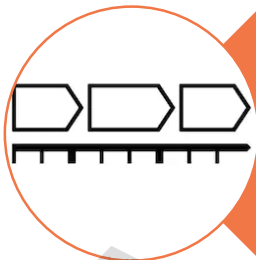


REHABILITATION REQUIREMENTS



Rehabilitation Standards

- Pre-mining state / sustainable end-state?



Rehabilitation Phases

- Ongoing process / Post-mine closure



Financial Provision

- Sufficient funds for FFI?



WATER USE LICENCE



- Apply before commence mining
- Specify:
 - What water will be used for
 - How much required
 - How treated
- FFI
 - When introduced?
 - How will water use change?





ENVIRONMENT



STATUS QUO

Environmental Impact
Assessment (EIA)

Environmental Management
Programme (EMP)

Rehabilitation Plan

Water Use Licence

NEW INTERVENTIONS

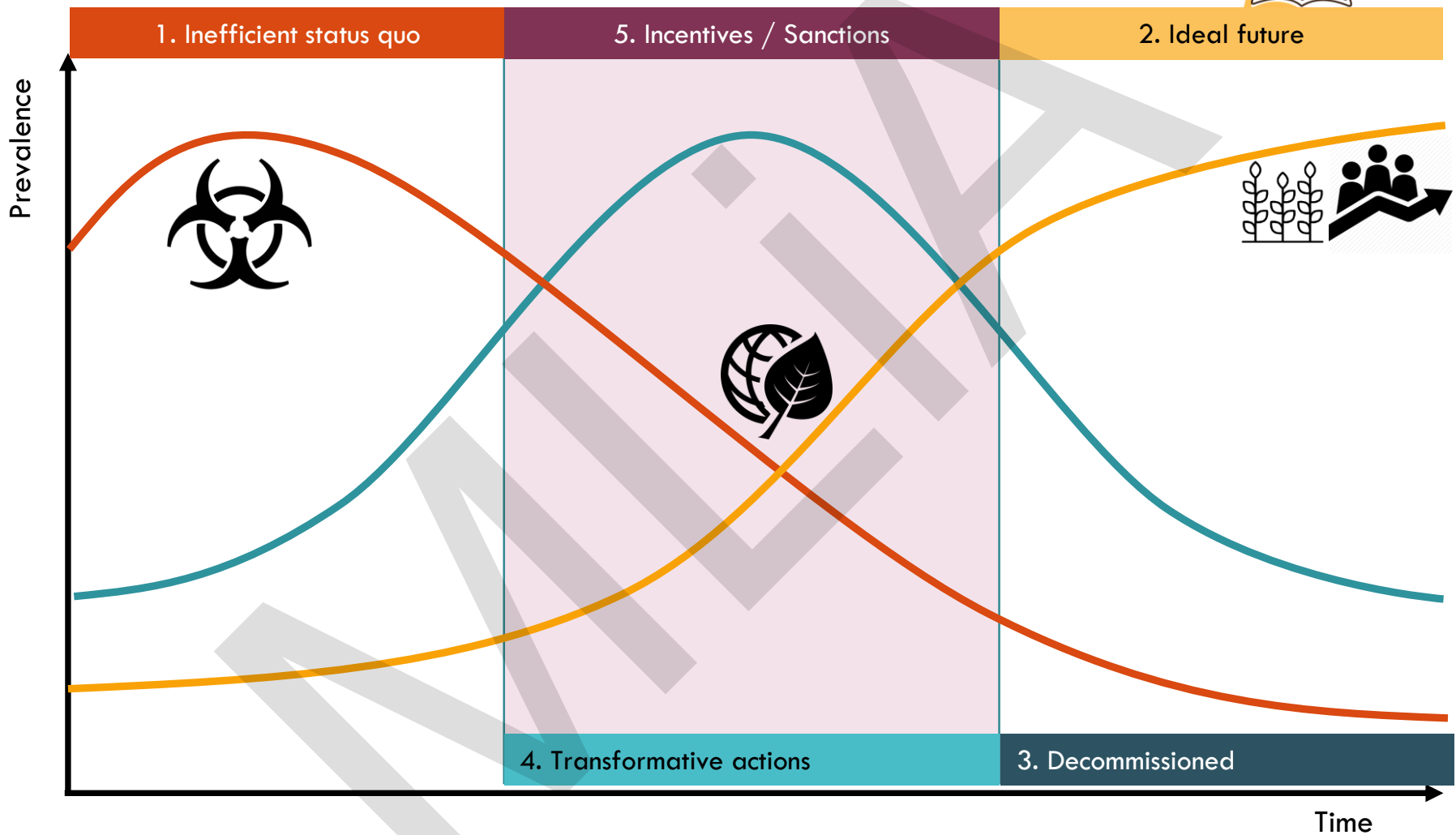
New EIA required

