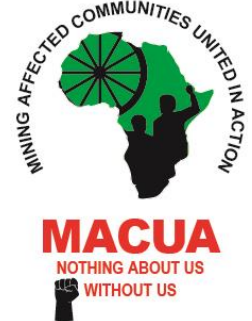


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Mining Affected Communities Will March to the Department of Mineral and Petroleum Resources to Hand Over a Comprehensive Submission on Proposed Amendments to the MPRDA.

For Immediate Release | 13 November 2024

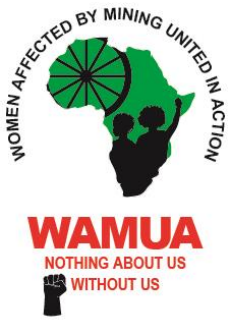
Thousands of people from mining affected communities will be participating in a march to the Department of Mineral and Petroleum Resources (DMPR) on 14 November 2024. The march has been organised to send a clear message to the Department of Mineral and Petroleum Resources that mining affected communities are determined to realise their Right to Free Prior and Informed Consent and have gathered an extensive mandate from thousands of communities across the country.

In February 2024, after running hundreds of community workshops on the MPRDA across the country, MACUA-WAMUA organised a Marginalised and Affected Communities (MAC) Summit where hundreds of community representatives, along with other civil society organisations, gathered to discuss issues affecting mining affected communities. MACUA-WAMUA also held several discussions with different civil society organisations who share common interests around mining affected communities, and a comprehensive mandate was obtained from the affected communities to make submissions to the DMPR that call for significant changes or a complete overhaul of the MPRDA.

This march is part of MACUA's attempts to making sure that the voices of mining-affected communities are central to the MPRDA, which fails to address ongoing issues around consultation, consent and the fulfilment of community development obligations by mining companies. The proposed amendments underscore the necessity of incorporating principles of Free, Prior, and Informed Consent (FPIC) into the MPRDA as was affirmed by the Courts of South Africa and as recognised and protected under international law.

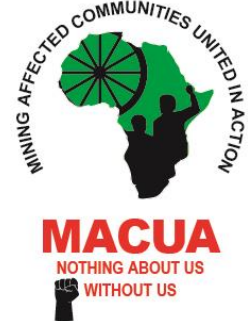
For too long, mining-affected communities have been deprived of meaningful participation in decision-making processes that affect their lands, livelihoods and environments. These communities continue to face displacement, environmental degradation and a loss of cultural heritage, while mining companies have failed to adequately disclose critical information or include affected communities in planning processes.

We are demanding that the consent of mining affected communities should be mandatory before the DMPR is allowed to grant any mining rights or prospecting mining rights. This call echoes Constitutional protections and judgments that affirm the rights of indigenous and rural communities to retain control over their lands.



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As the MPRDA stands, consultation by mining companies is used as a tick-box exercise and communities are not engaged meaningfully and are often impacted negatively simply because their voices, interests and concerns are not considered when the violent act of mining is undertaken on their doorsteps. This power primarily rests with the DMPR which has consistently failed to uphold the basic rights of communities and today communities have become increasingly marginalised and impoverished.

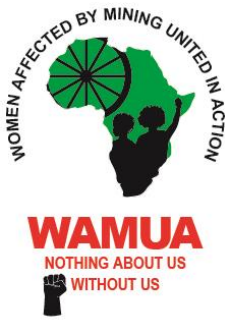
One key focus of the coalition's amendments is Social and Labour Plans (SLPs), which have been ineffective in addressing the socio-economic challenges within mining-affected areas. The coalition proposes reforms to make SLPs transparent, enforceable and impactful. These reforms include clear objectives, meaningful community involvement and a substantial financial commitment from mining companies that corresponds with their profits. We recommend legislative requirements for comprehensive and regularly updated SLP databases accessible to all, outlining community benefits, compliance statuses, and expenditure records.

The coalition's proposed amendments also advocate for increased access to information, compliance monitoring and enforcement. Communities and civil society groups encounter severe obstacles in obtaining documents essential for safeguarding environmental and Constitutional rights. Mining companies routinely refuse to share critical information and DMPR offices often fail to comply with the Promotion of Access to Information Act (PAIA). The coalition calls for mandatory public disclosure of all mining applications, rights and conditions attached to them through an accessible online database, along with records of compliance monitoring and enforcement actions by the DMPR.

MACUA has also worked closely with artisanal miners and the National Association of Artisanal Miners to propose comprehensive solutions to the ongoing and misdirected efforts by the state to criminalise young black people who are desperate to earn a living.

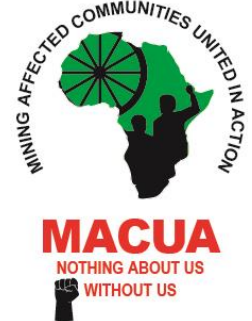
The lack of legal protection in the MPRDA has allowed dispossession of land rights, echoing colonial practices. Recent court rulings, such as the *Maledu and Baleni* cases, affirm that consent is a prerequisite for mining activities on communal lands. The coalition proposes MPRDA amendments that explicitly require the consent of land rights holders.

It is over 20 years since the MPRDA was implemented yet mining affected communities continue to endure environmental degradation, health hazards, economic exclusion and lack of meaningful participation in decisions that alter their lives. We are demanding that mining laws should reflect the needs and rights of those affected. By including these provisions, the DMPR can take historic steps towards rectifying the colonial and apartheid-era practices that persist in the sector.



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The call for mining legislation reform is no longer a request but a demand for justice. We call on all stakeholders, including mining companies to support these changes. Be part of change and come in numbers. Nothing About Us, Without Us!!!

For media enquiries contact MACUA-WAMUA's media and communications manager, Magnificent Mndebele at 064 785 9746 or magnificent.mndebele@macua.org.za