Redefine Rehabilitation
Standard

Incorporate FFI into
Rehabilitation Plan

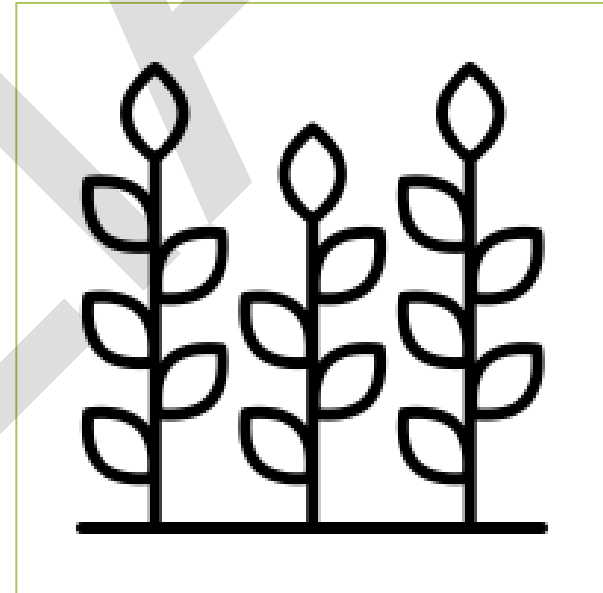
New Water Use Licence







MINING COMPANY





MINING COMPANY



STATUS QUO

Corporate Social
Responsibility (CSR)

Social & Labour Plan (SLP)





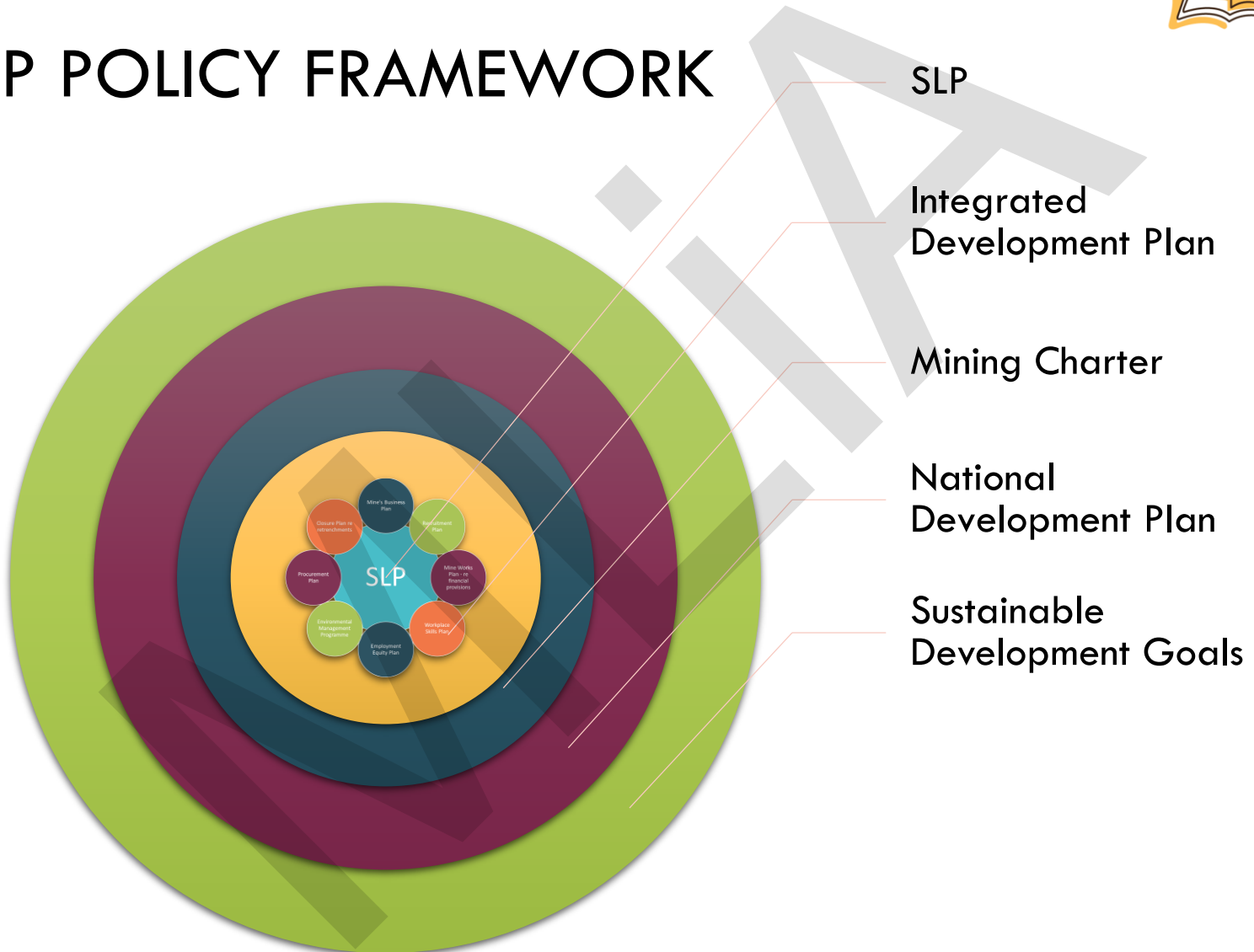
- Purpose of Social & Labour Plan:
 - Stimulate job-creation; advance social & economic wellbeing
 - Transformation: social and economic inclusivity & equality
 - Contribute to socio-economic development
- Local Economic Development Programme:
 - Mine projects supporting infrastructure and poverty alleviation
 - Projects must align with municipality's IDP
- Human Resources Development Plan

SLP





SLP POLICY FRAMEWORK





SLP



Source: Managing Transformation Solution (Pty) Ltd: Affidavit to the Marikana Commission of Inquiry "The problems of the Social and Labour Plan (SLP) 'System' within the Mining sector in South Africa" (2014) 54





MINING COMPANY



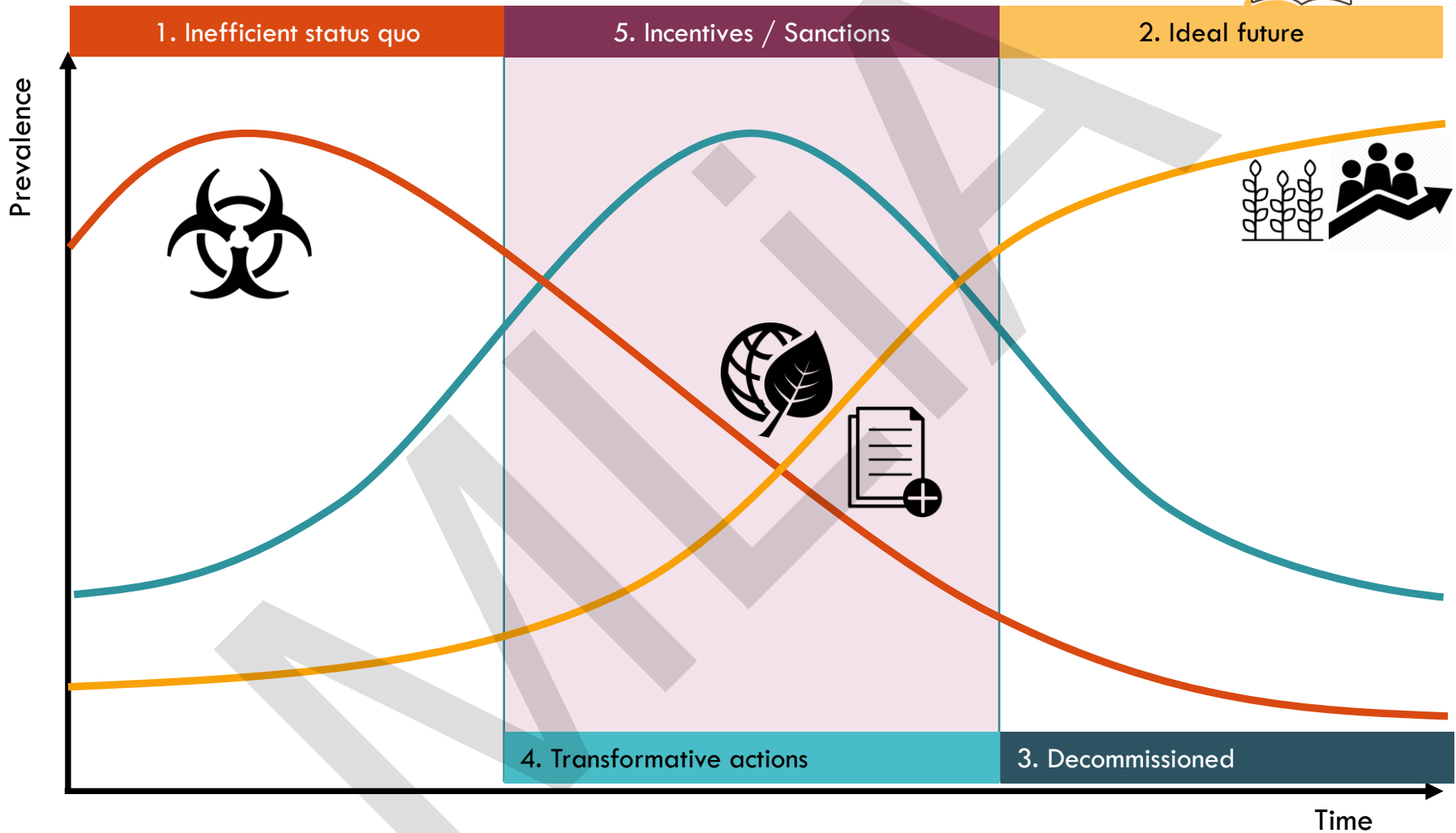
POCKETS OF THE FUTURE

Corporate Social
Responsibility (CSR)

Social & Labour Plan (SLP)

NEW INTERVENTIONS

Incorporate FFI as part of
mining company's SLP





MUNICIPALITY



POCKETS OF THE FUTURE

Land Use Scheme & Zoning

Integrated Development
Plan (IDP)





- Land Use Scheme contains zoning categories
- Zoning categories list permitted land uses
- Mining vs Agriculture
- Rezoning?

Zoning





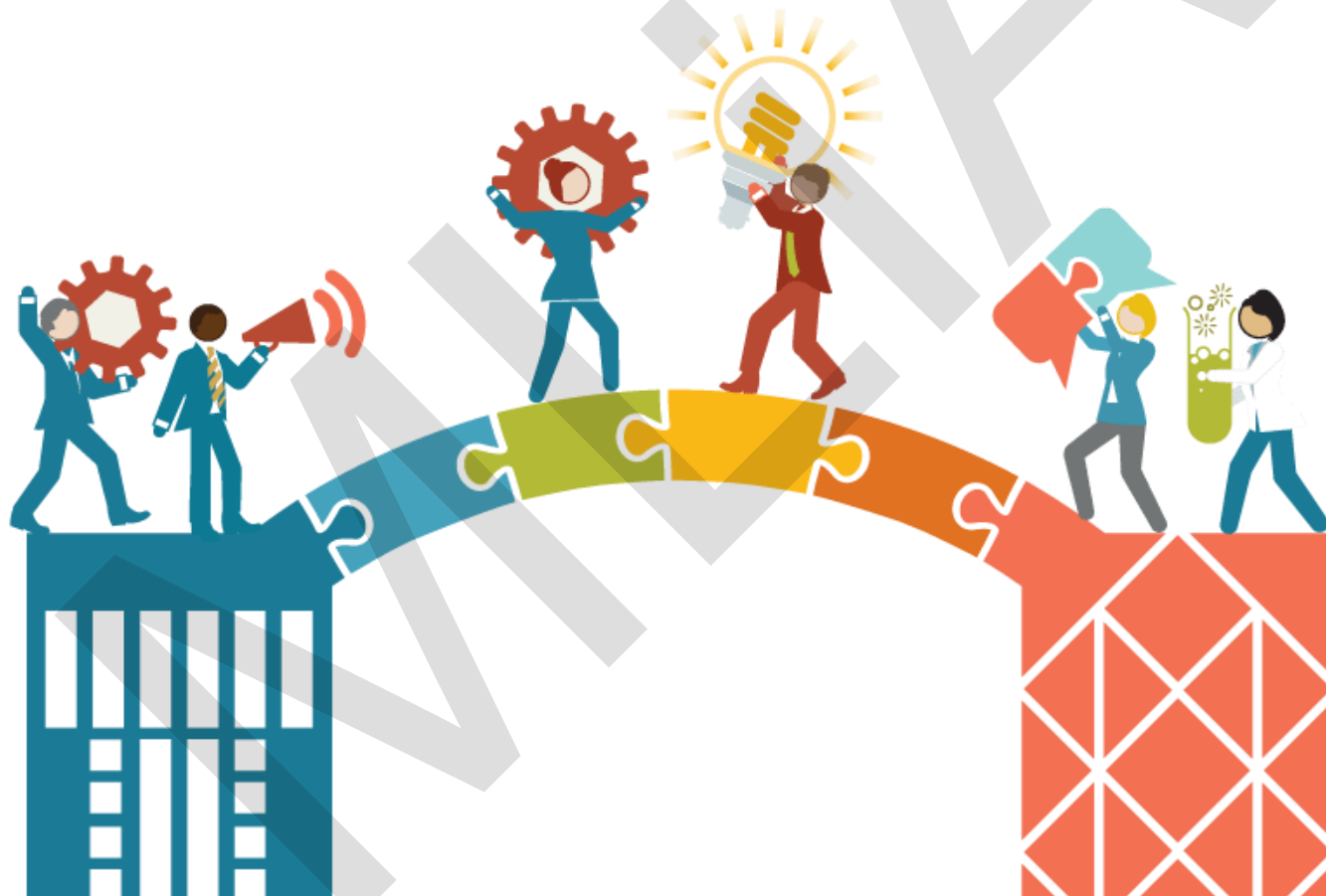
- Social & Labour Plan:
 - Local Economic Development Programme
 - Human Resources Development Plan
- Municipal Integrated Development Plan:
 - Important instrument for municipal planning
 - Operates alongside municipal land use scheme

SLP & IDP





MUNICIPALITY'S ROLE?





MUNICIPALITY



POCKETS OF THE FUTURE

Land Use Scheme & Zoning

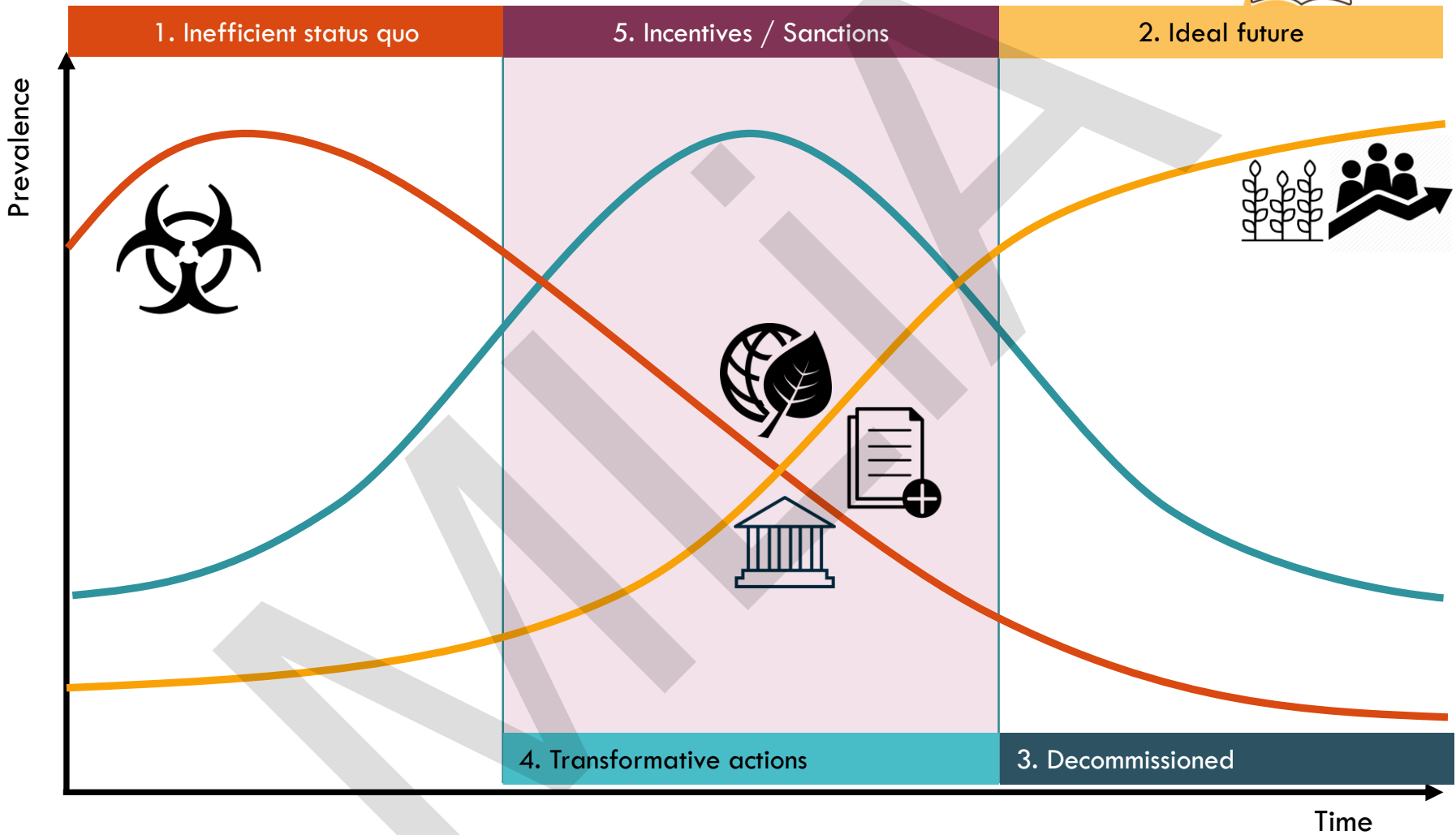
Integrated Development
Plan (IDP)

NEW INTERVENTIONS

Rezoning of land for
agriculture

Strengthen municipality's
role to facilitate & monitor







COMMUNITY



POCKETS OF THE FUTURE

SLP

Mining Charter, 2018

Consultation  Consent





DEFINITION OF 'COMMUNITY'

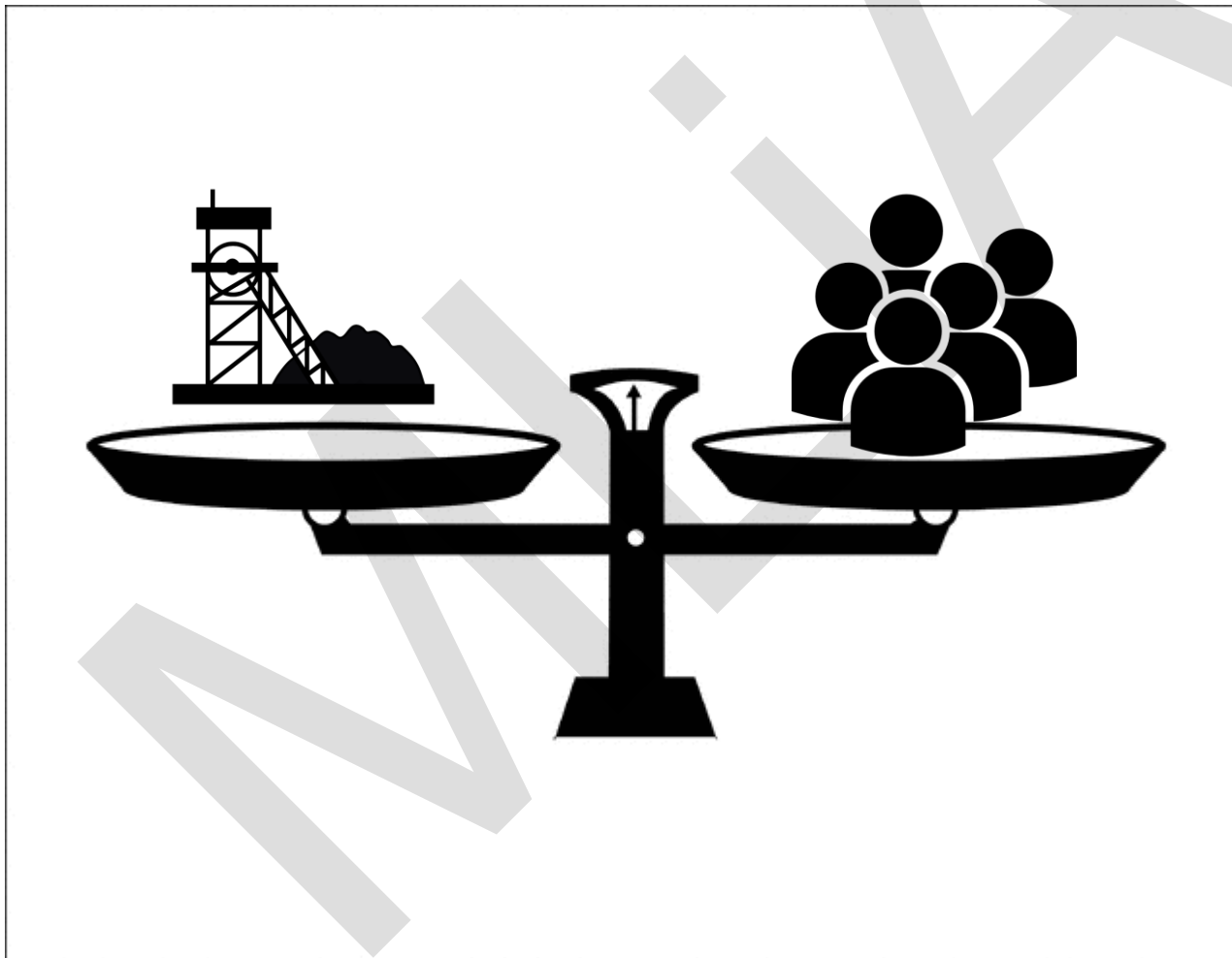


- Consultation should be key requirement in terms of decision-making around post-mine land use
- BUT: Consult with whom?
 - Traditional communities
 - Mine communities?
 - Labour-sending areas?
- Conflicting/differing definitions in law
 - Historically disadvantaged persons
 - Interests/rights in area of land
 - Exercise communal rights in terms of agreement, custom or law





UNEQUAL BARGAINING POSITIONS





COMMUNITY



POCKETS OF THE FUTURE

SLP

Mining Charter, 2018

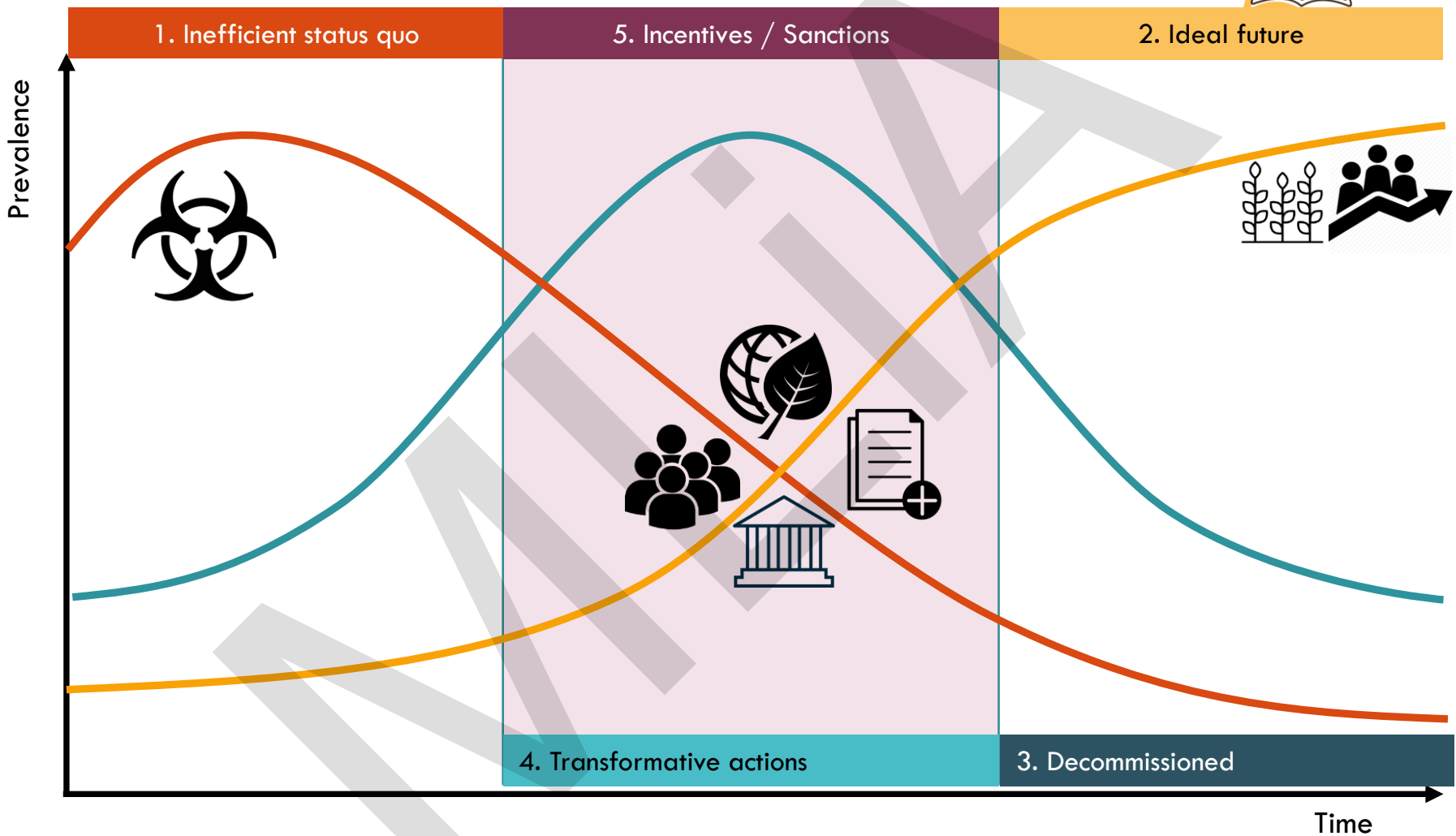
Consultation  **Consent**

NEW INTERVENTIONS

**Rethink Skills Development
Redefine “Business Needs”**

Greater emphasis on training







LANDOWNER



HURDLES

Exclusivity issues

Reversionary rights

Abandoned mines

CORRECTIONS





Scenario 1



LAND OWNER &
MINING COMPANY

Scenario 2



LAND OWNER



MINING COMPANY





Sale of land
to 3rd party

Mining
Phase



Extraction



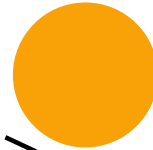
Rehabilitation



Post-
closure

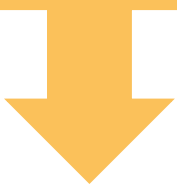


Commercial
Agriculture



Agri-
Processing





Return use of land
to Landowner

Mining
Phase

Post-
closure



Extraction

Rehabilitation

Commercial
Agriculture

Agri-
Processing





LANDOWNER



HURDLES

Exclusivity issues

Reversionary rights

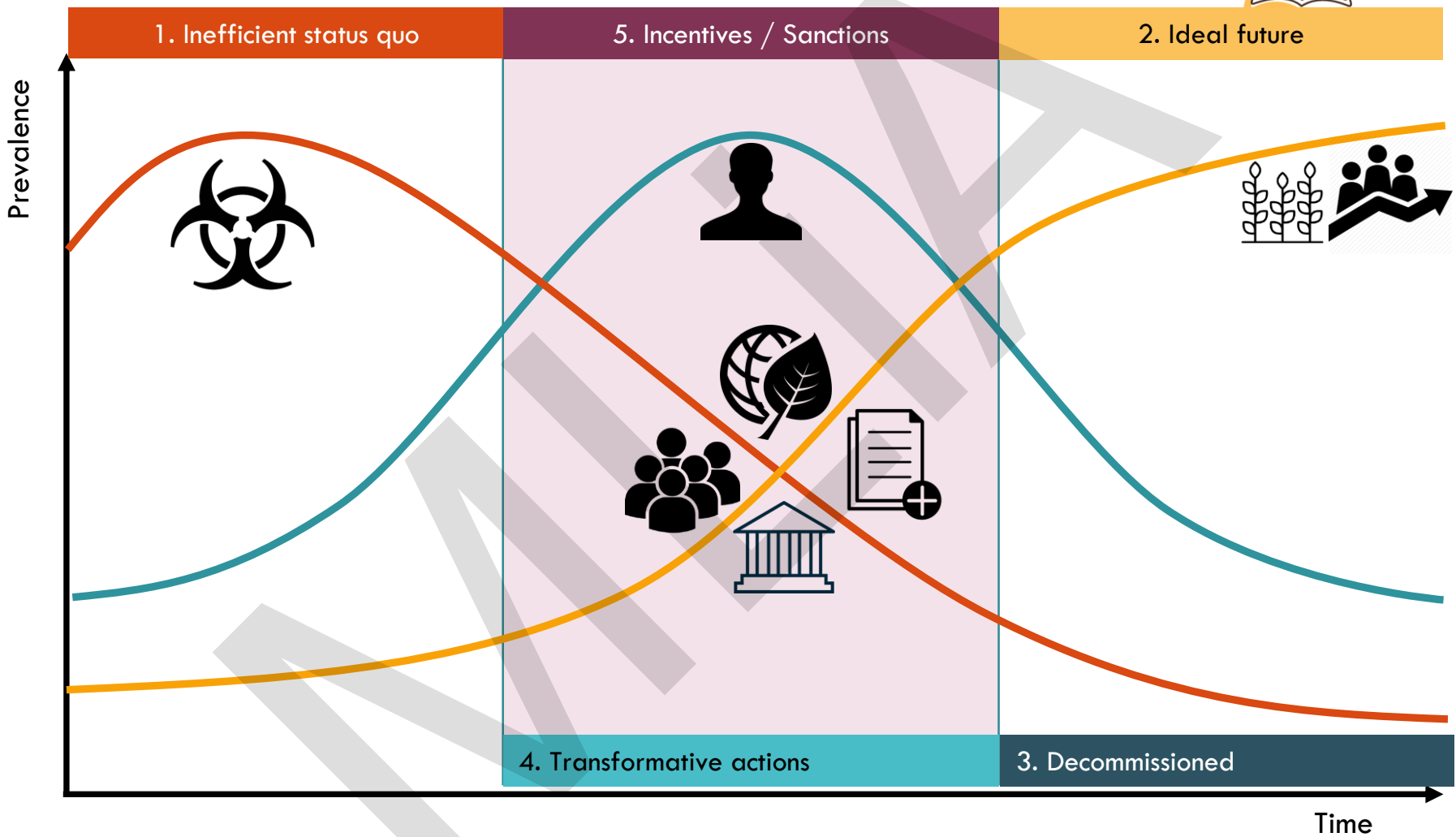
Abandoned Mines

CORRECTIONS

Co-operation Agreements

Expropriation / Forced Sale







CHANGES REQUIRED

Behavioural

- Redefine business needs
- Rethink corporate social responsibility
- Reimagine local economic development
- Collaborative partnerships

Policy/Legislative

- Pro-active lawmaking
- Redefine rehabilitation standards
- Incentives for innovative rehabilitation methods
- Foster & promote entrepreneurial economy





THANK YOU

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